



## 2022 Annual Enrollment Information for Cyro Post-65 Medicare Eligible Retirees

### **Summary of Material Modification**

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# Welcome to 2022 Annual Enrollment

The Annual Enrollment period for 2022 Cyro Post-65 retiree benefits begins on October 18, 2021 and ends on October 29, 2021. **You do not need to do anything to continue your current coverage for yourself and your Post-65 Medicare eligible dependents.** If you wish to **decline or change** your or your dependent(s)' 2022 coverage, please refer to the **How to Enroll** section of this document.

## What's New for 2022

- Contribution rates for 2022 will remain unchanged, unless your or your dependent coverage changes.
- The Cyro Post-65 benefit plan design will also remain unchanged, with no increases to coinsurance, deductibles and out-of-pocket costs.
- You may receive a new Medical ID card, even if you enrolled in 2021 Evonik Medical Plan coverage and keep the same coverage for 2022, given a provision of the federal No Surprises Act, which protects consumers from receiving surprise medical bills resulting from gaps in coverage for emergency service and certain services provided by out-of-network clinicians and in-network facilities.
- We will be conducting a Dependent Eligibility Audit early in 2022 to ensure all enrolled dependents are eligible for coverage. If you want to enroll dependents for 2022 coverage, we strongly encourage you to review the dependent eligibility rules below before doing so.

## Be Sure Your Dependents Are Eligible for Coverage

Your dependents must meet Evonik's eligibility requirements to be covered by Evonik benefits. The Company reserves the right to verify dependent status periodically and may request proof of eligibility from you at any time.

You may enroll eligible dependents for coverage. Under the Evonik Retiree Medical Plan, your eligible dependents are your:

- Legal partner in marriage who was your legal partner at the time you retired from Evonik from whom you are not legally separated or divorced (legal partner includes a same-sex spouse to whom you are legally married and does not include your registered domestic partner, civil union partner or other similar relationships recognized under state law); and
- Eligible children from birth until 26 years of age, including:

- Biological children, stepchildren, adopted children, foster children, children for which you have legal guardianship and children who are the subject of a Qualified Medical Court Support Order (QMCSO).
- Children until age 26, regardless of a child's residency, financial dependence, student status, employment or other factors due to the Affordable Care Act.
- Unmarried dependent child age 26 or older, if the child cannot support himself or herself because of a physical or mental disability and is primarily dependent upon you for support. You are required to submit proof of the disability within thirty-one (31) days after the child's 26th birthday.

## 2022 Dependent Eligibility Audit

Evonik will be conducting a dependent eligibility audit in 2022 and coverage will end for any dependents/spouses who do not meet the Benefits Program's eligibility requirements. Dependent eligibility audits are performed to help prevent the millions of dollars in extra medical costs that may result from people mistakenly or deliberately enrolling ineligible dependents for coverage in error, or enrolled dependents becoming ineligible for age or other reasons.

Be sure that any dependents you enroll for 2022 coverage meet the requirements described above. Any misrepresentation of dependent information will be considered a deliberate falsification of Company records. You may also be held financially responsible to repay any claims the plan paid on your behalf for the improperly covered person.

# Retiree Benefits Administration Provided by Mercer

Mercer Health & Benefits Administration, LLC (Mercer) is the administrator for Evonik's retiree benefits. Mercer provides a comprehensive customer service experience for our retirees. Mercer's trained benefits specialists are knowledgeable about Evonik's retiree benefits and retiree benefit needs. In addition, Mercer's advanced technology capabilities give you access and information so that you can make informed benefit decisions when it truly matters most.

## How to Enroll

The good news is...you are already enrolled! We will continue to offer the Cyro Post-65 medical plan design that you are currently enrolled in. If you don't want to make changes to your current benefit elections, you do not need to do anything or submit any paperwork.

If you wish to decline or change your dependent(s) coverage, please follow the instructions below:

- **Mail:** Complete the enclosed enrollment form or mark that you wish to decline coverage. Note, if you elect to decline coverage, re-enrollment into the Plan **will not be permitted** at a future date once you and/or your dependent(s) decline medical coverage under the Plan.

Once the enrollment is complete, return it to Mercer in the envelope provided. Note, enrollment forms must be postmarked by **October 29th** or;

- **Call:** Call the Mercer Retiree Service Center at **1-855-684-6628**. Mercer representatives can take your enrollment information over the telephone. The Retiree Service Center will be available Monday – Friday from 8:00 am to 9:00 pm ET to assist you.

Note, if you elect to decline coverage, re-enrollment into the Plan **will not be permitted** at a future date once you and/or your dependent(s) decline medical coverage under the Plan.

