

**DICKINSON COLLEGE FLEXCOMP PROGRAM
2009 WELFARE COMPLIANCE AMENDMENT**

**ARTICLE I
PREAMBLE**

- 11.1 **Adoption and Effective Date of Amendment.** Dickinson College (the "Employer") adopts this Amendment to Dickinson College FlexComp Program (the "Plan") to reflect certain provisions of the Children's Health Insurance Program Reauthorization Act of 2009 ("CHIP"), the American Recovery and Reinvestment Act of 2009 ("ARRA"), Michelle's Law, Heroes Earnings Assistance and Relief Tax Act of 2008 ("HEART Act"), the Genetic Information Nondiscrimination Act of 2008 ("GINA"), and the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 ("Mental Health Parity Act").
- 1.2 **Supersession of Inconsistent Provisions.** This Amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment.

**ARTICLE II
SPECIAL ENROLLMENT**

- 2.1 **Effective Date.** This Amendment is effective as of April 1, 2009.
- 2.2 **Special Enrollment Rights.** The Plan is amended to allow for special enrollment rights in the event a Participant or his or her eligible Dependent: (a) loses coverage under the Medicaid or a state child health program, or (b) becomes eligible for state assistance with respect to paying his or her contributions to the Plan, as follows:

A Participant may change an election for accident or health coverage during a Plan Year and make a new election that corresponds with the special enrollment rights provided in Code Section 9801(f), including those authorized under the provisions of CHIP; provided that such Participant meets the sixty (60) day notice requirement imposed by Code Section 9801(f). Such change shall take place on a prospective basis, unless otherwise required by Code Section 9801(f) to be retroactive.

**ARTICLE III
COBRA**

- 3.1 **Effective Date.** This Amendment is effective as of the first period of COBRA continuation coverage starting on or after February 17, 2009.
- 3.2 **COBRA.** The Plan's provisions concerning COBRA are amended as provided below to allow for: (a) payment of reduced premiums and the provision of a second election period by certain COBRA qualified beneficiaries; (b) the provision for additional COBRA notices; and (c) an exception to the rule for crediting certain prior coverage. This

Amendment does not apply to a health flexible spending account. The COBRA continuation coverage provisions of the Plan shall be administered in accordance with the requirements of ARRA Section 3001 with respect to assistance eligible individuals, as defined in ARRA Section 3001(a)(3). Notwithstanding any other Plan provision to the contrary, the Plan shall determine whether an individual has had a 63-day break in coverage for purposes of determining creditable coverage under the Health Insurance Portability and Accountability Act, in accordance with the terms of ARRA Section 3001.

ARTICLE IV MICHELLE'S LAW

- 4.1 **Effective Date.** This Amendment is effective July 1, 2010.
- 4.2 **Michelle's Law.** The Plan is amended to provide continuity of medical coverage for college students under their parents' coverage when they take a medically necessary leave of absence from college as follows:

If a dependent child of a Participant is seriously injured or ill while attending school, as a full-time student, at a post-secondary institution (withdrawal from the institution is not required), medical coverage shall continue to be provided while on a medically necessary leave of absence that begins on or after January 1, 2010. The extension of coverage continues until the earlier of: (a) one year after the first day of the leave; or (b) the date coverage would otherwise terminate under the Plan. The Plan may require certification of the condition from a treating physician.

ARTICLE V FSA DISTRIBUTIONS FOR RESERVISTS

- 5.1 **Effective Date.** This Amendment is effective for distributions on or after June 18, 2008.
- 5.2 **FSA Distributions for Reservists.** Under the provisions of the HEART Act, the Plan, if elected by the Employer, may be amended to permit a qualified reservist distribution to a military reservist, who is called to active duty, to cash out the unused balance in his reimbursement spending account. A qualified reservist distribution is a distribution of all or a portion of unused amounts in a healthcare spending account belonging to a reservist ordered or called to active duty, provided that: (a) the order or call to active duty is for a period of over 179 days or for an indefinite period; and (b) the distribution is made during the period beginning with the call to active duty and ending on the last date reimbursements could otherwise be made for the Plan Year that includes the date of the call to active duty.
- a. ☒ Yes. The Plan shall permit FSA distributions for reservists.
- b. ☐ No. The Plan shall not permit FSA distributions for reservists.

**ARTICLE VI
GENETIC INFORMATION**

- 6.1 **Effective Date.** This Amendment is effective July 1, 2010.
- 6.2 **Genetic Information.** Under the provisions of GINA, the Plan is amended to prohibit discrimination on the basis of "genetic information" with respect to eligibility, premiums and contributions. "Genetic Information" is defined as information about an individual's "genetic tests", information about genetic tests of family members and the manifestation of a disease or disorder linked to genetic information. "Genetic Test" is defined as an analysis of an individual's DNA, RNA, chromosomes, proteins or metabolites that detect genotypes, mutations and chromosomal changes.

**VII
MENTAL HEALTH PARITY**

- 7.1 **Effective Date.** This Amendment is effective July 1, 2010.
- 7.2 **Mental Health Parity.** Under the provisions of the Mental Health Parity Act, full parity must be established between mental health/substance abuse benefits and the medical/surgical benefits offered under the Plan. The new law requires parity when such benefits are offered but does not require the Plan to provide mental health or substance abuse benefits.

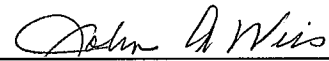
This Amendment has been executed this 31st day of December 2009.

ATTEST:

DICKINSON COLLEGE



Janette E. Diamond

By: 

John A. Weis
VP Human Resource Services