

## 4<sup>TH</sup> DISTRICT IBEW HEALTH FUND

### IMPORTANT NOTICE CONCERNING CHANGE TO THE HEALTH FUND

**To All Plan Participants:**

#### Breach Notification Rights for Unsecured Protected Health Information under HIPAA.

The Health Information Technology for Economic and Clinical Health (HITECH) Act was included in the American Recovery and Reinvestment Act of 2009 (also known as the "stimulus bill"). The HITECH Act requires the Plan to provide notification to you following the discovery of a breach of your unsecured protected health information ("PHI"). In addition, the Plan is also required to notify the Department of Health and Human Services ("HHS") if there is a breach. Further, if the breach involves more than 500 individuals, the Act requires the Plan to provide notification to the media.

If your unsecured PHI is breached, the Plan will notify you without unreasonable delay and in no case no later than 60 calendar days after discovery of the breach. Notice will be provided by first-class mail where possible, so it is important to keep the Benefit Office up to date with your current mailing address.

Under HIPAA, you have a statutory right to file a complaint with the Plan or the HHS Secretary if you believe that your privacy rights have been violated. The HITECH Act specifically provides that you also have a right to file a complaint should you feel that the Plan has improperly followed the breach notification process.

Please contact the Benefit Office if you have any questions. The Board appreciates your continued interest and participation in the Fund.

#### Limitation on Legal Action

Pages 2.13 to 2.22 of the Summary Plan Description describe the Plan's claims and appeal procedures. Effective November 1, 2009 the Trustees are adding a Section entitled "Limitations Period" to implement a new three year period in which participants or beneficiaries may bring suit against the Plan or the Trustees. This provision will be added to page 2.22 of the Summary Plan Description. The change is designed to ensure all participants have a reasonable period to bring legal action if they believe their rights have been violated, but also to protect the assets of the Plan from stale claims. The new "Limitations Period" section will read as follows:

#### ***LIMITATIONS PERIOD***

*No action at law or equity shall be brought to recover on your claim prior to the exhaustion of the reasonable claims and appeal procedures set forth in this*

*Section. Additionally, any legal action must be brought within three (3) years from the expiration of the time in which the proof of claim is required. Any action at law or equity based upon an alleged breach of fiduciary responsibility must be brought within three (3) years of the date the breach was alleged to have occurred or be forever barred.*

If you do not bring a legal action within the three (3) year time window explained above, your claim will be forever barred.

SUMMARY OF MATERIAL MODIFICATIONS  
EIN: 31-6068797 PN: 501  
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