

**OPERATING ENGINEERS LOCAL 139
HEALTH BENEFIT FUND**

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SUMMARY OF MATERIAL MODIFICATIONS

Date: May 2023

To: Active and Retired Plan Participants and Their Eligible Dependents

From: The Board of Trustees

As the Trustees of the Operating Engineers Local 139 Health Benefit Fund (the "Fund"), we regularly review the Plan and make changes when necessary. By way of this Summary of Material Modification (SMM), we would like to make you aware of the following Plan changes. Please read this SMM in its entirety to make sure you understand your health care coverage.

TERMINATION OF COVID AMENDMENTS

President Biden signed a resolution to end the national emergency concerning COVID-19 (National Emergency) effective April 10, 2023. As a result, the extension for certain deadlines (as set forth in Plan Amendment Number 6) ends July 10, 2023, which is 60 days after the end of the National Emergency, for determining the following COBRA, special enrollment, and claims and appeals deadlines:

- The period to request special enrollment,
- The 60-day election period for COBRA Continuation Coverage,
- The date for making COBRA Continuation Coverage premium payments,
- The date for individuals to notify the Plan of a qualifying event or the determination of disability (Loss of Time), and death and dismemberment claims,
- The date within which individuals may file a benefit claim under the Plan's claims procedures, and
- The date within which claimants may file an appeal of an adverse benefit determination under the Plan's claims procedures.

The closely related public health emergency concerning COVID-19 (Public Health Emergency) ends on May 11, 2023. As a result, effective May 12, 2023, COVID-19 diagnostic testing and associated provider visits (as set forth in Plan Amendment Number 1) will no longer be covered at 100%. Coverage will resume to the benefits as detailed in the Summary Plan Description in which benefits are subject to all Plan limits and exclusions, including but not limited to in-network providers, co-insurance, deductibles, out-of-pocket maximums, and Medical Necessity. Over-the-counter COVID-19 test kits (as set forth in Plan Amendment No. 10) will no longer be covered for purchase dates on or after May 12, 2023. Finally, effective May 12, 2023, personal protective equipment fee of \$10 per dental visit (as set forth in Plan Amendment Number 3) will no longer be covered.

CONTINUATION OF TELEHEALTH SERVICES

As set forth in Plan Amendment Number 1, the Plan allowed telehealth services from in-network providers. Despite the end of the National Emergency and the Public Health Emergency, effective May 12, 2023, the Plan will continue to cover telehealth services for medically necessary treatment from network providers at

the same benefit level as in-person treatments, subject to all other Plan terms and requirements, including deductibles and coinsurance. The Plan will continue to cover telehealth services for Medicare retirees to the extent that Medicare covers the services. The Plan does not cover telehealth services from out-of-network providers.

STATEMENT OF THE PLAN'S GRANDFATHERED STATUS

The Operating Engineers Local 139 Health Benefit Fund believes this Plan is a "grandfathered health plan" under the Patient Protection and Affordable Care Act (the Affordable Care Act). As permitted by the Affordable Care Act, a grandfathered health plan can preserve certain basic health coverage that was already in effect when that law was enacted. Being a grandfathered health plan means that your Plan may not include certain consumer protections of the Affordable Care Act that apply to other plans, such as the requirement for the provision of preventive health services without any cost sharing. However, grandfathered health plans must comply with certain other consumer protections in the Affordable Care Act, such as the elimination of lifetime limits on benefits.

Questions regarding which protections apply and which protections do not apply to a grandfathered health plan, and what might cause a plan to change from grandfathered health plan status, can be directed to the Plan Administrator at (262) 549-9190 or (800) 242-7018. You may also contact the Employee Benefits Security Administration, U.S. Department of Labor at (866) 444-3272 or via <http://www.dol.gov/ebsa/healthreform/>. This website has a table summarizing which protections do and do not apply to grandfathered health plans.

FINAL NOTE

Please share this SMM with your family members and store it with your Summary Plan Description (SPD)/Plan Document 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 (262) 549-9190 or (800) 242-7018.

This Summary of Material Modifications provides only highlights of recent changes to the Operating Engineers Local 139 Health Benefit 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.