

**Industry And Local 338
Welfare Fund**
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SUMMARY OF MATERIAL MODIFICATIONS

**NOTICE TO PARTICIPANTS AND COBRA BENEFICIARIES
OF THE
INDUSTRY AND LOCAL 338 WELFARE FUND
Important Information Regarding Your Welfare Fund Benefits**

December 2019

To all Participants and COBRA Beneficiaries:

This notice is a Summary of Material Modifications ("SMM") and provides important information about your benefits under the Industry and Local 338 Welfare Fund. Please read this notice carefully and keep it with you Welfare Fund Summary Plan Description ("SPD") and SMMs for future reference.

If you have any questions, please contact the Fund Office at (855) 412-3797. This is a toll free number.

CHANGES TO THE WELFARE FUND EFFECTIVE JULY 1, 2019

The Board of Trustees have carefully considered the relative merits of cell-based therapy and have decided to exclude all such therapy under the Plan effective July 1, 2019. As such, the *Exclusions and Limitations* section of the **Hospital and Health Benefits/PPO Benefits** found in the SPD is amended with the addition of the following to the list of exclusions.

Exclusions and Limitations

Exclusions

In addition to services listed under "What's Not Covered" in the prior sections, the Fund does not cover the following:

- **Charges related to gene therapy**

Gene therapy typically involves replacing a gene that causes a medical problem with one that does not, adding genes to help the body fight or treat disease, or inactivating genes that cause medical problems. The Fund does not cover any charges related to gene

therapy, whether those therapies have received approval from the U.S. Food and Drug Administration (“FDA”) or are considered experimental or investigational. Illustrative examples of gene therapy include therapies such as Kymriah and Yescarta, as well as Luxturna and Zolgensma, but new applications for gene therapies are submitted every year. The Fund does not cover any related genetic testing intended to determine whether particular genetic mutations are present and/or whether particular drug therapies might work for a particular patient before any of the above gene therapy is initiated.

The **Prescription Drug Benefit** section of the SPD is also amended with the addition of the following to the list of *Exclusions* that pertain to Prescription Drug Benefits:

**Prescription Drug Benefit
Exclusions**

The following are excluded from coverage under the Plan:

- Charges related to gene therapy. The Fund does not cover any charges related to gene therapy, whether those therapies have received approval from the FDA or are considered experimental or investigational, including but not limited to Chimeric Antigen Receptor T-Cell (“CAR-T”) Therapies such as Kymriah and Yescarta, as well as Luxturna and Zolgensma. See the Hospital and Health Benefits/PPO Exclusions section for a definition of gene therapy.

Sincerely,

Board of Trustees
Industry and Local 338 Welfare Fund

The Board of Trustees reserves the right, in its sole and absolute discretion, to interpret and decide all matters under the Plan. The Board also reserves the right, in its sole and absolute discretion, to amend, modify or terminate the Plan or any benefits provided under the Plan (or eligibility for such benefits), in whole or in part, at any time and for any reason.

*ERISA Information: Plan Sponsor: Board of Trustees of the Industry and Local 338 Welfare Fund
Sponsor’s EIN #: 13-1818220 Plan Number: 501 Plan Year: July 1st to June 30th.*