

Effective April 21, 2005

Amend Article IX - Administration

Section 9.3 amended to add new language to read as follows:

9.3 **HIPAA Security.** This Amendment is intended to bring the Mission Health, Inc. Employee Group Health Plan (hereinafter “Plan”) into compliance with the requirements of 45 C.F.R. § 164.314 (b) (1) and (2) of the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations, 45 C.F.R. parts 160, 162, and 164 (the regulations are referred to herein as the “HIPAA Security Standards”) by establishing Plan sponsor’s obligations with respect to the security of Electronic Protected Health Information. The obligations set forth below are effective on the later of April 21, 2005, or the effective date of this Amendment.

A. Definitions.

1. **Electronic Protected Health Information.** The term “Electronic Protected Health Information” has the meaning set forth in 45 C.F.R. § 160.103, as amended from time to time, and generally means protected health information that is transmitted or maintained in any electronic media.
2. **Plan Documents.** The term “Plan Documents” means the Group Health Plan’s governing documents and instruments (*i.e.*, the documents under which the Group Health Plan was established and is maintained), including but not limited to the Mission Health, Inc. Group Health Plan Document.
3. **Plan sponsor.** The term “Plan sponsor” means the entity as defined at section 3(16)(B) of ERISA, 29 U.S.C. § 1002(16)(B). The Plan sponsor is Mission Health, Inc.
4. **Security Incidents.** The term “Security Incidents” has the meaning set forth in 45 C.F.R. § 164.304, as amended from time to time, and generally means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with systems operations in an information system.

B. Plan Sponsor Obligations.

Where Electronic Protected Health Information will be created, received, maintained, or transmitted to or by the Plan sponsor on behalf of the Plan, the Plan sponsor shall reasonably safeguard the Electronic Protected Health Information as follows:

1. Plan sponsor shall implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the Electronic Protected Health Information that Plan sponsor creates, receives, maintains, or transmits on behalf of the Plan;
2. Plan sponsor shall ensure that the adequate separation that is required by 45 C.F.R. § 164.504(f)(2)(iii) of the HIPAA Privacy Rule is supported by reasonable and appropriate security measures;

3. Plan sponsor shall ensure that any agent, including a subcontractor, to whom it provides Electronic Protected Health Information agrees to implement reasonable and appropriate security measures to protect such Information; and
4. Plan sponsor shall report to the Plan any Security Incidents of which it becomes aware.