

**SECONDDAMENDMENT TO THE AGREEMENT AND
DECLARATION OF TRUST OF THE LOCAL 802 MUSICIANS HEALTH FUND**

WHEREAS, the Agreement and Declaration of Trust of the Local 802 Health Fund, as amended and restated effective March 17, 2010 ("Trust Agreement"), sets forth the terms and conditions under which the Local 802 Musicians Health Fund ("Fund") is established and administered; and

WHEREAS, Article X, Section 10.1 of the Trust Agreement provides the Board of Trustees ("Board") with the right to amend the Trust Agreement; and

WHEREAS, the Board now desires to amend the Trust Agreement to reflect the Fund's past and ongoing compliance with the Privacy and Security Rules of the Health Insurance Portability and Accountability Act of 1996, as amended, including regulations thereunder.

NOW, THEREFORE BE IT RESOLVED by the Board that the Trust Agreement is amended, effective as of the dates set forth in the text of the amendment, as follows:

Article V is amended by adding a new Section 5.17 to read as follows:

(a) It is intended that the Fund shall, and has been, at all times on and after April 14, 2003 and April 20, 2005, respectively, comply with the HIPAA Privacy Rule and Security Rule, respectively and regulations issued pursuant to 45 C.F.R parts 160, 162 and 164, as same may be amended from time to time. It is further intended that the Trust Agreement, as so amended, constitute the plan document, which under the Privacy and Security Rules must incorporate provisions governing the disclosures of protected health information ("PHI"), including electronic PHI ("ePHI"), of Covered Employees and Beneficiaries to the Trustees. Any obligation or responsibility under this amendment with respect to PHI applies as of April, 2003, and to ePHI as of April 20, 2005.

(b) The Fund may use and disclose PHI, including ePHI, for treatment, payment and operations, and such other uses and disclosures as are permitted and required under the Privacy Rule, and employees of the Fund shall have access to such PHI, including ePHI, as is necessary for them to perform their duties for the Fund.

(c) To the extent permitted by law, the Trustees may receive, use and disclose PHI, including ePHI if, in the sole discretion of the Trustees, such PHI or ePHI is necessary for the Trustees to perform their fiduciary or administrative duties as Trustees. In all cases, the Trustees shall receive, use and disclose the minimum amount of PHI or ePHI necessary for the Trustee to perform his or her functions under the Fund and shall safeguard such PHI or ePHI as required by the Privacy and Security Rules and this Trust Agreement.

(d) The Trustees may also receive summary health information within the meaning of the Privacy Rule, for the purpose of obtaining premium bids for providing coverage, or modifying or amending the Fund and may also receive enrollment and disenrollment information that lists which individuals are participating in the Fund.

(e) Each Trustee who receives PHI, including ePHI, from the Fund shall keep such information in strict confidence and shall not use or further disclose the PHI or ePHI received from the Fund other than as permitted or required by law and this Agreement or upon the express written permission of the individual who is the subject of the PHI or ePHI.

(f) The Fund has implemented administrative, physical and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the ePHI that it creates, receives, maintains, or transmits on behalf of the Fund, and will ensure the "adequate separation," within the meaning of 45 C.F.R. §164.504(f) (2) (iii), of the Trustees and their agents and employees.

(g) Each Trustee who receives PHI, including ePHI, from the Fund shall ensure that the Trustee's agents to whom the Trustee provides such PHI or ePHI, if any, shall conform to the same restrictions on the agent's use or disclosure of the information as govern the Trustee's use or disclosure.

(h) Each Trustee who receives ePHI from the Fund shall ensure that the Trustee's agents to whom the Trustees provide such ePHI, if any, shall implement reasonable and appropriate security measures to protect ePHI.

(i) Each Trustee who receives PHI, including ePHI, from the Fund shall not use or disclose such PHI or ePHI for any employment-related actions or decisions, or with respect to any other pension or other benefit plan sponsored by the Trustees.

