

FIFTH AMENDMENT

TO THE WRITERS' GUILD-INDUSTRY HEALTH FUND

WHEREAS, the Board of Trustees of the Writers' Guild-Industry Health Fund (the "Health Fund") has the right to amend the Health Fund;

WHEREAS, the Board of Trustees desires to amend the Health Fund to reflect the requirements of the Security Standards for the Protection for Electronic Protected Health Information under the Health Insurance Portability and Accountability Act of 1996; and

NOW, THEREFORE, the Health Fund's Trust Agreement is amended, effective April 20, 2005, as set forth below:

1. Article IV, Section 11, Paragraph A is amended as follows:

"A. The provisions of this Section 11 and Section 12 shall apply only to those portions of the Health Fund which are considered a group health plan under the Standards for Privacy of Individually Identifiable Health Information (the "Privacy Rule") and the Security Standards for the Protection for Electronic Protected Health Information (the "Security Rule") under the Health Insurance Portability and Accountability Act of 1996. Thus, the Health Fund is a hybrid entity under the Privacy Rule and the Security Rule, and only the following health care components are subject to the Privacy Rule and the Security Rule: medical plan benefits; prescription drug plan benefits; dental plan benefits; and vision plan benefits. Additionally, this Section 11 only addresses the extent to which the Health Fund may disclose Protected Health Information ("PHI") to the Board of Trustees (the "Plan Sponsor")."

2. A new Article IV, Section 12 is added as follows:

"Section 12. Protection of Electronic Protected Health Information.

The Plan Sponsor will reasonably and appropriately safeguard electronic PHI ("ePHI") created, received, maintained, or transmitted to or by the Plan Sponsor on behalf of the Health Fund. Accordingly, the Plan Sponsor will:

- A. Implement administrative, physical and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the ePHI that the Plan Sponsor creates, receives, maintains, or transmits on behalf of the Health Fund;
- B. Ensure that the adequate separation required by §164.504(f)(2)(iii) is supported by reasonable and appropriate security measures;

- C. Ensure that any agent, including a subcontractor, to whom the Plan Sponsor provides such ePHI agrees to implement reasonable and appropriate security measures to protect the information; and
- D. Report to the Health Fund any security incident (as such term is defined in §164.304) of which the Plan Sponsor becomes aware.”

IN WITNESS WHEREOF, this Amendment is hereby adopted effective as of the date set forth above.

EMPLOYER TRUSTEES

UNION TRUSTEES

