

NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN ACCESS THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

Mass Group Marketing, Inc., d/b/a MGM Benefits Group (the “MGM”) is committed to protecting the privacy of your health information. MGM is required by the Health Insurance Portability and Accountability Act (“HIPAA”), to take reasonable steps to ensure the privacy of your Protected Health Information (“PHI”, defined hereafter) and to provide you with this Notice of Privacy Practices. PHI includes all individually identifiable health information transmitted or maintained by MGM and/or its business associates in any form, whether oral, written, or electronic.

This Notice of Privacy Practices (“Policy”) applies to PHI associated with a Group Insurance Plan (defined hereafter) for which MGM provides third party administrator services. This Policy describes how MGM may use and disclose PHI to carry out MGM’s responsibilities as a Third Party Administrator (“TPA”) to an insurance carrier who provides benefits products for your Group Insurance Plan. Group Insurance Plan means the employee benefits provided to employees, employee’s dependents, and as applicable, to retired employees by the insurance carrier.

MGM is required to abide by the terms of this Policy so long as it remains in effect. MGM reserves the right to change the terms of this Notice of Privacy Practices as necessary and to make the new Policy effective for all PHI maintained by MGM. If MGM makes material changes to its privacy practices, copies of the revised Policy will be provided to your employer to distribute to employees by mail or to be provided electronically (if the policy holders have consented to electronic notice) covered by the Group Insurance Plan. Copies of the current Policy may be obtained by contacting MGM at the telephone number or address below or through THEbenefitsHUB. At a minimum, a copy of this Policy will be sent every 3 years to client employers to distribute to individuals covered by the Group Insurance Plan.

Use and Disclosure of Your Protected Information

This section of the Policy explains how MGM, as a business associate, uses and discloses your PHI with our employees, business associates, and other organizations as required or permitted by law, without your authorization. We also require our business associates to protect the privacy of your PHI through written agreements with MGM. When required, MGM will request your written authorization for use or disclosure of PHI, as described below. MGM also restricts the use and disclosure of your PHI in accordance with any applicable law that is more restrictive than HIPAA regarding the protection of PHI.

For each category of uses and disclosure we have provided an explanation for the category, and where appropriate, provided examples for illustrative purposes. Not every use or disclosure in a category will be listed.

Your Authorization. Except as outlined below, MGM will not use or disclose your PHI unless you have signed a form authorizing the use or disclosure or you have provided verbal consent of disclosure. Verbal consent of use or disclosure will require that you provide 3 unique identifiers to verify your identity which may include your full name, your social security number, your birth date, your phone number, your address, or your policy number. Outside of the uses and disclosures described below, PHI will only be made available with your written authorization. For example, MGM will need your authorization for the following circumstances:

- Most uses or disclosures of psychotherapy notes;
- Marketing communications; and
- Disclosures that constitute a sale of PHI.

You have the right to revoke that authorization in writing except to the extent that MGM, its business associate(s), or other entities have relied on such disclosure.

MGM may use and disclose your PHI without your authorization as follows:

Required Disclosures. The use and disclosure of your PHI may be required by the Secretary of the Department of Health and Human Services to investigate and/or determine MGM’s compliance with HIPAA’s privacy regulations.

Use and Disclosures for Payment. MGM may make requests, uses, and disclosures of your PHI as necessary for payment purposes. For example, MGM may use information regarding your medical procedures and treatment to process and pay claims. MGM may also disclose your PHI for the payment purposes of a health care provider or a health plan.

Uses and Disclosures for Treatment and Health Care Operations. MGM may use and disclose your PHI as necessary for treatment and health care operations. Examples of health care operations include activities relating to the creation, renewal, or replacement of your Group Insurance Plan coverage, reinsurance, underwriting, compliance, auditing, business management, quality improvement and assurance, and other functions related to administration of your Group Insurance Plan. However, MGM may not use any PHI that is “genetic information” (as defined by the Genetic Information Nondiscrimination Act of 2008) for underwriting purposes. If MGM uses or discloses your PHI for fundraising activities, we will provide you the choice to opt out of those activities.

Family and Friends Involved in Your Care. If you are available and do not object, MGM may disclose your PHI to your family, friends, and others who are involved in your care or the payment of a claim, per the written authorization or the verbal authorization procedures under the *Your Authorization* section. If you are unavailable or incapacitated and MGM determines that a limited disclosure is in your best interest, MGM may share limited PHI with such individuals. For example, MGM may use professional judgment to disclose PHI to your spouse concerning the processing of a claim.

Business Associates. MGM acts as a business associate to Covered Entities and other business associates. Examples of these outside persons and organizations include vendors that help enroll you in your Group Insurance Plan, brokers, and insurance carriers. MGM maintains an accounting of disclosures for these outside entities and at times it may be necessary for MGM to provide certain of your PHI to one or more of these outside persons or organizations to satisfy MGM’s and the entities obligations under 45 CFR 164.528.

