

AMENDMENT NO. 17
TO THE
MEDICAL EXPENSE REIMBURSEMENT PLAN
OF THE
BURBANK EMPLOYEES RETIREE MEDICAL TRUST

The Board of Trustees of the Burbank Employees Retiree Medical Trust (“Trust”) does hereby amend the “Medical Expense Reimbursement Plan, restated effective August 1, 2019,” and as amended thereafter (the “Plan”), as follows.

1. **Monthly Verification of Recurring Claims Required.** Subsection 3.6(c) in “Benefit Claim Procedure,” is revised by deleting the last sentence and substituting in its place the following sentence, effective for premiums for coverage on or after January 1, 2022, and with suspension of benefit payments on April 1, 2022, if such documentation has not been received by the Trust Office for all prior months:

“The Trust Office must receive documentation that satisfies the requirements of both Subsections 3.6(a) and (c) prior to paying each claim, except for documentation of Medicare premiums, which shall be received by the Trust Office at least annually or within 30 days of a change in premium.”

2. **Claim Deadline.** Subsection 3.6(e)(2) is deleted in its entirety and Subsection 3.6(e)(1) is restated as follows as Subsection 3.6(e), effective for Covered Expenses paid on or after January 1, 2022:

“(e) Claims for Plan benefits must be submitted no later than three (3) months after the end of the calendar year in which the Beneficiary made the payment of Covered Expense, i.e., by March 31st of the year following the year of payment. However, the Trust Office may waive the deadline for good cause shown, according to guidelines set by the Trustees.”

3. **Remove Fee for Missing Information.** Subsection 5.6(b) is deleted in its entirety, effective immediately.

4. **HIPAA Privacy and Security Requirements.** A new Article VII is added to the Plan as follows, effective immediately:

“ARTICLE VII
PRIVACY AND SECURITY OF PROTECTED HEALTH INFORMATION

7.1 General. This Plan is subject to the Privacy Rule, as set forth in the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The HIPAA Privacy Rule sets forth standards to ensure that personal health information is kept private. This Article describes the conditions under which the Plan may disclose Protected Health Information (“PHI”) to the Board of Trustees, and the permitted and required use of such

information by the Trustees. For purposes of this Article, the term Protected Health Information or PHI shall have the meaning provided in 45 CFR § 160.103.

7.2 Disclosure to the Board of Trustees.

(a) Permitted Disclosure of Summary Health Information. Summary Health Information is information that summarizes claims history, claims expenses, or type of claims experienced by individuals for whom the Plan has provided benefits, which excludes all demographic information that identifies individual Beneficiaries or could reasonably be used to identify an individual Beneficiary. The Trust Office, on behalf of the Plan, may disclose Summary Health Information to the Board of Trustees for the purpose of modifying, amending or terminating this Plan.

(b) Permitted Disclosure of Individual Participation or Enrollment Status. The Trust Office, on behalf of the Plan, may disclose to the Board of Trustees information on whether an individual is participating or enrolled in the Plan.

(c) Permitted Disclosure of PHI. The Plan may disclose PHI to the Board of Trustees in order for the Trustees to carry out plan administration functions for this Plan.

(d) Conditions for Disclosure of PHI to Board of Trustees. The Board of Trustees agrees that all Trustees individually, or the Trust Office on behalf of the Board of Trustees, will take, or avoid, the following actions regarding the use of PHI disclosed to the Board of Trustees:

(1) To not use or further disclose PHI other than as permitted or required by this Plan, or as required by law.

(2) To ensure that any agents of the Plan and Trust, including independent contractors and subcontractors, to whom the Trustees and Plan provides PHI, agree to restrictions and conditions required by federal law with respect to PHI.

(3) To not disclose PHI to Employers or Associations for employment related actions and decisions or in connection with any other benefit or employee benefit plan.

(4) To report to the Plan any use or disclosure of PHI that is inconsistent with the uses or disclosures permitted by the Plan or federal law, of which the Trustees become aware.

(5) To make available to individual Plan participants access to their own PHI, amendment to their own PHI, and accounting of disclosures of PHI, to the extent required by 45 CFR §164.524 and 164.526.

(6) To make internal practices, books, and records relating to the use and disclosure of PHI received from the Plan available to the Secretary of Health and Human Services for purposes of determining compliance by the Plan with 45 CFR §164.504(f).

(7) Return or destroy all PHI received from the Plan that the individual Trustees maintain in any form, and retain no copies of such information, when no longer needed for the purpose for which the disclosure was made.

(8) To limit the access and use of PHI to plan administrative functions for this Plan.

7.3 Security of Electronic PHI. The Board of Trustees shall reasonably and appropriately safeguard electronic PHI created, maintained, or transmitted to or by the Board of Trustees on behalf of the Plan. The Board of Trustees will:

(a) Ensure that the Trust Office, and any agent of the Trust or Plan, including a subcontractor, to whom the Plan provides PHI, agrees to implement reasonable and appropriate security measures to protect the information and comply with federal law.

(b) Implement processes that reasonably and appropriately protect the confidentiality, integrity, and availability of electronic PHI created, received, maintained or transmitted on behalf of the Plan to the Trustees.

(c) Report appropriately any security incident of which the Trustees become aware.”

Adopted by the Board of Trustees on December 16, 2021, and effective as stated above.

For the BOARD OF TRUSTEES,
BURBANK EMPLOYEES RETIREE MEDICAL TRUST

Robert A. Kaczmarek

Trustee

Robert A. Kaczmarek

Print Name

Griselda Cox

Trustee

Griselda Cox

Print Name