## My Retiree Account

You can track and manage your retiree benefits online through Mercer's My Account from any device including a tablet or mobile phone.

On the Mercer My Account, you can:

- Review coverage(s) in which you are currently enrolled
- View current billing/payment status – if applicable
- Review your current billing information
- Arrange electronic payment (auto pay) from your bank
- Request a copy of your premium notice
- Update your personal data such as password, email address, security question and answer, phone number, address

The Mercer My Account can be accessed by clicking on the **My Account** button on **EvonikRetireeBenefits.com** or visiting **www.mercermyaccount.com**. To register your "My Account" you will need the following:

- A valid email address
- Your Mercer Insurance Certificate Number – which can be found on your enrollment form included with this brochure with the numbers beginning with **26019**. If you don't have your Mercer Certificate number, call the Mercer Retiree Service Center at **1-855-684-6628** for assistance. The Mercer representative will ask a series of privacy questions to validate your identity.

### How do I contact the Retiree Service Center?

We have worked with Mercer to provide you with additional resources to help you with your benefits, including the retiree service center and the retiree website at **www.evonikretireebenefits.com**.

If you have questions or need additional information, do not hesitate to contact the Evonik Retiree Service Center.

The dedicated retiree customer service team can be reached at **1-855-684-6628** or you can email Mercer at **[retiree.service@mercer.com](mailto:retiree.service@mercer.com)**. The Service Center will be available Monday – Friday from 8:00 am to 9:00 pm Eastern Time to assist you.

When you call the Evonik Retiree Service Center at Mercer you can receive assistance with the following questions:

- Retiree health insurance plan enrollment, eligibility and coverage effective date
- Retiree health billing questions and plan changes
- General retiree health and other insurance coverage information
- Enrollment material requests
- How to obtain ID cards
- Authorizing a representative or Power of Attorney
- Death notifications

You have 24/7 access to Mercer's retiree health insurance benefits website

**EvonikRetireeBenefits.com**. The **EvonikRetireeBenefits.com** website provides convenient access to a variety of helpful online resources, including information on medical, prescription and other coverages as applicable and account access details.

# Health Advocacy

Included with your medical coverage all retirees including dependents will have access to Health Advocacy services provided by Health Advocate. Health Advocate is an independent resource for you to use to help navigate the often times complex healthcare system.

Health Advocates' Personal Health Advocates are healthcare experts with extensive experience supporting people with important medical issues and decisions, no matter how common or complex. The Personal Health Advocates are typically registered nurses supported by medical directors and benefits experts and they work on your behalf.

Health Advocate is there to help our retirees and their dependents with a wide range of issues including:

## **Clinical**

- Answer questions about medical diagnoses and review treatment options
- Research and identify the latest, most advanced approaches to care
- Coordinate clinical services related to all aspects of medical care
- Assist with scheduling appointments at times that work for your schedule
- Help retirees prepare for doctor visits, review results

## **Administrative Support**

- Explain your benefits and how they work
- Research and provide assistance to resolve insurance claims and medical billing issues
- Facilitate any required pre-authorizations for medical services, Durable Medical Equipment and prescription drugs
- Facilitate the transfer of medical records between physicians

Health Advocate can be reached at **1-866-695-8622**. Your Health Advocate services can be accessed 24/7. Normal hours of operation are Monday - Friday from 8:00 am to 10:00 pm Eastern Time. Staff is also available for assistance after hours and on weekends.

## Your 2022 Medical Plan Option

For 2022, we will continue to offer Blue Cross Blue Shield (BCBS) administered by Blue Cross Blue Shield of Alabama. Please note that the Cyro Post-65 medical plan deductibles, out-of-pocket maximums and coinsurance remain unchanged for 2022.

## Coordination of Benefits (COB) with Medicare\*

The BCBS Cyro Post-65 Plan is not a Medicare supplemental plan. You are responsible for your deductible and coinsurance up to the annual out of pocket maximum under the BCBS Cyro Post-65 Plan.

If you are eligible for primary coverage under Medicare – regardless of whether you are enrolled for Medicare – the Evonik Medical Plan will reduce its benefits by the amount Medicare paid or would have paid as the primary payer for the same expense. For an individual with primary coverage through Medicare, the allowable amount for covered expenses is the Medicare allowable amount.