Other Products and Services. MGM may contact you to provide information about other health-related products and services that may be of interest to you. For example, MGM may use and disclose your PHI for the purpose of communicating to you about health insurance products that could enhance or substitute for existing Group Insurance

Plan coverage, and about health-related products and services that may add value to your Group Insurance Plan.

Use and Disclosure to Plan Sponsor. In some circumstances, MGM may also disclose PHI to the sponsor of your Group Insurance Plan for plan administration functions.

Other Uses and Disclosures. MGM may make certain other uses and disclosures of your PHI without your authorization, including but not limited to:

- (i) MGM may use or disclose your PHI for any purpose required by law. For example, MGM may be required by law to use or disclose your PHI to respond to a court order;
- (ii) MGM may disclose your PHI for public health activities, such as reporting of disease, injury, birth or death, and for public health investigations;
- (iii) MGM may disclose your PHI to the proper authorities if we suspect child abuse or neglect; MGM may also disclose your PHI if we believe you to be a victim of abuse, neglect, or domestic violence;
- (iv) MGM may disclose your PHI if authorized by law to a government oversight agency (e.g., a state insurance department) conducting audits, investigations, or civil or criminal proceedings;
- (v) MGM may disclose your PHI in the course of a judicial or administrative proceeding (e.g., to respond to a subpoena or discovery request);
- (vi) MGM may disclose your PHI to the proper authorities for law enforcement purposes;
- (vii) MGM may disclose your PHI to coroners, medical examiners, and/or funeral directors consistent with the law;
- (viii) MGM may use or disclose your PHI for cadaveric organ, eye, or tissue donation;
- (ix) MGM may use or disclose your PHI for research purposes, but only as permitted by law;
- (x) MGM may use or disclose PHI to avert a serious threat to health or safety;
- (xi) MGM may use or disclose your PHI if you are a member of the military as required by armed forces services, and we may also disclose your PHI for other specialized government functions such as national security or intelligence activities;
- (xii) MGM may disclose your PHI to workers' compensation agencies for your workers' compensation benefit determination; and
- (xiii) MGM will, if required by law, release your PHI to the Secretary of the Department of Health and Human Services for enforcement of HIPAA.

In the event applicable law, other than HIPAA, prohibits or materially limits MGM's uses and disclosures of PHI, as described above, we will restrict the uses or disclosure of your PHI in accordance with the more stringent standard.

Your Rights

This section of the Policy describes your rights as an individual with respect to your PHI and includes a brief description of how you may exercise these rights.

Access to your PHI. You have the right to access a copy and/or inspect your PHI that MGM maintains in designated record sets. Your right to access your PHI contained in a designated record set extends to any such information that is maintained in an electronic health record or another electronic form. However, you do not have an automatic right to access psychotherapy notes or information compiled in a reasonable anticipation of, or for use in, a criminal, civil, or administrative action or proceeding. We will act on a request for access within 30 days of receiving your request if the information is maintained and accessible on site or within 60 days otherwise (with a possible 30-day extension). We will provide you with a summary of the PHI requested if you agree in advance to the summary and to the fees imposed. We may charge a reasonable fee for access, inspection and/or copying of your PHI. This fee is based on the costs associated with copying, mailing, and summary preparation costs.

We may deny your request to access your PHI under certain circumstances. If your request is denied, we will send you a notice that explains our reason for the denial, your review rights (if any), and how to file a complaint with our Privacy Officer or the Secretary of the Department of Health and Human Services. In certain instances we will provide you with an opportunity for a review of the denial. The review decision must be made in a reasonable period of time, and we will send you a written notice of the review decision.

Certain requests for access to your PHI must be in writing, must state that you want access to your PHI and must be signed by you or your representative (e.g., requests for medical records provided to us directly from your health care provider). Access request forms are available from MGM at the address below.

Amendments to your PHI. You have the right to request that PHI that MGM maintains about you be amended or corrected. MGM is not obligated to make all requested amendments but will give each request careful consideration. To be considered, your amendment request must be in writing, must be signed by you or your representative, and must state the reasons for the amendment/correction requested. Amendment request forms are available from MGM at the address below. If your request for amendment is granted, we will notify you that the amendment was approved. Upon your identification of relevant persons, we will obtain your agreement to inform them of the change. We will make reasonable efforts to inform and provide the amendment within a reasonable time to persons identified by you and by us, including our business associates.

