



**BlueCross BlueShield
of Florida**

An Independent Licensee of the
Blue Cross and Blue Shield Association

Blue Cross Blue Shield of Florida
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Jon Urbaneck
Group Vice President
Sales, Distribution and Local Presence

March 31, 2010

Re: HITECH Amendment to Blue Cross Blue Shield of Florida (BCBSF) Administrative Services Agreement

Dear Valued BCBSF Customer,

The Health Insurance Portability and Accountability Act – Administrative Simplification of 1996 ("HIPAA-AS") was impacted by the Health Information Technology for Economic and Clinical Health Act ("HITECH"), which was passed as part of the America Recovery and Reinvestment Act. HITECH imposes new health information breach notification obligations on HIPAA covered entities and their business associates. HITECH also applies certain HIPAA-AS Privacy and Security standards directly to HIPAA-AS business associates and requires that these new requirements be documented in HIPAA-AS business associate agreements.

Accordingly, our business associate agreement with you has been amended in order to reflect the new HITECH requirements. BCBSF encloses for your convenience a one-page amendment to the HIPAA Addendum to our Administrative Services Agreement which satisfies the new HITECH requirements.

Please review the amendment and circulate it to your personnel who work with BCBSF regarding our Administrative Services Agreement. There is no need to sign and return the HITECH Amendment.

Thank you for your attention to this; BCBSF very much appreciates your business.

Sincerely,

Jon Urbaneck

**AMENDMENT TO HIPAA-AS ADDENDUM TO
ADMINISTRATIVE SERVICES AGREEMENT**

THIS AMENDMENT memorializes the amendment of the HIPAA-AS Addendum to the Administrative Services Agreement ("Agreement") by and among Blue Cross and Blue Shield of Florida ("BCBSF"), Employer and Health Plan ("GHP") which was previously entered into by the Parties to comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 and its Administrative Simplification regulations ("HIPAA-AS").

WHEREAS, by its terms, the HIPAA-AS Addendum is subject to automatic amendment effective upon the compliance date of new regulatory requirements with respect to Protected Health Information, Standard Transactions, the security of Health Information, or other aspects of HIPAA-AS applicable to the HIPAA-AS Addendum or to the Agreement; and

WHEREAS, the Health Information Technology for Economic and Clinical Health Act and its implementing regulations ("HITECH"), imposed new requirements on HIPAA Business Associates.

NOW THEREFORE, the HIPAA-AS Addendum is hereby amended as follows:

1. Definitions. The following definitions are added to the HIPAA-AS Addendum:
 - a) *Breach* shall mean the unauthorized acquisition, access, use or disclosure of PHI which compromises the security or privacy of the PHI.
 - b) *Unsecured PHI* shall mean Protected Health Information that is not secured through the use of technology or methods approved by the Secretary of Health and Human Services to render the PHI unusable, unreadable or indecipherable to unauthorized individuals.
2. Breach Reporting. In addition to the obligations regarding reporting non-permitted use or disclosure of Protected Health Information and Security Incidents as are set forth in the HIPAA-AS Addendum, BCBSF shall report to GHP any Breach of Unsecured PHI of which BCBSF becomes aware in accordance with relevant legal requirements. BCBSF will cooperate with GHP in GHP's performance of any investigation or assessment necessary to determine whether a Breach of Unsecured has occurred. GHP shall be responsible for determining the need for and implementing notification concerning any Breach of Unsecured PHI.
3. HITECH Compliance. The following new section is added to the HIPAA-AS Addendum:

BCBSF shall comply with all applicable requirements of Title XII, Subtitle D of HITECH, 42 U.S.C. Sections 17921-17954 and all applicable HITECH implementing regulations issued by the Department of Health and Human Services as of the date by which BCBSF must comply with such statutory and regulatory requirements.