The following example shows how non-duplication\* COB works when Medicare is the primary payer. This example assumes that both the Medicare Part B deductible and the BCBS Cyro Post-65 Plan deductible have already been satisfied. For an outpatient surgery charge:

Primary Plan	Medicare
Secondary Plan	Evonik BCBS Cyro Post-65 Medical Plan
Charge (for an outpatient surgeon's service)	\$100 (Medicare Allowable Amount)
Medicare Benefit	\$80 (80% x \$100 = \$80) Medicare pays 80% of the Medicare Allowable Amount after the Part B Deductible.
Cyro Post-65 Plan Benefit if it Were the Primary Plan	\$80 (80% of the Allowable Amount of \$100)
Cyro Post-65 Plan Benefit after Coordination of Benefits	\$0 The amount the Cyro Post-65 Plan would have paid as the primary payer is reduced by the amount Medicare paid. The Cyro Post-65 Plan would pay \$0 because Medicare paid what the BCBS Cyro Post-65 option would have paid.

\*Standard COB applies to Plan A



# Express Scripts Prescription Drug Coverage

Express Scripts Inc. (ESI) will continue to administer the prescription drug benefit in 2022. The amount you pay for prescription drugs will depend on:

- Whether you use an in-network retail pharmacy, an out-of-network retail pharmacy, Smart90 or mail order, and
- The category of drug you use – generic, non-preferred brand, or preferred brand.

You may contact **Express Scripts** at **1- 877-657-2496** if you have any questions about the Express Scripts prescription drug benefits. ESI representatives are there to help you with any questions you may have about your medications and the plan options that may best suit your needs.

Here is a summary of your prescription drug benefits when you use an Express Scripts network pharmacy or the Smart90/mail order program. Note: There are no changes to the retail and mail order prescription drug copays. Please refer to the Smart90 program regarding maintenance medications and applicable copays.

Note: Your Cyro Post-65 prescription drug coverage is considered creditable because there is no annual dollar cap. Therefore, **you are not required** to enroll in a Medicare Part D prescription drug plan.

BCBS Post-65 Cyro	
Retail- Up to 30-day supply (acute medications and first three fills of a maintenance medication)	
In-Network	
Generic	\$7 copay
Preferred Brand	\$20 copay
Non-Preferred Brand	\$50 copay
Out of Network	Plan pays 80% after deductible

Home Delivery Pharmacy or Smart90 (Benefit only available at a participating network pharmacy)	
Generic	\$14 copay
Preferred Brand	\$40 copay
Non-Preferred Brand	\$100 copay

## Save Money if You Take a Maintenance Medication

With Express Scripts, you will have two cost-saving options for obtaining up to a 90-day supply of maintenance medications, such as for allergies, heart disease, high blood pressure or diabetes. You can choose either **Express Scripts Home Delivery Pharmacy** or the **Smart90 program**. Both programs are detailed below. If you do not utilize one of these programs for your maintenance medications after the third fill you will pay 100% of the medication cost.

### Express Scripts Home Delivery Pharmacy®

- When you use a particular Prescription Drug for an extended period of time (maintenance drug), you can use the Express Scripts Pharmacy® mail-order service. You are able to obtain up to a 90-day supply of Prescription Drugs through the mail order service. When you first begin taking a new medication that is being prescribed for regular long-term use, you may want to initially fill your prescription at a Participating Pharmacy rather than order a large supply through the Express Scripts Pharmacy® mail-order service. This safeguards you against wasting a 90-day supply that you may be unable to use if your Physician changes the medication or the dosage.
- If you take prescription medicine on an ongoing basis, you can order from Express Scripts Home Delivery Pharmacy. Once you start, you can refill and renew your prescriptions from the website or mobile app - and free standard shipping is included. With Express Scripts' mail-order pharmacy, you may obtain up to a 90-day supply of medication for each prescription.

### Express Scripts Smart90 Program

- If you are prescribed a 90-day maintenance medication, and you initially fill your prescription at a Smart90 participating pharmacy, you will be subject to your elected Medical Plan option's Smart90 mail order prescription plan design. CVS and Walgreens are the primary Smart90 network retail pharmacies. If you fill your 90-day maintenance medication at a non-Smart90 participating pharmacy, you are allowed three refills of a maintenance medication (90-day supply) at any Express Scripts retail participating pharmacy. Each prescription will be subject to your elected Medical Plan option's retail prescription plan design.
- To continue to fill your maintenance medication at a retail pharmacy, beginning with the fourth refill, you must fill the prescription through a Smart90 CVS or Walgreens participating pharmacy or another Smart90 participating pharmacy if you live in an area where there is not a CVS or Walgreens. You pay your Medical Plan option's mail order copay, after any deductible, for each fill and in most cases you will save money.

