

Amendment No: 5

Effective Date: 09/01/03

This amendment is intended to bring the **Jackson Milton Local Schools**

Employee Group Health Plan into compliance with the requirements of § 164.504(f) of the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations, 45 C.F.R. parts 160 through 164 (the regulations are referred to herein as the "HIPAA Privacy Rule" and § 164.504(f) is referred to as "the "504" provisions") by establishing the extent to which the Plan Sponsor will receive, use and/or disclose Protected Health Information.

The group health plan will disclose protected health information to the plan sponsor only upon receipt of a certification by the plan sponsor in which the plan sponsor agrees to:

1. Not use or further disclose information other than as permitted or required by the Privacy Rule plan documents or as required by law.
2. Ensure that all disclosures of the protected health information of the group health plan by the group health plan's business associate complies with the same restrictions and requirements that apply to the plan sponsor with respect to such information.
3. Ensure that any agent or subcontractor to whom the plan sponsor provides protected health information received from the group health plan agrees to the same restrictions and conditions that apply to the plan sponsor with respect to such information.
4. Not use or disclose information for employment-related actions and decisions or in connection with any other benefit or employee benefit plan of the plan sponsor.
5. Report to the group health plan any use or disclosure of information that is inconsistent with the uses or disclosures provided or of which the plan sponsor becomes aware.
6. Make the protected health information of the individual who is the subject of the protected health information available in accordance with rights of access as defined by the Privacy Rule.
7. Make available protected health information for amendment and incorporate any amendments to protected health information as defined by the Privacy Rule.
8. Make available information as required to provide an accounting of disclosures in accordance with the Privacy Rule.
9. Make available to the Secretary of Health and Human Services internal company practices, books, and records relating to the use and disclosure of protected health information for the purpose of determining compliance with the Privacy Rule.
10. If feasible, return or destroy all protected health information received from the group health plan that the plan sponsor still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that if such return or destruction is not feasible, limit further uses or disclosures to those purposes that make the return or destruction infeasible.
11. Ensure adequate separation between group health plan functions and plan sponsor functions when such functions occur within the same entity, including the following:

- a) Employees assigned to the benefits administration office perform job function(s) involving the handling of protected health information or coordination of payments or other healthcare operations related to administration of the health plan. These individuals are responsible to observe specified procedures and safeguards to protect the privacy of protected health information. Authorized employees for this purpose include individuals in the following jobs or categories or office(s):

1. Superintendent
2. Treasurer
3. Assistants to the Treasurer
4. _____

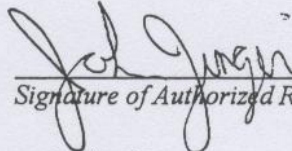
These individuals will have access to individuals' protected health information solely to perform these identified functions, and they will be subject to disciplinary action and/or sanctions (including termination of employment or affiliation with the Plan Sponsor) for any use or disclosure of individuals' Protected Health Information in violation of, or noncompliance with, the provisions of this Amendment.

- b) Access to protected health information is restricted to protect confidentiality of information during the benefits administration process. Only employees assigned to the benefits administration office performing their proper tasks and management personnel performing proper oversight tasks are permitted access to protected health information. Other employees are not permitted access to protected health information. Any inappropriate or unauthorized use or disclosure of protected health information will result in corrective action.
- c) In the event of an unauthorized disclosure, employee complaint, or other violation of privacy politics, an individual may file a complaint with the Privacy Officer. The Privacy Officer is responsible to investigate and resolve the matter in a manner that complies with the Privacy Rule.

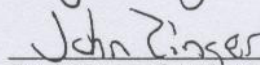
In the event any provisions of this Plan conflicts with the requirements of § 164.504(f) of the Health Insurance Portability and Accountability Act of 1996 and its implementing regulations, 45 C.F.R. parts 160 through 164 (the regulations known as the HIPAA Privacy Rule") the Plan shall be deemed to be automatically amended so that it is in compliance with the "HIPAA Privacy Rule."

All other terms and conditions of the Plan which are not affected by this Amendment are unchanged.

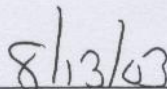
Accepted:



Signature of Authorized Representative of Plan Sponsor



Print Name of Authorized Representative of Plan Sponsor



Date