We may deny your request to amend your PHI if we did not create the PHI, if the information is not part of our records, if the information was not available for inspection, or if the information is accurate and complete. We will respond to your written request to amend your PHI within 60 days of the request (with a possible 30-day extension). If your request for the amendment is denied, we will send you a written notice that explains the reason for the denial, your right to submit a written statement of disagreement, or to have the request for amendment included with future disclosures, and your right to file a complaint with our Privacy Officer and/or the Secretary of the Department of Health and Human Services. We may prepare a rebuttal statement to your statement of disagreement. We will provide you with a copy of the rebuttal statement. Any future disclosures of your PHI will include the statement

of disagreement or request for amendment, the denial notice, and the rebuttal or summary of this information.

Accounting for Disclosure of your PHI. You have the right to receive an accounting of certain disclosures made by MGM of your PHI during the 6 years prior to the date of your request. MGM will act on your request for an accounting of disclosures within 60 days (with a possible 30 day extension). Examples of disclosures that MGM is required to account for include those to state insurance departments, disclosures pursuant to valid legal process, or disclosures for law enforcement purposes.

This accounting of disclosures will not include disclosures made: prior to the effective date of HIPAA, April 14, 2003; for treatment, payment, and healthcare operations; to you or your personal representative; pursuant to an authorization; for national security or intelligence purposes, as provided in regulations under HIPAA; to correctional institutions or law enforcement officials, as provided in regulations under HIPAA; incident to a use or disclosure permitted or required by law; and to persons involved in your care (if you were present), you were incapacitated, or for disaster relief purposes.

To be considered, your accounting requests must be in writing and signed by you or your representative. Accounting request forms are available from MGM at the address below. The first accounting in any 12 month period is free; however, MGM may charge you a fee for each subsequent accounting you request within the same 12 month period.

Restrictions on Use and Disclosure of your PHI. You have the right to request restrictions on certain uses and disclosures of your PHI for insurance payment, treatment, or health care operations, disclosures made to persons involved in your care, and disclosures for disaster relief purposes. For example, you may request that MGM not disclose your PHI to your spouse. Your request must describe in detail the restriction you are requesting. MGM is not required to agree to your request but will attempt to accommodate reasonable requests when appropriate. In certain circumstances, we may be obligated to honor your request for a restriction on disclosures to another health plan relating to a health care item or service for which you paid in full. If we agree to the restriction, we will abide by it, except in the case of emergency treatment or when required by law. MGM retains the right to terminate an agreed-to restriction if MGM believes such termination is appropriate. In the event of a termination by MGM, you will be notified of such termination. You also have the right to terminate, in writing or orally, any agreed-to restriction. You may make a request for a restriction (or termination of an existing restriction) by contacting MGM at the telephone number or address below.

If you have paid for a health care item or service out-of-pocket and in full, you may request that we do not disclose to a health plan any PHI related solely to the item or service. We are obligated to honor that request unless we are required by law to make a disclosure.

Request for Confidential Communications. You have the right to request that communications regarding your PHI be made by alternative means or at alternative locations. For example, you may request that messages not be left on voicemail or sent to a particular address. MGM is required to accommodate reasonable requests if you inform MGM that disclosure of all or part of your information could place you in danger. Requests for confidential communications must be in writing, signed by you or your representative, and sent to MGM at the address below.

Right to be Notified Following a Breach. You have a right to be notified if there has been a breach involving your unsecured PHI. MGM will notify a

covered entity, who will notify you as soon as reasonably possible, but in all cases within 60 days of the first day on which MGM knows a breach of unsecured PHI has occurred, unless a delayed notification is required by law enforcement officials. MGM will maintain records of any delayed notification, including the length of delay and a written statement with the name of the law enforcement official making the statement requiring delayed notification. The notification will include: (1) a brief description of what happened, the date of the breach, and the date the breach was discovered, if known; (2) a description of the types of unsecured PHI that were involved in the breach (i.e. full name, social security number, date of birth, home address, account number, or disability code); (3) recommended steps that Individuals should take to protect themselves from potential harm resulting from the breach; and (4) a brief description of what MGM is doing to investigate the breach, to mitigate the harm to Individuals, and to protect against any further breaches.

Right to a copy of the Notice. You have the right to a paper copy of this Policy upon request, even if you agreed to receive the Policy electronically. A paper copy of the Policy may be requested by contacting MGM at the telephone number or address below.

Complaints. You may file a complaint with MGM or the Secretary of the Department of Health and Human Services if you believe that your privacy rights have been violated. To file a complaint with MGM, please submit your request in writing to the address below, with attention to MGM Privacy Officer.

For Further Information

If you have questions or need further assistance regarding this Policy, you may contact MGM's Legal Department by writing to: MGM Benefits Group, Attn: General Counsel, or calling MGM the number listed below:

MGM Benefits Group
2121 N. Glenville Drive
Richardson, Texas 75082
(972) 881-2255