## Maintenance Medication Example

- You are prescribed a 90-day generic maintenance medication, and you are enrolled in the Cyro Post-65 Plan. The cost of a 30-day supply of the medication is \$7. You fill the medication at an Express Scripts retail pharmacy (other than a Smart90 CVS or Walgreens retail pharmacy).
  - **Your first three fills**, you would pay \$7 for each fill, for a total of \$21 for a 90-day supply.
  - **After the third refill**: If you choose the Express Scripts Home Delivery or Smart90 Program for your fourth fill for a 90-day supply, you would pay \$14 for generic medications filled through Express Scripts Home Delivery or a Smart90 pharmacy. If you continue to use the retail pharmacy (other than a Smart90 CVS or Walgreens retail pharmacy) for refills, you will be responsible for 100% of the medication's cost.

## Drug Quantity Management

Drug quantity management, also known as DQM, is a program that's designed to make the use of prescription drugs safer and more affordable. It provides the medications you need for your health and the health of your family, while making sure you receive them in the quantity considered safe.

The DQM program follows guidelines developed by the U.S. Food & Drug Administration (FDA). These guidelines recommend the maximum quantities considered safe for prescribing certain drugs. Express Scripts uses FDA guidelines and other medical information to develop drug quantity management.

If the quantity on your prescription is too large, you can:

- Have your pharmacist fill your prescription as it's written, for the amount that your Medical Plan option covers;
- Ask your pharmacist to call your doctor. They can discuss changing your prescription to a higher strength, if one is available; or
- Ask your pharmacist to contact your doctor about getting a prior authorization. That is, your doctor can call Express Scripts to request that you receive the original amount and strength he/she prescribed. The Express Scripts representative will check your plan's guidelines to see if your medication can be covered for a larger quantity. Express Scripts' prior authorization phone lines are open 24 hours a day, seven days a week, so a determination can be made right away.

## Prior Authorization

Prior authorization (PA) is a program that monitors certain prescription drugs and their costs to ensure your medication is appropriate, safe and cost-effective. Similar to health care plans that approve a medical procedure before it's done to ensure the necessity of the test, if you're prescribed a certain medication, that drug may need a prior authorization.

PA was developed under the guidance and direction of independent, licensed doctors, pharmacists and other medical experts.

Together with Express Scripts, these experts review the most current research on thousands of drugs tested and approved by the U.S. Food & Drug Administration (FDA) as safe and effective. They recommend prescription drugs that are appropriate for a prior authorization.

If your prescription requires PA, ask your provider to call Express Scripts or to prescribe another medication that's covered under the Plan. Only your provider can give Express Scripts the information needed to see if your drug can be covered. Express Scripts' prior authorization phone lines are open 24 hours a day, seven days a week, so a determination can be made right away.

If you order your prescriptions through Express Scripts Home Delivery, Express Scripts pharmacy will contact your provider.

The Express Scripts formulary includes information about whether a medication requires PA. The formulary is available at [www.expressscripts.com](http://www.expressscripts.com).

## **Step Therapy**

Step therapy is a program for people who take prescription drugs regularly to treat a medical condition, such as arthritis, asthma or high blood pressure. In step therapy, drugs are grouped in categories, based on treatment and cost:

- Front-line drugs — the first step — are generic and sometimes lower-cost brand drugs proven to be safe, effective and affordable. In most cases, you should try these drugs first because they usually provide the same health benefit as a more expensive drug, at a lower cost.
- Back-up drugs — step 2 and step 3 drugs — are brand-name drugs that generally are necessary for only a small number of patients. Back-up drugs are the most expensive option.

## **Accredo Specialty Pharmacy**

Specialty medications are drugs that are used to treat complex conditions, such as cancer, hemophilia, hepatitis C, immune deficiency, multiple sclerosis, and rheumatoid arthritis. Whether they're administered by a health care professional, self-injected, or taken by mouth, specialty medications require an enhanced level of service.

Under your prescription drug benefits program, some specialty medications may not be covered at your current pharmacy, or they may only be covered when ordered through Accredo, Express Script's specialty pharmacy. Accredo is dedicated to helping you meet the particular needs and challenges of using specialty medications, many of which require injection or special handling. Services include:

- Access to 500 specialty-trained pharmacists on the phone;
- Access to 550 specialty-trained infusion nurses that meet patients face-to-face in their homes;

- Nutrition support for oncology patients;
- Therapy management programs to protect patient health and safety;
- Complete coordination of care between the medical benefit, pharmacy benefit and physicians; and
- Safe, prompt delivery of medications, including training on administration of the medication.

To find out whether any of your specialty medications need to be ordered through Accredo, please call Member Services at the toll-free number on your prescription drug ID card.

### **SaveonSP**

SaveonSP cost-saving feature through Express Scripts will enable retirees with certain high-cost specialty drug needs to obtain financial assistance by leveraging manufacturers' copay assistance programs.

Enrolling in the SaveonSP program will reduce your out of pocket costs for your specialty medications. If you choose not to sign up with SaveonSP, you will pay a higher copay based on the specialty medication. The amount you pay will not count towards your deductible or out-of-pocket maximum.

