

**TOWNSHIP OF BIRCH RUN  
SAGINAW COUNTY, MICHIGAN**

**BIRCH RUN TOWNSHIP  
RESOLUTION: CERTIFICATION TO GROUP HEALTH PLAN  
NO. 2010-16**

At a Regular Meeting of the Birch Run Township Board, Township of Birch Run, Saginaw County, Michigan, held at the Township Meeting Room on the 14<sup>th</sup> day of December, 2010, at 7 o'clock Eastern Standard Time.

**PRESENT:** Kiessler, Cook, Marr, Nelson, Trevino, and Magnus

**ABSENT:** Strahm

The following resolution was made by Magnus and seconded by Nelson:

**WHEREAS, Birch Run Township is the Plan Sponsor of certain group health plan(s) (the "Plans") which qualify as employee welfare benefit plans for its employees and their dependents; and**

**WHEREAS, the plans qualify as "group health plans" within the meaning of the Health Insurance Portability and Accountability Act of 1996 (HIPAA); and**

**WHEREAS, the Plans provide health benefits to the participants and beneficiaries; and**

**WHEREAS, the Plans and Plan Sponsor desires to exchange health information protected under HIPAA ("protected health information or PHI") for purposes related to administration of the group health plan;**

**THEREFORE, BE IT RESOLVED, that the Plan Sponsor hereby certifies to the Plans the following, as required by Section 45 CFR 164.504 (f) of HIPAA:**

The plan documents that govern the Plans incorporate the following provisions and Plan Sponsor agrees to:

- not use or further disclose PHI other than as permitted or required by the plan documents or as required by law;
- ensure that any agents, including subcontractors, to whom it provides PHI received from the Plan agree to the same restrictions and conditions that apply to Plan Sponsor with respect to such information
- not use or disclose PHI for employment-related actions and decisions;
- not use or disclose PHI in connection with any other benefit or employee benefit plan of Plan Sponsor;
- report to the Plan's designee any PHI use or disclosure that it becomes aware of which is inconsistent with the uses or disclosures provided for;
- make available PHI to an individual based on HIPAA's access requirements;
- make PHI available for amendment and incorporate any PHI amendments based on HIPAA's amendment requirements;
- make available the information required to provide an accounting of disclosures;
- make its internal practices, books and records relating to the use and disclosure of PHI received from the Plans available to the Secretary of the U.S. Department of Health and Human Services to determine the Plan's compliance with HIPAA;
- ensure that adequate separation between the Plans and the plan sponsor is established as required by HIPAA (45 CFR 164.504 (f)(2)(iii)); and
- if feasible, return or destroy all PHI received from the Plan that Plan Sponsor still maintains in any form and retain no copies of such PHI when no longer needed

**for the specified disclosure purpose. If return or destruction is not feasible, Plan Sponsor will limit further uses and disclosures to those purposes that make the return or destruction feasible.**

**YEAS: Magnus, Cook, Marr, Trevino, Nelson, and Kiessler**

**NAYS: None**

**ABSTENTIONS: Strahm**

**STATE OF MICHIGAN)**

**COUNTY OF SAGINAW)**

**I, the undersigned, the fully qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete Copy of a resolution adopted at a regular meeting of the Township Board of the Township of Birch Run, Michigan, held on the 14th day of December, 2010, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.**

**IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 15<sup>th</sup> day of December 2010.**

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**Amy Cook, Clerk  
Birch Run Township**