

SUMMARY OF MATERIAL MODIFICATIONS

Date: December 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.

WEIGHT LOSS MEDICATIONS – COVERAGE FOR TYPE 2 DIABETES

The SPD section for Health Reimbursement Account (HRA) Eligible Expenses Not Otherwise Covered by the Fund has been updated to provide reimbursement for a weight loss program or FDA approved medication if it is a treatment for a specific disease diagnosed by a Physician (such as obesity, hypertension, or heart disease). This does not include the cost of food or beverages, vitamins, or supplements. Health Reimbursement Account (HRA) “Expenses Not Eligible For Reimbursement” has been updated to state that weight loss programs or medications for general health or appearance are not covered.

The SPD sections of Covered Prescription Drug Expenses and Comprehensive Medical Benefit Exclusions and Limitations have both been updated to state that weight loss medications are not covered. Diabetes drugs in the GLP-1 agonist and SGLT2 inhibitors class are only covered for the treatment of type 2 diabetes. They are not covered for any other treatment. Some examples are, dulaglutide (Trulicity), semaglutide (Ozempic and Wegovy), liraglutide (Victoza and Saxenda), and tirzepatide (Mounjaro), Jardiance, and Farxiga.

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.