(j) Each Trustee who receives PHI from the Fund shall report to the Fund's Privacy Officer any use or disclosure of such PHI that is inconsistent with the provisions set forth in this Agreement or otherwise required by law, of which the Trust becomes aware.

(k) If any Trustee becomes aware of any security incident with respect to ePHI, the Trustee will promptly report the incident to the Security Officer of the Fund and will cooperate with the Fund to correct the violation and to impose appropriate sanctions.

(l) The Trustees of the Fund shall, to the extent required by HIPAA, (1) make PHI that the Trustee has created or received from the Fund available to the individual about whom such PHI pertains for inspection and copying, as required by law, (2) make available any PHI that he or she has received from the Fund for amendment and incorporate any amendments to PHI the Trustee has received from the Fund as required by law, and (3) make available the information required to provide an accounting of disclosures as required by law.

(m) The Trustees and their staff, assistants and clerical employees may obtain PHI in the course of performing the duties of their job with or for the Trustee who obtained such information. If any Trustee becomes aware of any violation of the Privacy rule, the Trustee will promptly report the violation to the Privacy Officer of the Fund and will cooperate with the Fund to correct the violation, to impose appropriate sanctions, and to mitigate any harmful effects to Covered Employees of Beneficiaries.

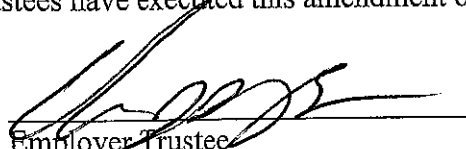
(n) Each Trustee who receives PHI from the Fund shall return to the Fund or destroy all such PHI received from the Fund when there is no longer a need for the information or when the Trustee ceases to be a Trustee.

(o) The Trustees shall make available to the Secretary of HHS their internal practices, books and records relating to the use and disclosure of PHI received from the Fund to determine the Fund's compliance with the Privacy Rule.

This amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Trustees have executed this amendment on this 23rd day of July 2015.

Union Trustee



Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

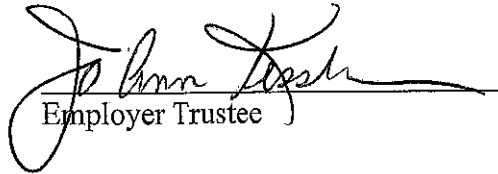
(n) Each Trustee who receives PHI from the Fund shall return to the Fund or destroy all such PHI received from the Fund when there is no longer a need for the information or when the Trustee ceases to be a Trustee.

(o) The Trustees shall make available to the Secretary of HHS their internal practices, books and records relating to the use and disclosure of PHI received from the Fund to determine the Fund's compliance with the Privacy Rule.

This amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Trustees have executed this amendment on this 23rd day of July 2015.

Union Trustee



Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee


(n) Each Trustee who receives PHI from the Fund shall return to the Fund or destroy all such PHI received from the Fund when there is no longer a need for the information or when the Trustee ceases to be a Trustee.

(o) The Trustees shall make available to the Secretary of HHS their internal practices, books and records relating to the use and disclosure of PHI received from the Fund to determine the Fund's compliance with the Privacy Rule.

This amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Trustees have executed this amendment on this 23rd day of July 2015.

Union Trustee



Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

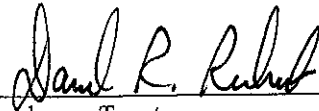
(n) Each Trustee who receives PHI from the Fund shall return to the Fund or destroy all such PHI received from the Fund when there is no longer a need for the information or when the Trustee ceases to be a Trustee.

(o) The Trustees shall make available to the Secretary of HHS their internal practices, books and records relating to the use and disclosure of PHI received from the Fund to determine the Fund's compliance with the Privacy Rule.

This amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Trustees have executed this amendment on this 23rd day of July 2015.

Union Trustee



Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

(n) Each Trustee who receives PHI from the Fund shall return to the Fund or destroy all such PHI received from the Fund when there is no longer a need for the information or when the Trustee ceases to be a Trustee.

