

Health Fund Notice of Privacy Practices (NOPP)

This NOPP describes how medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully. This NOPP also applies to your spouse and other qualified dependents. Please share it with them.

The AFTRA Health Fund (the Fund) is committed to maintaining the confidentiality of your private information. This NOPP describes our efforts to safeguard your protected health information (PHI) from impermissible use or disclosure. As a group health plan, the Fund is a covered entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA requires that we provide you with notice of our legal duties and privacy practices with respect to PHI. PHI includes any individually identifiable information that relates to your physical or mental health, the health care that you have received or benefit payments for your health care, including your name, address, date of birth and Social Security number.

We are legally required to maintain the privacy of your PHI. The primary purpose of this NOPP is to describe the legally permitted uses and disclosures of PHI, even though some may not apply to this Fund in practice. This NOPP also describes your right to access and control your PHI.

We are required to abide by the terms of this NOPP. We reserve the right to change the terms of this or any subsequent NOPP at any time. If we make a change, the revised NOPP will be effective for all PHI that we maintain at that time. Within 60 days of any material revision of our privacy practices, we will distribute a new NOPP. Additionally, you may contact the Fund directly at any time to obtain a copy of the most recent NOPP, or visit www.aftrahr.com to view or download the current NOPP.

This NOPP is effective July 20, 2011.

Permitted Uses and Disclosures of PHI

The following sets forth various ways in which, under HIPAA, we may use and disclose your PHI without your specific authorization. In addition to the situations set forth below, we may also disclose your PHI to anyone that you authorize. Contact Participant Services at (800) 562-4690 or visit www.aftrahr.com (“Forms” | “Health forms”) to obtain a copy of the appropriate form to authorize the people who may receive this information.

Generally, we will limit the use, disclosure or request for PHI to a “limited data set” as defined under HIPAA, to the extent practicable. Otherwise, we make every effort to disclose only the minimum necessary amount of PHI to achieve the intended purpose of the use or disclosure.

Treatment, Payment and Health Care Operations: Under HIPAA, we may use and disclose your PHI in connection with your receiving treatment, our payment for such treatment and for health care operations.

- **Treatment:** Treatment means the provision, coordination or management of your health care. As a health plan, while we do not provide treatment, we may use or disclose your PHI to support the provision, coordination or management of your care. For example, we may disclose your PHI to an individual responsible for coordinating your health care.
- **Payment:** Payment means activities in connection with processing claims for your health care. We may need to use or disclose your PHI to determine qualification for coverage, medical necessity and for utilization review activities. For example, we could disclose your PHI to physicians engaged by the Fund for their medical expertise in order to help us make claims decisions based upon medical necessity.

We may also disclose your PHI and your dependents’ PHI, on Explanations of Benefit (EOB) forms and other payment-related correspondence, such as pre-authorizations, which are sent to you.

If you appeal a benefit determination on behalf of a qualified dependent, or if a close family member appeals a determination on behalf of you or one of your qualified dependents, we may disclose PHI related to that appeal to you or that close family member. If you appeal a benefit determination and you designate an authorized representative to act on your behalf we will disclose PHI related to that appeal to that designated representative.

- **Health Care Operations:** Health care operations mean administrative and business functions that the Fund must perform to operate as a health plan. For example, we may need to review your PHI to conduct data analyses for cost control or planning purposes.

There are other ways in which we may use and disclose your PHI as part of our payment and health care operations. For example, we may disclose your PHI to third parties who are known as Business Associates that perform various activities (e.g., hospital pre-authorization, case management) for us. We will have written contracts with our Business Associates, which require each of the Business Associates to protect the privacy of your PHI.

We may disclose your PHI to AFTRA the union, and AFTRA may use or disclose PHI, to advise Fund participants who are AFTRA members of the availability of self-pay supplemental dental coverage or to assist the Fund in the performance of payment activities, such as collecting contributions and premiums to pay for Fund coverage, or to obtain or provide reimbursement for the provision of health care.

We may disclose your PHI, including your qualification for health benefits and specific claim information to other covered entities such as health plans, including the SAG- Producers Health Plan, in order for us to coordinate benefits between this Fund and another plan under which you may have coverage.

