

## HIPAA SECURITY STANDARDS AMENDMENT

### *AMENDMENT TO THE CITY OF HIALEAH EMPLOYEE BENEFIT PLAN*

*EFFECTIVE APRIL 21, 2005*

This Amendment is intended to bring the City of Hialeah Employee Benefit 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 (April 21, 2006 for small health plans), or the effective date of this Amendment.

The Plan Documents of the City of Hialeah Employee Benefit Plan are hereby amended as follows:

#### **I. *Definitions***

A. *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.

B. *Plan* – The term "Plan" means the City of Hialeah Employee Benefit Plan.

C. *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 City of Hialeah Employee Benefit Plan Document.

D. *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 The City of Hialeah.

E. *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.

#### **II. 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:

A. 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;

B. 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;

C. 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

D. Plan sponsor shall report to the Plan any Security Incidents of which it becomes aware as described below:

1. Plan sponsor shall report to the Plan within a reasonable time after Plan sponsor becomes aware, any Security Incident that results in unauthorized access, use, disclosure, modification, or destruction of the Plan's Electronic Protected Health Information; and

2. Plan sponsor shall report to the Plan any other Security Incident on an aggregate basis every quarter, or more frequently upon the Plan's request

Ed Beecher

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NAME

Acting Human Resources Director

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TITLE

4-19-05

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DATE