

**METROPOLITAN D.C. PAVING INDUSTRY EMPLOYEES  
HEALTH AND WELFARE FUND  
NOTICE OF PRIVACY PRACTICES  
FOR PROTECTED HEALTH INFORMATION**

(Effective April 14, 2003; last revised effective February 16, 2026)

**THIS NOTICE 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 Notice is required by the Standards for the Privacy of Individually Identifiable Health Information (“Privacy Rules”) issued by the U.S. Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996, as amended. It describes how the Fund can use and disclose your Protected Health Information. This Notice also describes the Fund’s legal obligations under the regulations governing the privacy of substance use disorder (“SUD”) treatment records found at 42 C.F.R. Part 2.

Protected Health Information (“PHI”) is information that is created, received, transmitted, or stored by the Fund which relates to your past, present, or future physical or mental health, health care, or payment for health care, and either identifies you or provides a reasonable basis for identifying you. In general, the Fund may not use or disclose your PHI unless you consent to or authorize the use or disclosure, or if the Privacy Rules specifically allow the use or disclosure.

**Use or Disclosure of PHI**

**1. The Fund may use or disclose your PHI for treatment, payment or health care operations without your written authorization:**

- “Payment” generally means the activities of a Fund to collect premiums, to fulfill its coverage responsibilities, to provide benefits under the Plan, and to obtain or provide reimbursement for the provision of health care. Payment may include, but is not limited to, the following: determining coverage and benefits under the Plan, paying for or obtaining reimbursement for health care, adjudicating subrogation of health care claims or coordination of benefits, billing and collection, making claims for stop-loss insurance, determining medical necessity and performing utilization review. For example, the Fund will disclose the minimum necessary PHI to medical service providers for the purposes of payment.
- “Health Care Operations” are certain administrative, financial, legal, and quality improvement activities of the Fund that are necessary to run its business and to support the core functions of treatment and payment. For example, the Fund may disclose the minimum necessary PHI to the Fund’s attorney, auditor, actuary, and consultant(s) when these professionals perform services for the Fund that requires them to use PHI. Persons who perform services for the Fund are called “business associates.” Federal law requires the Fund to have written contracts with its business associates before it shares PHI with them, and the disclosure of your PHI must be consistent with the Fund’s contract with them. Other examples of business associates are the Fund’s stop-loss insurance carrier, claims repricing services, utilization review companies, prescription benefit managers, PPOs and HMOs.

- “Treatment” means the provision, coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient; or the referral of a patient for health care from one health care provider to another. The Fund is not typically involved in treatment activities.

Except where disclosure is required by law as described below, the Fund may not disclose your PHI to a health plan for purposes of payment, health care operations or treatment if you have requested that such disclosure be restricted and if the PHI pertains solely to a health care item or service for which the health care provider has been paid in full out of pocket.

**2. The Fund is permitted or required to use or disclose your PHI without your written authorization for the following purposes and in the following circumstances, as limited by law:**

- The Fund will use or disclose your PHI to the extent it is required by law to do so.
- The Fund may disclose your PHI to a public health authority for certain public health activities, such as: (1) reporting of a disease or injury, or births and deaths, (2) conducting public health surveillance, investigations, or interventions; (3) reporting known or suspected child abuse or neglect; (4) ensuring the quality, safety or effectiveness of an FDA-regulated product or activity; (5) notifying a person who is at risk of contracting or spreading a disease; (6) notifying an employer about a member of its workforce, for the purpose of workplace medical surveillance or the evaluation of work-related illness and injuries, but only to the extent the employer needs that information to comply with the Occupational Safety and Health Administration (OSHA), the Mine Safety and Health Administration (MSHA), or State law requirements having a similar purpose; and (7) providing information related to proof of immunization to a school required to have such information after the Fund has documented that the individual or, if the individual is a minor, the individual’s parent or guardian has agreed to the disclosure (unless State law requires disclosure of immunizations regardless of agreement).
- The Fund may disclose your PHI to the appropriate government authority if the Fund reasonably believes that you are a victim of abuse, neglect or domestic violence.
- The Fund may disclose your PHI to a health oversight agency for oversight activities authorized by law, including: (1) audits; (2) civil, administrative, or criminal investigations; (3) inspections; (4) licensure or disciplinary actions; (5) civil, administrative, or criminal proceedings or actions; and (6) other activities.
- The Fund may disclose your PHI in the course of any judicial or administrative proceeding in response to an order by a court or administrative tribunal, or in response to a subpoena, discovery request, or other lawful process.
- The Fund may disclose your PHI for a law enforcement purpose to law enforcement officials. Such purposes include disclosures required by law, or in compliance with a court order or subpoena, grand jury subpoena, or administrative request.
- The Fund may disclose your PHI in response to a law enforcement official’s request, for the purpose of identifying or locating a suspect, fugitive, material witness or missing person.
- The Fund may disclose your PHI if you are the victim of a crime and you agree to the disclosure or, if the Fund is unable to obtain your consent because of incapacity or emergency, and law enforcement demonstrates a need for the disclosure and/or the Fund determines in its professional judgment that such disclosure is in your best interest.

