

**AMENDMENT NO. 5
TO THE
MARCH 1, 2007 RULES AND REGULATIONS
OF PLAN 501-A
OF THE
UNITED FOOD AND COMMERCIAL WORKERS AND
EMPLOYERS ARIZONA HEALTH AND WELFARE TRUST**

1. Effective October 1, 2009, Article 2, Section 2.14 is amended to add a new subsection (e) to read as follows:

Section 2.14 Privacy

* * *

- (e) In compliance with HIPAA Security regulations, the Board of Trustees will:
 - (1) Implement administrative, physical and technical safeguards that reasonably and appropriately protect the confidentiality, integrity and availability of electronic PHI that it creates, receives, maintains or transmits on behalf of the health plan;
 - (2) Ensure that the adequate separation discussed in (d) above, specific to electronic PHI, is supported by reasonable and appropriate security measures;
 - (3) Ensure that any agent, including a subcontractor, to whom it provides electronic PHI agrees to implement reasonable and appropriate security measures to protect the electronic PHI; and
 - (4) Report to the Plan any security incident of which it becomes aware concerning electronic PHI.

2. Effective January 1, 2010, the language of Article 11, Section 11.34 is deleted and marked “[Reserved]”, and Article 11, Section 11.01 is amended and restated to read as follows:

Section 11.01 Allowable Expense means the expense or charge for medical services and supplies, as described in Article 4, Part A, or for any dental and/or orthodontic services and supplies described in Article 7, which is:

- (a) With respect to a covered PPO provider, the fee set forth in the agreement between the preferred provider organization (PPO) network and the Trust; or
- (b) With respect to a non-PPO provider, the fee identified in the schedule that lists the dollar amounts the Trustees have determined the Plan will allow for covered services or supplies (or, if lower, the provider’s actual billed charge).

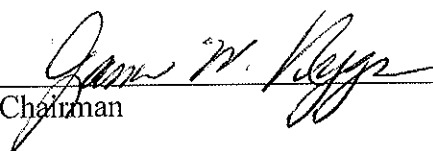
No expense or charge will be an Allowable Expense unless it is necessary for the care and treatment of a non-occupational accidental bodily Injury or Illness of a person who is a Covered Person at the time the expense is incurred. No expense or charge will be an Allowable Expense unless it is recommended and approved by a Physician and is for a valid course of medical treatment, which is not experimental and which is recognized as valid by an established medical society in the United States. No expense or charge will be an Allowable Expense if it is otherwise excluded or limited by Plan provisions under Article 4D or Article 7.

The Trustees may obtain and rely upon independent medical advice to determine whether services or supplies are medically necessary, are consistent with professionally recognized standards of care with regard to quality, frequency and duration and are provided in the most economical and medically appropriate site for treatment.

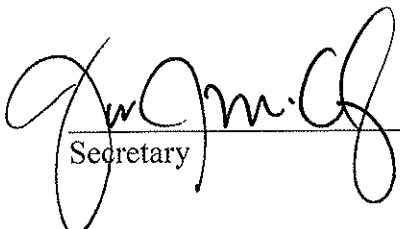
3. Effective January 1, 2010, Article 1, Part B, Section 1B.01 is amended to add the following at its conclusion:

Notwithstanding this provision or any other provision of the plan to the contrary, the eligibility of a Dependent child will be continued at no cost if the child is enrolled in a postsecondary educational institution, enjoys Dependent status under the Plan by virtue of such enrollment, and takes a medically necessary leave of absence from such enrollment and loses such Dependent status because of the absence. Eligibility so continued will terminate the earlier of (a) the date that is one year after the first day of the medically necessary leave of absence, or (b) the date on which such eligibility would otherwise have terminated under the Plan. The Trustees will require written certification by the child's treating physician that the child is suffering from a serious illness or injury and that the leave of absence is medically necessary. At the conclusion of continued eligibility under this paragraph, a child will be treated as having failed to meet the definition of Dependent for purposes of the Dependent Self-Payments allowed by the Plan.

The undersigned Chairman and Secretary of the UFCW and Employers Arizona Health and Welfare Trust do hereby certify that the foregoing Amendment to the Plan 501-A Rules and Regulations was duly adopted by the Board of Trustees at a meeting duly called and held on January 14, 2010.


Chairman

1-14-10
Date


Secretary

1.14.10
Date