We may use your PHI to inform you about treatment alternatives or health-related benefits and services that may be of interest to you.

We may disclose your PHI to Trustees who serve on the Appeals Committee in connection with appeals that you file following a denial of a benefit claim or a partial payment, or other appeals. In addition, any Trustee may receive PHI if you request that Trustee to assist you in your filing or perfecting a claim for benefits under the Fund. Trustees may also receive PHI if necessary for them to fulfill their fiduciary duties with respect to the Fund. Such disclosures will be the minimum necessary to achieve the purpose of the use or disclosure. In accordance with the Fund documents, such Trustees must agree not to use or disclose PHI other than as permitted in this NOPP or as required by law, not to use or disclose the PHI with respect to any employment-related actions or decisions, or with respect to any other benefit plan maintained by the Trustees.

Disclosure to Others Involved In Your Care or Payment of Your Care: You may designate a manager, agent, accountant, personal assistant or other third party to receive EOBs and other written communications from the Health Fund with respect to you and your qualified dependents. We will recognize your previous designation of such individuals and will continue to send EOBs and other communications from the Health Fund to such parties. If you do not want us to continue such communications, you must notify us in writing to such effect and give us an alternate address or third party, if any, to whom you would like us to send your information. In addition, we may disclose to your spouse, domestic partner or other members of your immediate family and the individuals you designate or have designated, as provided above, your PHI that is directly relevant to such individual's involvement in your health care or payment of your health care, unless you request us in writing not to do so. We may also disclose or use PHI to provide information concerning your location, your general medical condition or your death to a family member, your Personal Representative or another person responsible for your care.

Personal Representatives: We may disclose your PHI to your Personal Representative in accordance with applicable state law or the Privacy Rule. A Personal Representative is someone authorized by court order, power of attorney, or a parent of a child, in most cases. In addition, a Personal Representative can exercise your personal rights with respect to PHI. Generally, a parent is the Personal Representative of an unemancipated minor. However, it is AFTRA H&R's policy that we will not disclose PHI, other than payment information, to a parent with respect to a child age 12 or older, unless we receive a written request for such information from that child's parent. Upon receipt of such a request, we will review any applicable restrictions regarding the disclosure of medical information of minors and respond to the request.

Required By Law: We may use or disclose your PHI to the extent that we are required to do so by federal, state or local law. You will be notified, if required by law, of any such uses or disclosures.

Health Oversight: We may disclose your PHI to a health oversight agency for activities authorized by law, such as audits, investigations, inspections and legal actions. Oversight agencies seeking this information include government agencies that oversee the health care system, government benefit programs, other government regulatory programs and civil rights laws.

Food And Drug Administration: Our Pharmacy Benefit Manager may disclose your PHI to a person or company subject to the jurisdiction of the Food and Drug Administration (FDA) with respect to an FDA-regulated product or activity for which that person has responsibility, for the purpose of activities related to the quality, safety or effectiveness of such FDA-regulated product or activity.

Legal Proceedings: We may disclose your PHI in the course of any judicial or administrative proceeding, in response to an order of a court or administrative tribunal. In addition, we may disclose your PHI under certain conditions in response to a subpoena, discovery request or other lawful process, in which case, reasonable efforts must be undertaken by the party seeking the PHI to notify you and give you an opportunity to object to this disclosure.

Workers' Compensation: We may disclose your PHI to comply with workers' compensation laws and other similar legally established programs.

Required Uses And Disclosures: We must make disclosures to you and to the Secretary of the US Department of Health and Human Services to investigate or determine our compliance with the federal regulations regarding privacy.

Abuse Or Neglect: We may disclose your PHI to any public health authority authorized by law to receive reports of child abuse or neglect. In addition, if we reasonably believe that you have been a victim of abuse, neglect or domestic violence we may disclose your PHI to the governmental entity or agency authorized to receive such information. In this case, the disclosure will be made consistent with the requirements of applicable federal and state laws.

Disaster Relief: We may disclose your PHI to any authorized public or private entities assisting in disaster relief efforts.