- The Fund may disclose your PHI to law enforcement officials to inform them of your death, if the Fund believes your death may have resulted from criminal conduct.
- The Fund may disclose PHI to law enforcement officials that it believes is evidence that a crime occurred on the premises of the Fund.
- The Fund may disclose your PHI to a coroner or medical examiner for identification purposes. The Fund may disclose your PHI to a funeral director to carry out his or her duties upon your death or before and in reasonable anticipation of your death.
- The Fund may disclose your PHI to organ procurement organizations for cadaveric organ, eye, or tissue donation purposes.
- The Fund may use or disclose your PHI for research purposes, if the Fund obtains one of the following: (1) documented institutional review board or privacy board approval; (2) representations from the researcher that the use or disclosure is being used solely for preparatory research purposes; (3) representations from the researcher that the use or disclosure is solely for research on the PHI of decedents; or (4) an agreement to exclude specific information identifying the individual.
- The Fund may use or disclose your PHI to avoid a serious threat to the health or safety of you or others.
- The Fund may disclose your PHI if you are in the Armed Forces and your PHI is needed by military command authorities. The Fund may also disclose your PHI for the conduct of national security and intelligence activities.
- The Fund may disclose your PHI to a correctional institution where you are being held.
- The Fund may disclose your PHI in emergencies or after you provide verbal consent under certain circumstances.
- The Fund may disclose your PHI as authorized by and to the extent necessary to comply with laws relating to workers' compensation or other similar programs.

**3. The Fund may use or disclose your PHI to you, to your Personal Representative, and to the Board of Trustees of the Fund but only for the purposes and to the extent specified in the Plan:**

- The Fund will provide you with access to your PHI. *[The Fund will first require you to complete and execute a "Request for Protected Health Information Form" and will provide you with access to PHI consistent with the Request Form, or as otherwise required by law. A copy of the Request for Protected Health Information Form can be obtained from the Fund Office.]*
- The Fund may provide your Personal Representative or Attorney with access to your PHI in the same manner as it would provide you with access, but only upon receipt of documentation demonstrating that your Personal Representative or lawyer has authority under applicable law to act on your behalf.
- The Fund will disclose your PHI to the Fund's Board of Trustees only in accordance with the provisions of the Fund's Privacy Policy and the provisions of the Plan.

**4. Use of PHI pursuant to a written and signed Authorization Form:**

- Unless otherwise permitted by law or described in this Notice, the Fund will not use or disclose your PHI to someone other than you (such as your spouse) unless you sign and execute an "Authorization Form." You can revoke an Authorization Form at any time by submitting a "Cancellation of Authorization Form" to the Fund. The Cancellation of

Authorization Form revokes the Authorization Form on the date it is recorded by the Fund. [Copies of each of these forms can be obtained from the Fund Office.]

- The Fund may use or disclose Psychotherapy Notes only pursuant to an Authorization Form, unless the use or disclosure is otherwise required or permitted by law.
- The Fund may use or disclose PHI for marketing purposes only pursuant to an Authorization Form. A use or disclosure is considered marketing if it is used for a communication that encourages the use of a product or service. However, the following uses and disclosures are not considered marketing: refill reminders or other usage reminders about a current treatment, as long as the Fund does not receive remuneration from a third party that is more than the cost of sending the reminder; for providing communications about alternative treatments, therapies, providers, health-related products or services available to you or for coordinating care for you unless the Fund receives remuneration from a third party to make the communication.
- The Fund may sell PHI only pursuant to an Authorization Form. A sale of PHI is a use or disclosure of the PHI in exchange for direct or indirect remuneration from the entity that receives the PHI from the Fund. However, the following transactions are not considered to be a sale of PHI, even if the Fund receives remuneration for them: a use or disclosure pursuant to research, public health, treatment, payment, or other purposes required by law, a use or disclosure made by or to a Business Associate for actions it performs as part of its agreement with the Fund to undertake certain functions, a use or disclosure to you when requested, a use or disclosure made as part of the sale, transfer, merger, or other consolidation of the Fund, and any other purpose permitted by law as long as the remuneration received is only a reasonable, cost-based fee to cover the expense to prepare and transmit the PHI, or a fee otherwise expressly permitted by other law.
- If we receive or maintain any information about you from a substance use disorder (“SUD”) treatment program that is subject to 42 C.F.R. Part 2, the Fund may not use or disclose your SUD treatment records in a civil, criminal, administrative, or legislative proceeding against you unless (1) you have provided written consent for the Fund to use or disclose such records, or (2) the Fund has received a court order requiring the use or disclosure of such records after notice and an opportunity to be heard has been provided. Such a court order must be accompanied by a subpoena or other legal requirement compelling the disclosure before the requested records are disclosed.

