

RESOLUTION TO AMEND CITY OF RAPID CITY'S SECTION  
125 FLEX BENEFIT PLAN BY ADDING SECTION 6.8

WHEREAS, the City of Rapid City's Flexible Benefit Plan, Section 125, was adopted February 1, 1993; and

WHEREAS, an amendment to the federal HIPAA Security Regulations with regard to electronic data has been enacted and became effective on April 20, 2006; and

WHEREAS, an amendment to the City's Flexible Benefit Plan is in the best interests of the City in order to ensure compliance with the newly effective federal HIPAA Security Regulations; and

WHEREAS, all other terms and provisions of the City of Rapid City's Flexible Benefit Plan, Section 125, shall remain unaltered and in effect.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that Section 6.8, entitled "Safeguarding Electronic Protected Health Information" is hereby added to the City's Flexible Benefit Plan, Section 125, to read follows:

6.8 Safeguarding Electronic Protected Health Information. To the extent and when and as required by HIPAA or other applicable federal or state law and regulations promulgated thereunder, the Sponsor, by adopting this Plan, agrees to:

- (a) Implement Administrative, Physical and Technical Safeguards that reasonably and appropriately protect the Confidentiality, Integrity, and Availability of the electronic Protected Health Information that it creates, receives, maintains or transmits on behalf of the Plan;
- (b) Ensure that the adequate separation required by 45 CFR Section 164.504(f)(2)(iii) is supported by reasonable and appropriate security measures;
- (c) Ensure that any agent, including a subcontractor, to whom it provides electronic Protected Health Information agrees to implement reasonable and appropriate Security Measures to protect the information;
- (d) Report to the Plan any Security Incident of which it becomes aware; and
- (e) The following definitions shall apply to the capitalized terms used in this Section 6.8:
  - (1) The term "Administrative Safeguards" means administrative actions, and policies and procedures, to manage the selection, development, implementation, and maintenance of security measures to protect electronic protected health information and to manage the conduct of

the covered entity's workforce in relation to the protection of that information.

- (2) The term "Availability" means the property that data or information is accessible and useable upon demand by an authorized person.
- (3) The term "Confidentiality" means the property that data or information is not made available or disclosed to unauthorized persons or processes.
- (4) The term "Integrity" means the property that data or information have not been altered or destroyed in an unauthorized manner.
- (5) The term "Physical Safeguards" means physical measures, policies, and procedures to protect a covered entity's electronic information systems and related buildings and equipment, from natural and environmental hazards, and unauthorized intrusion.
- (6) The term "Security" or "Security Measures" encompass all of the administrative, physical and technical safeguards in an information system.
- (7) The term "Security Incident" means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations in an information system.
- (8) The term "Technical Safeguards" means the technology and the policy and procedures for its use that protect electronic protected health information and control access to it.

Dated this \_\_\_\_ day of May, 2006.

CITY OF RAPID CITY

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ATTEST:

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