Public Health: We may disclose your PHI for public health purposes to a public health authority that is permitted by law to collect or receive the information. The disclosure will be made for the purpose of preventing or controlling disease (including communicable diseases), injury or disability. If directed by the public health authority, we may also disclose your PHI to a foreign government agency that is collaborating with the public health authority.

Coroners, Funeral Directors And Organ Donation: We may disclose your PHI to a coroner or medical examiner for identification purposes, or other duties authorized by law. We may also disclose your PHI to a funeral director, as authorized by law, in order to permit the funeral director to carry out his/her duties. We may disclose such information in reasonable anti-

pation of death. PHI may be used and disclosed for cadaveric organ, eye or tissue donation and transplant purposes.

Research: We are permitted to disclose your PHI to researchers when their research has been approved by an institutional review board that has established protocols to ensure the privacy of your PHI. However, the Fund does not routinely disclose PHI to researchers.

Criminal Activity: Consistent with applicable federal and state laws, we may disclose your PHI, if we believe that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. We may also disclose PHI if it is necessary for law enforcement authorities to identify or apprehend an individual.

Military Activity And National Security: When the appropriate conditions apply, we may use or disclose PHI of individuals who are Armed Forces personnel:

- For activities deemed necessary by military command authorities; or
- To a foreign military authority if you are a member of that foreign military service.

We may also disclose your PHI to authorized federal officials conducting national security and intelligence activities including the protection of the President.

Inmates: If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may disclose your PHI to the institution or law enforcement official if the PHI is necessary for the institution to provide you with health care, to protect the health and safety of you or others or for the security of the correctional institution.

Authorization For Other Uses And Disclosures Of Your PHI: Other uses and disclosures of your PHI will be made only with your written authorization, unless otherwise permitted by law. If you authorize us to use or disclose your PHI for purposes other than set forth in the NOPP, you may revoke that authorization, in writing, at any time, except to the extent that we have already taken action based upon the authorization. Thereafter, we will no longer use or disclose your PHI for the reasons covered by your written authorization.

In no event will the Fund use or disclose your PHI that is genetic information for purposes that are not permitted under the Genetic Information Nondiscrimination Act of 2008.

Your Rights

Right To Inspect And Copy: As long as we maintain it, you may inspect and obtain a copy of your PHI that is contained in a Designated Record Set, which means a group of records that comprise the enrollment, payment, claims adjudication, case or medical management record systems maintained by or for the Fund. If the Fund uses or maintains an electronic health record with respect to your PHI, you may request such PHI in an electronic format, and direct that such PHI be sent to another person or entity.

Under federal law, however, you may not inspect or copy:

- Psychotherapy notes;
- Information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding; or
- Any information, including PHI, to which the law does not permit access.

We may also decide to deny access to your PHI if it is determined that the requested access is reasonably likely to endanger the life or physical safety of you or another individual or to cause substantial harm to you or another individual, or if the records make reference to another person (other than a health care provider) and the requested access would likely cause substantial harm to the other person. In the event access is denied on this basis, that decision to deny access may be reviewable by a licensed health professional who was not involved in the initial denial of access and who has been designated by the Fund to act as a reviewing official.

To request access to inspect and/or obtain a copy of any of your PHI, you must submit your request in writing to our Privacy Officer at the address below indicating the specific information requested. If you request a copy, please indicate in which form you want to receive it (i.e., paper or electronic). We shall impose a fee to cover the costs of copying or scanning and any postage costs.

Right To Request A Restriction Of Your PHI: You may ask us not to use or disclose any part of your PHI for the foregoing purposes. You may also request that we not disclose your PHI to your spouse, domestic partner, immediate family members, or other third parties as described above. If you request that we restrict disclosure to another health plan for purposes of carrying out payment or health care operations activities and the PHI you want to restrict relates solely to a health care item or service for which the health provider involved was paid out-of-pocket in full, we are required to comply with your request. With respect to all other requests, however, we are not required to agree to a restriction that you may request. If we do agree to the request, we will not use or disclose your PHI in violation of that restriction unless it is needed to provide emergency treatment or we terminate the restriction with or without your agreement. If you do not agree to the termination, the restriction will continue to apply to PHI created or received prior to our notice to you of our termination of the restriction. To request a restriction you must write to our Privacy Officer at the address below indicating what information you want to restrict, whether you want to restrict use, disclosure or both, and to whom you want the restriction to apply.