(o) The Trustees shall make available to the Secretary of HHS their internal practices, books and records relating to the use and disclosure of PHI received from the Fund to determine the Fund's compliance with the Privacy Rule.

This amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Trustees have executed this amendment on this 16th day of April 2015.

Union Trustee

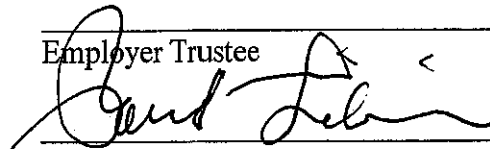
Union Trustee

Union Trustee

Union Trustee

Union Trustee

Employer Trustee



Employer Trustee

Employer Trustee

Employer Trustee

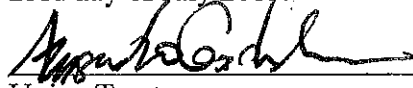
Employer Trustee

(n) Each Trustee who receives PHI from the Fund shall return to the Fund or destroy all such PHI received from the Fund when there is no longer a need for the information or when the Trustee ceases to be a Trustee.

(o) The Trustees shall make available to the Secretary of HHS their internal practices, books and records relating to the use and disclosure of PHI received from the Fund to determine the Fund's compliance with the Privacy Rule.

This amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Trustees have executed this amendment on this 23rd day of July 2015.



Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

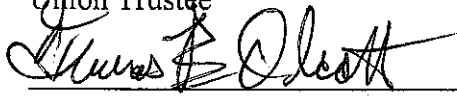
Employer Trustee

(n) Each Trustee who receives PHI from the Fund shall return to the Fund or destroy all such PHI received from the Fund when there is no longer a need for the information or when the Trustee ceases to be a Trustee.

(o) The Trustees shall make available to the Secretary of HHS their internal practices, books and records relating to the use and disclosure of PHI received from the Fund to determine the Fund's compliance with the Privacy Rule.

This amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Trustees have executed this amendment on this 23rd day of July 2015.

Union Trustee


Union Trustee

Employer Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

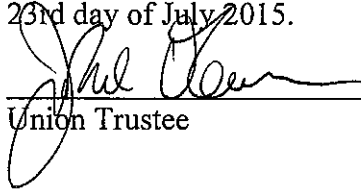
Employer Trustee

(n) Each Trustee who receives PHI from the Fund shall return to the Fund or destroy all such PHI received from the Fund when there is no longer a need for the information or when the Trustee ceases to be a Trustee.

(o) The Trustees shall make available to the Secretary of HHS their internal practices, books and records relating to the use and disclosure of PHI received from the Fund to determine the Fund's compliance with the Privacy Rule.

This amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Trustees have executed this amendment on this 23rd day of July 2015.



Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

(n) Each Trustee who receives PHI from the Fund shall return to the Fund or destroy all such PHI received from the Fund when there is no longer a need for the information or when the Trustee ceases to be a Trustee.

(o) The Trustees shall make available to the Secretary of HHS their internal practices, books and records relating to the use and disclosure of PHI received from the Fund to determine the Fund's compliance with the Privacy Rule.

This amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Trustees have executed this amendment on this 23rd day of July 2015.

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee
Sara Cutler

Union Trustee

Employer Trustee

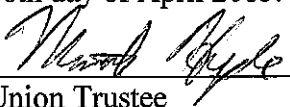
Employer Trustee

(n) Each Trustee who receives PHI from the Fund shall return to the Fund or destroy all such PHI received from the Fund when there is no longer a need for the information or when the Trustee ceases to be a Trustee.

(o) The Trustees shall make available to the Secretary of HHS their internal practices, books and records relating to the use and disclosure of PHI received from the Fund to determine the Fund's compliance with the Privacy Rule.

This amendment may be executed in counterparts.

IN WITNESS WHEREOF, the Trustees have executed this amendment on this 16th day of April 2015.



Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee

Union Trustee

Employer Trustee