### **Opioid Management Program**

The opioid management program is aligned with the Guideline for Prescribing Opioids for Chronic Pain issued by the Centers for Disease Control and Prevention (CDC) to positively influence the prescribing and use of opioids to treat pain. The program limits days' supply, limits quantity of opioids and requires step therapy.

## Contact Information

Vendor	Telephone Number	Website
<b>Mercer Retiree Benefits Center</b>	1-855-684-6628.	<a href="http://www.EvonikRetireeBenefits.com">www.EvonikRetireeBenefits.com</a>
<b>Mercer Billing and Payments</b>	1-855-684-6628.	You can log onto either <a href="http://www.EvonikRetireeBenefits.com">www.EvonikRetireeBenefits.com</a> or <a href="http://www.mercermyaccount.com">www.mercermyaccount.com</a>
<b>BCBS</b>  Cyro Post 65 plan (Group #'s): <ul style="list-style-type: none"> <li>• 90617 – Plan A</li> <li>• 90619 – Plan B, C and D</li> </ul>	1-833-994-0014	<a href="http://www.AlabamaBlue.com">www.AlabamaBlue.com</a>
<b>Express Scripts</b>  <ul style="list-style-type: none"> <li>• Group #Evonik1</li> </ul>	1-877-657-2496	<a href="http://www.expressscripts.com/evonik">www.expressscripts.com/evonik</a>
<b>Health Advocate</b>	1-866-695-8622	

## Disclaimer

In the event there is a conflict between the terms of the Plan documents and the descriptions in this Brochure or related materials, the Plan document will control and govern the operation of the Plans. Benefits are provided at Evonik Corporation's discretion and Evonik Corporation reserves the right to modify suspend, change or terminate the Plans and the benefits at any time.

# NOTICE OF PRIVACY PRACTICES

**THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.**

## **General Information About This Notice**

Evonik Corporation and its affiliates (collectively, “Evonik”) continue their commitment to maintaining the confidentiality of your private medical information. This Notice describes Evonik’s efforts to safeguard your health information from improper or unnecessary use or disclosure. A federal law known as the “HIPAA privacy rules” requires the Evonik Health Plans to provide you with this summary of the Health Plans’ privacy practices and related legal duties and your rights in connection with the use and disclosure of your Health Plan information. Evonik and the Health Plans are required to abide by the terms of this Notice as currently in effect.

## **The Health Plans**

This Notice describes the privacy practices of the following health benefits programs offered by Evonik Corporation and its participating affiliates (collectively referred to as the “Health Plans”):

- Retiree medical plan under the Evonik Corporation Consolidated Retiree Welfare Benefits Program

These Health Plans provide health benefits to eligible Evonik retirees and their eligible dependents.

## **What Information is Protected?**

The HIPAA privacy rules require the Health Plans to establish policies and procedures for safeguarding a category of medical information called “protected health information,” or “PHI,” received or created in the course of administering the Health Plans. PHI is health information that can be used to identify you and that relates to your physical or mental health condition, the provision of health care to you, or payment for your health care. A claim form for medical benefits and the explanation of benefits statements (EOBs) sent in connection with payment of your claims are examples of documents containing PHI.

This Notice only applies to health-related information received by or on behalf of the Evonik Health Plans.

## **Uses and Disclosures That Do Not Require Your Authorization**

The Health Plans may use or disclose your PHI in certain permissible ways described below. To the extent required under the HIPAA privacy rules, the PHI used and disclosed by the Health Plans will be limited to the minimum amount of PHI necessary for these purposes.

**Payment.** The Health Plans may use and disclose your PHI to obtain payment for your coverage and to determine and fulfill the Health Plans' responsibility to provide health benefits – for example, to make coverage determinations, administer claims, and coordinate benefits with other coverage you may have. The Health Plans also may disclose your PHI to another health plan or to a health care provider for its payment activities – for example, for the other health plan to determine your eligibility or coverage, or for the health care provider to obtain payment for health care services provided to you.

**Health Care Operations.** The Health Plans may use and disclose your PHI for their health care operations – for example, to arrange for medical review, for disease management, to conduct quality assessment and improvement activities, or for underwriting. However, the Health Plans are prohibited from using or disclosing your genetic information for underwriting purposes. The Health Plans also may disclose your PHI to another health plan or a health care provider that has or had a relationship with you for it to conduct quality assessment and improvement activities; for accreditation, certification, licensing, or credentialing activities; or for the purpose of health care fraud and abuse detection or compliance – for example, for the other health plan to perform case management or health care provider performance evaluations, or for the health care provider to evaluate the outcomes of treatments or conduct training programs to improve health care skills.