Right To Request To Receive Confidential Communications From Us By Alternative Means Or At An Alternative Location: As described above, you may designate certain third parties to receive communications from the Health Fund on your behalf. In addition, you may request in writing and we must accommodate your reasonable requests to receive communications of PHI from us by alternative means or at alterna-

tive locations if you believe that disclosure of the information could endanger you. Contact the Privacy Officer to obtain the appropriate form.

Right to Amend Your PHI: You have the right to request an amendment of your PHI if you believe the information maintained by the Fund about you is incorrect or incomplete. You have this right as long as the Fund maintains your PHI in a Designated Record Set. We will make an amendment to PHI we created or if you demonstrate that the person or entity that created the PHI is no longer available to make the amendment. However, we cannot amend PHI that we determine is accurate and complete.

You may submit a written request for amendment to the Privacy Officer at the Fund at the address listed below. Please specify the PHI to be amended, the change you request, and the reason for the amendment. We may deny your request for an amendment if it is not in writing or does not include a reason to support the request. In addition, we may deny your request if you ask us to amend information that:

- Did not originate with us, unless the person or entity that originated the PHI is no longer available to make the amendment;
- Is not contained in the records maintained by the Fund;
- Is not part of the information which you would be legally permitted to inspect and copy; and
- Is accurate and complete.

If we deny your request, you have the right to file a written statement of disagreement with us or you can request us to include your request for amendment along with the information sought to be amended if and when we disclose it in the future. We may prepare a rebuttal to your statement and will provide you with a copy of any such rebuttal.

Right To An Accounting Of Disclosures: You have the right to request a list of disclosures of your PHI made by the Fund or its Business Associates. We are required to comply with your request except with respect to disclosures:

- Made in connection with your receiving treatment, our payment for such treatment and for health care operations;
- Made to you regarding your own PHI;
- Pursuant to your written authorization;
- To a person involved in your care or for other permitted notification purposes;
- For national security or intelligence purposes;
- Incident to a use or disclosure permitted or required by law;

- That are part of a limited data set; or
- To correctional institutions or law enforcement officials.

To request an accounting of disclosures, you must submit your request in writing to our Privacy Officer. You have the right to receive an accounting of disclosures of PHI made within six years (or less) of the date on which the accounting is requested, but not prior to April 14, 2003. Your request should indicate the form in which you want the list (e.g., paper or electronic). The first request within a 12-month period will be free of charge. For additional requests within the 12-month period, we will charge you for the costs of providing the accounting. We will notify you of the cost involved and you may choose to withdraw or modify your request at that time before any cost is incurred.

Right to Receive Notice of Certain Breaches of PHI: If your “unsecured” PHI is accessed, acquired, used or disclosed in a manner that is not permitted under the HIPAA privacy rules and that poses a significant risk of financial, reputational or other harm to you, such that it constitutes a “breach” as defined under HIPAA, the Plan must take specified steps to notify you within 60 days of discovery of such breach.

Right To Obtain A Paper Copy Of This NOPP: You may request a paper copy of our NOPP at any time, even if you have previously agreed to accept this NOPP electronically. Additionally, you may visit our website at www.aftrahr.com to view or download the current NOPP.

Complaints

If you believe that your privacy rights have been violated, you should let us know immediately. We will take appropriate steps to remedy any violations of the Fund’s privacy policies. You may file a formal complaint with us and/or with the Secretary of the US Department of Health and Human Services. To file a complaint with us, you must submit your complaint in writing to our Privacy Officer at the address below. We will not retaliate against you for filing a complaint.

For Questions or Requests

If you have any questions regarding this NOPP or would like to submit a written request as described above, please contact:

Privacy Officer
AFTRA Health Fund
261 Madison Avenue
New York, NY 10016
(212) 499-4800