### **Individual Rights**

You have certain important rights with respect to your PHI. You should contact the Fund’s Privacy Officer, identified below, to exercise these rights.

- You have a right to request that the Fund restrict use or disclosure of your PHI to carry out payment or health care operations. The Fund is not required to agree to a requested restriction unless it pertains solely to PHI related to a health care item or service for which the health care provider involved has been paid in full out of pocket.
- You have a right to receive confidential communications about your PHI from the Fund by alternative means or at alternative locations, if you submit a written request to the Fund in which you clearly state that the disclosure of all or part of that information could endanger you.
- You have a right of access to inspect and copy your PHI that is maintained by the Fund in a “designated record set.” A “designated record set” consists of records or other

information containing your PHI that is maintained, collected, used, or disseminated by or for the Fund in connection with: (1) enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for the Fund, or (2) decisions that the Fund makes about you.

- You have a right to receive an electronic copy of PHI that is maintained electronically by the Fund upon request. The Fund will provide you the electronic copy either in the format that you request if it is easily producible to that format, or, if not readily producible in the format you request, then as a PDF or in another format agreed upon between you and the Fund.
- You have a right to amend your PHI that was created by the Fund and that is maintained by the Fund in a designated record set, if you submit a written request to the Fund in which you provide reasons for the amendment.
- You have a right to receive an accounting of disclosures of your PHI, with certain exceptions, if you submit a written request to the Fund. The Fund need not account for disclosures that were made more than six years before the date on which you submit your request, nor any disclosures that were made for treatment, payment or health care operations.
- You have a right to be notified in the event of a Breach of Unsecured PHI, as described below under “Duties of the Fund.”
- You have the right to receive a paper copy of this Notice upon request.

#### **Duties of the Fund**

The Fund has the following obligations:

- The Fund is required by law to maintain the privacy of PHI and to provide individuals with notice of its legal duties and privacy practices with respect to PHI. To obtain a copy of the Fund’s entire Privacy Policy, you should contact the Fund’s Privacy Officer, identified below.
- If unsecured PHI is acquired, used or disclosed in a manner that is not permitted under the Privacy Rules that compromises the security or privacy of that PHI, (referred to as a “Breach”), the Fund is required to provide appropriate Notice as defined by law without unreasonable delay and in no case later than 60 days after the discovery of the Breach by the Fund or the receipt of information of the Breach by the Fund.
- The Fund is required to abide by the terms of the Notice that is currently in effect.
- The Fund will provide a paper copy of this Notice to you upon request.
- The Fund is prohibited from using PHI that is genetic information for any underwriting purposes.

#### **Changes to Notice**

- The Fund reserves the right to change the terms of this Notice and to make the new Notice provisions effective for all PHI it maintains, regardless of whether the PHI was created or received by the Fund prior to issuing the revised Notice.
- Whenever there is a material change to the Fund’s uses and disclosures of PHI, individual rights, the duties of the Fund, or other privacy practices stated in this Notice, the Fund will promptly revise and distribute the new Notice to participants and beneficiaries.

### **Contacts and Complaints**

If you believe your privacy rights have been violated, you may file a written complaint with the Fund's Board of Trustees, which is the Fund's Privacy Officer, at the following address:

Board of Trustees  
Metropolitan DC Paving Industry Employee Health and Welfare Fund  
c/o BeneSys, Inc.  
7130 Columbia Gateway Dr., Suite A  
Columbia, MD 21046

You may also file a complaint with the U. S. Secretary of Health and Human Services in Washington, DC. The Fund will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any person for filing a complaint.

### **For More Information About Privacy**

If you want more information about the Fund's policies and procedures regarding privacy of PHI, contact the Fund's Privacy Officer in writing at the address above or call the Fund's third-party administrator (BeneSys) at 410-872-9500.