



SUMMARY OF MATERIAL MODIFICATIONS

UPDATED

Date: October 2023

To: Active Participants, and Retirees, and Their Eligible Dependents Enrolled in the Operating Engineers Local #49 Health and Welfare Fund

From: The Board of Trustees

The Trustees of the Operating Engineers Local #49 Health and Welfare Fund are pleased to announce the following updates to the Plan of benefits. The updates are effective January 1, 2023 and June 1, 2023, as set forth below. Please read this Summary of Material Modification (SMM) in its entirety.

1. Effective June 1, 2023, the Plan's terms for eligibility for the weekly disability benefit will be updated to include certification by certified nurse practitioners and certified physician's assistants. Previously, the Plan required that you provide proof that you were under the care of a Physician.
2. Effective June 1, 2023, the Plan will be amended to clarify forfeiture of the HRA account balance. Specifically, for Active Employees, if you are not eligible under in the Fund for a period of one year, any amounts you have not used in your HRA account will be forfeited.
3. Effective June 1, 2023, the Plan's Coordination of Benefits rules are updated with respect to married Eligible Dependent children. If an Eligible Dependent child is married and is eligible under his or her spouse's group health insurance, that plan is primary. See pages 75-76 of your SPD / Plan for more information on Coordination of Benefits terms.
4. Effective January 1, 2023, the Plan will be clarified for removal of references to Health Dynamics. As you were previously notified, Health Dynamics terminated its services with the Fund. Although Health Dynamics is no longer available, the Fund still provides coverage for all preventive care, including annual exams. The Plan has been clarified to affirm participants' access to preventive care annual exams and other additional health screening and wellness program opportunities.
5. Effective June 1, 2023, the Plan will be amended to clarify and update the appeal procedures. The Plan is clarified to provide that you have the right to appoint a representative, but that you do not have the right to appoint your healthcare provider as your representative, except in limited circumstances. The Plan is updated to provide that the Board is entitled to seek guidance from the Court if there is a question of law regarding your claim. If the Board does so, the limitations period for responding to your appeal will be tolled.

Please share this SMM with your family members and store it with your SPD booklet for easy reference.

If you have any questions regarding this SMM or your Plan benefits, do not hesitate to contact the Fund Office at (800) 535-6373 or (952) 854-0795.

This Summary of Material Modification provides only highlights of recent changes to the Operating Engineers Local #49 Health and Welfare Fund. Full details are contained in the documents that establish the Plan provisions. If there is a discrepancy between the wording here and the documents that establish the Plan, the document language will govern. The Trustees reserve the right to amend, modify or terminate the Plan at any time.