**Treatment.** The Health Plans may disclose your PHI to your health care provider for its provision, coordination, or management of your health care and related services – for example, for managing your health care with the Health Plans or for referring you to another provider for care.

**To Comply with Law.** The Health Plans may use and disclose your PHI to the extent required to comply with applicable law.

**Disclosures to Evonik Health Plan.** The Health Plans may disclose your PHI to certain employees or other individuals under Evonik's control to allow Evonik to administer the Health Plans, as described in this Notice. In addition, Evonik may use or disclose "summary health information" for purposes of obtaining premium bids or modifying, amending, or terminating the Health Plans. Summary health information is information that summarizes claims history, claims expenses, or types of claims experienced by individuals for whom Evonik provides benefits under the Health Plans and from which the individual identifying information, except for five-digit zip codes, has been deleted. Evonik cannot use your PHI obtained from the Health Plans for any employment-related actions without your written authorization.

Evonik uses and discloses Health Plan enrollment/disenrollment information for payroll-related activities. However, this enrollment/disenrollment information is held by Evonik in its role as the employer and is not subject to the HIPAA privacy rules or this Notice.

- **Third Party Providers (Business Associates).** The Health Plans contract with third party administrators and various service providers, called "business associates," to perform certain plan administration functions. The Health Plans' business associates will receive, create, use, and disclose your PHI, but only after the business associates have agreed in writing to appropriately safeguard and keep confidential your PHI. Blue Cross Blue Shield of Alabama (medical claims



administrator) is an example of a Health Plan business associate. Business associates may also use or disclose your PHI on behalf of the Health Plans, as described in this Notice.

- **Disclosures to Family Members and Friends.** The Health Plans may disclose your PHI to your family members, close friends, or other persons involved in your health care if you are present and you do not object to the disclosure (or if it can be inferred that you do not object), or, if you are not present or are unable to object due to incapacity or emergency, the disclosure is in your best interest. Following your death, the Health Plans may disclose your PHI to your family members, close friends, or other persons who were involved in your health care unless doing so would be against your stated preferences. Disclosure will be limited to your PHI that is directly relevant to the person's involvement in your health care.
- **Marketing Communications.** The Health Plans may contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be useful to you. The Health Plans may also use and disclose your PHI to communicate face-to-face with you to encourage you to purchase or use a product or service that is not part of the health benefits provided by the Health Plans, or to provide a promotional gift of nominal value to you.
- **Disclosures in Connection with Regulatory Inquiry.** The Health Plans may disclose your PHI to the U.S. Department of Health and Human Services in connection with an inquiry or review of the Health Plans' compliance with the HIPAA privacy rules.
- **Judicial and Administrative Proceedings.** The Health Plans may disclose your PHI in the course of a judicial or administrative proceeding in response to a legal order or other lawful process.
- **Workers' Compensation.** The Health Plans may disclose your PHI as necessary to comply with workers' compensation or similar laws or programs. **Research.** The Health Plans may use or disclose your PHI for research purposes, as long as certain privacy-related standards are satisfied.
- **Public Health.** The Health Plans may use or disclose your PHI for certain public health activities, including to a public health authority for the prevention or control of disease, injury, or disability; to a proper government or health authority to report child abuse or neglect; to report reactions to medications or problems with products regulated by the Food and Drug Administration; to notify individuals of recalls of medication or products they may be using; to notify a person who may have been exposed to a communicable disease or who may be at risk for contracting or spreading a disease or condition; or to provide immunization information to a school about a student or potential student.
- **Other Uses and Disclosures.** In addition, the Health Plans may use or disclose your PHI in limited circumstances as permitted or required by law, including:
  - For certain health oversight activities, such as audits, investigations, inspections, licensure actions, and other government monitoring and activities related to health care provision or public benefits or services.
  - To police or other law enforcement officials as required by law or in compliance with a court order or other process authorized by law.
  - To an appropriate government authority to report suspected instances of abuse, neglect, or domestic violence.

- To prevent or lessen a serious and imminent threat to the health or safety of an individual or the public.
- If you are deceased, to allow a coroner or medical examiner to identify you or determine your cause of death, for tissue donation purposes, or to allow a funeral director to carry out his or her duties.
- For purposes of public safety or national security.
- To specialized government units, such as the U.S. military or U.S. Department of State, for certain government purposes.

State law may further limit the permissible ways the Health Plans use or disclose your PHI. If an applicable state law imposes stricter restrictions, the Health Plans will comply with that state law.

### **Uses and Disclosures With Your Written Authorization**

A Health Plan may use or disclose your PHI for a purpose other than as described above only if you give the Health Plan your written authorization. Most uses and disclosures of psychotherapy notes, uses and disclosures of your PHI for marketing purposes, and disclosures that constitute a sale of your PHI require your authorization under the HIPAA privacy rules. If you provide a Health Plan with your authorization to use or disclose your PHI, you may revoke your authorization at any time by delivering a written revocation statement to the Privacy Officer. If you revoke your authorization, the Health Plans will no longer use or disclose your PHI except as described above (or as permitted by any other authorizations that have not been revoked). However, the Health Plans cannot retrieve any PHI disclosed to a third party in reliance on your prior authorization.

### **Your Individual Rights**

The HIPAA privacy rules provide you with certain rights regarding your PHI.

- **Right to Request Additional Restrictions.** You may request restrictions on a Health Plan's use and disclosure of your PHI. While the Health Plans will consider all requests for additional restrictions carefully, the Health Plans are not required to agree to a requested restriction. If you wish to request restrictions on a Health Plan's use and disclosure of your PHI, you may obtain a request form from the Privacy Officer. Most PHI relating to your health benefits is used or disclosed by third party vendors (business associates) that administer the Health Plans (for example, most medical PHI is maintained by the medical claims administrators). To request restrictions on the use or disclosure of your PHI by these vendors, you may wish to contact the vendors directly. For more information on your right to request restrictions, or for contact information for the Health Plan vendors, call or write to the Privacy Officer (contact information below).
- **Right to Receive Confidential Communications.** You may request to receive your PHI by alternative means of communication or at alternative locations. Your request must specify how or where you wish to be contacted. The Health Plans will try to accommodate any reasonable request for confidential communication. Please note that in certain situations, such as with respect to eligibility and enrollment information, the Health Plans are obliged to communicate directly with the employee/retiree rather than a dependent unless your request clearly states that disclosure of that information through the normal methods could endanger you. If you wish to request confidential communication of your PHI, you may obtain a request form from the Privacy Officer. Most communications of PHI relating to your health benefits are made by third party vendors (business associates) that administer the Health Plans. To request confidential communication of your PHI by

these vendors, you may wish to contact the vendors directly. For more information on your right to request confidential communication of your PHI, or for contact information for the Health Plan vendors, call or write to the Privacy Officer (contact information below).

- **Right to Inspect and Copy Your PHI.** You may request access to certain Health Plan records that contain your PHI in order to inspect and request copies of those records. If you request copies, the Health Plans may charge you copying, mailing, and labor costs. To the extent that your PHI is maintained electronically, you may request that the Health Plans provide a copy to you or to a person or entity designated by you in an electronic format. Under limited circumstances, a Health Plan may deny you access to a portion of your records. If you desire access to your records, you may obtain a request form from the Privacy Officer. Most PHI relating to your health benefits is created or maintained by third party vendors (business associates) that administer the Health Plans. For access to that information, you may wish to contact the vendors directly. For more information on your right to inspect and request copies of your PHI, or for contact information for the Health Plan vendors, call or write to the Privacy Officer (contact information below).
- **Right to Amend Your Records.** You have the right to request that the Health Plans amend your PHI maintained in the enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for the Health Plans and any other records used by or for the Health Plans to make decisions about your benefits. The Health Plans will comply with your request for amendment unless special circumstances apply. A Health Plan may deny your request for amendment if you do not provide a reason to support your request or if the Health Plan believes that the information is accurate. In addition, a Health Plan may deny your request if you ask it to amend information that was created by another health plan or health care provider (but the Health Plan will inform you of the source of the information, if known). If your physician or other health care provider created the information that you desire to amend, you should contact the health care provider to amend the information. To make a request for amendment, you may obtain a request form from the Privacy Officer. Most PHI relating to your health benefits is created or maintained by third party vendors (business associates) that administer the Health Plans. To request amendment of that information, you may wish to contact the vendors directly. For more information on your right to request amendment of your PHI, or for contact information for the Health Plan vendors, call or write to the Privacy Officer (contact information below).
- **Right to Receive an Accounting of Disclosures.** Upon request, you may obtain an accounting of certain disclosures of your PHI made by the Health Plans made within six years of the date of your request. The accounting will generally be provided free of charge, but if you request an accounting more than once during a twelve (12) month period, the Health Plans may charge you a reasonable fee for any subsequent accounting statements. You will be notified of the costs involved, and you may choose to withdraw or modify your request before you incur any expenses. The accounting will not include all disclosures of your PHI. For example, the accounting will not include disclosures (i) to carry out treatment, payment or health care operations activities; (ii) made to you; (iii) made to friends or family members involved in your care; (iv) made pursuant to your written authorization; (v) for national security or intelligence purposes; or (vi) to correctional institutions or law enforcement officials. If you wish to request an accounting, you may obtain a request form from the Privacy Officer. Most PHI relating to your health benefits is used or disclosed by third party vendors (business associates) that administer the Health Plans. For an accounting of disclosures by a Health Plan vendor, you may wish to contact the vendor directly. For more information on your right to

request an accounting, or for contact information for the Health Plan vendors, call or write to the Privacy Officer (contact information below).

- **Right to Receive Paper Copy of this Notice.** You may obtain a paper copy of this Notice upon request to the Privacy Officer.
- **Right to Notification of a Breach of Your PHI.** You will be notified in the event of an improper use or disclosure of your PHI if a Health Plan determines that the privacy of your PHI was likely compromised.
- **Personal Representatives.** You may exercise your rights through your personal representative who has authority under applicable state law to make health-related decisions on your behalf. Your personal representative will be required by the Health Plans to produce evidence of his or her authority to act on your behalf. Proof of authority may be made by a notarized power of attorney, a court order of appointment of the person as your legal guardian or conservator, or evidence that you are the parent of a minor child. The Health Plans reserve the right to withhold your PHI from your personal representative in certain limited circumstances.
- **For Further Information; Complaints.** If you would like additional information about your privacy rights, contact the Privacy Officer listed at the end of this Notice. If you are concerned that a Health Plan has violated your privacy rights, or if you disagree with a decision that a Health Plan made about access to your PHI or any of your other rights described above, you should contact the Privacy Officer. Evonik and the Health Plans take your complaints very seriously. You may also file a written complaint with the Secretary of the U.S. Department of Health and Human Services. Upon request, the Privacy Officer will provide you with the correct address for the Secretary. Neither Evonik nor the Health Plans will retaliate against you if you file a complaint with the Privacy Officer or the Secretary.

**Effective Date and Application of this Notice Effective Date. This Notice is effective as of July 20, 2018.**

**Right to Change the Terms of this Notice.** This Notice is subject to change. If the Health Plans revise this Notice, they may make the new Notice terms effective for all of your PHI that they maintain, including any information created or received prior to issuing the updated Notice. If the Health Plans make a material change to this Notice, you will be notified of the change if you are then covered by a Health Plan. In addition, any new Notice will be posted at your site of employment and on the Evonik HR Direct USA intranet website. You may also obtain the most current copy of the Notice by contacting the Privacy Officer (contact information below).

### **Privacy Officer**

You may contact the Privacy Officer at:

Law Department Evonik Corporation  
299 Jefferson Road  
Parsippany, NJ 07054

ATTENTION: HIPAA Privacy Officer

Telephone Number: (800) 334-8772 Email: [compliance.program@evonik.com](mailto:compliance.program@evonik.com)

### **Keep Your Health Plans Informed of Address Changes**

In order to protect your and your family's Health Plan privacy rights, you should keep Evonik's Human Resources Department informed of any changes in your address and the addresses of your covered family members. In the event that your PHI has been breached, the Health Plans will notify you at your address on record.

### **Women's Health and Cancer Rights Act Of 1998**

The Women's Health and Cancer Rights Act of 1998 (WHCRA) requires coverage for the following services under the Medical Benefit Options in the Evonik Benefits Plan.

In the case of a participant or beneficiary who is receiving benefits in connection with a mastectomy and who elects breast reconstruction in connection with such mastectomy, coverage will be provided in a manner determined in consultation with the attending physician and the patient, for:

- All stages of reconstruction of the breast on which the mastectomy was performed;
- Surgery and reconstruction of the other breast to produce symmetrical appearance; and,
- Prostheses and treatment of physical complications of the mastectomy, including lymphedema.

Such coverage may be subject to annual deductibles and coinsurance provisions as may be deemed appropriate and as are consistent with those established for other benefits under the plan. The annual deductibles and coinsurance are listed in your benefit plan documents. If you would like more information on WHCRA benefits, contact the Mercer Retiree Benefits Center at **1-855-684-6628**.

### **The Newborns' and Mothers' Health Protection Act**

Group health plans and health insurance issuers generally may not, under Federal law, restrict benefits for any hospital length of stay in connection with childbirth for the mother or newborn child to less than 48 hours following a vaginal delivery, or less than 96 hours following a cesarean section. However, Federal law generally does not prohibit the mother's or newborn's attending provider, after consulting with the mother, from discharging the mother or her newborn earlier than 48 hours (or 96 hours as applicable). In any case, plans and issuers may not, under Federal law, require that a provider obtain authorization from the plan or the insurance issuer for prescribing a length of stay not in excess of 48 hours (or 96 hours).