

NOTICE REGARDING THE VOLUNTARY WELLNESS PROGRAM

The Healthy Steps Wellness Program is a voluntary wellness program that is available to all employees and spouses/domestic partners who are enrolled in a Kindred medical plan. If you choose to participate in the wellness program, you may qualify to earn medical plan premium discounts for completing various healthy activities.

The Healthy Steps Wellness Program is administered according to federal rules permitting employer-sponsored wellness programs that seek to improve employee health or prevent disease, including the Americans with Disabilities Act of 1990, the Genetic Information Nondiscrimination Act of 2008, and the Health Insurance Portability and Accountability Act, as applicable, among others.

If you choose to participate in the Healthy Steps Wellness Program, you are able to complete a voluntary Well-Being Assessment or "WBA." The WBA asks a series of questions about your health-related activities and behaviors and whether you have or had certain medical conditions (e.g., cancer, diabetes, heart disease, etc.). You are also able to complete a voluntary Health Screening. The Health Screening measures your body mass index (BMI) and blood pressure, and includes a blood test to measure your cholesterol and blood glucose (blood sugar) to help you identify potential health risks. You and your spouse/domestic partner are not required to complete the WBA or to participate in the Health Screening or other medical examinations. However, employees and spouses/domestic partners who choose to participate in the Healthy Steps Wellness Program will earn points that allow them to earn a premium discount on their medical coverage under Kindred's Plan.

You and your spouse/domestic partner earn points for every Healthy Steps Wellness Program activity that is completed. Examples of other activities that allow you to earn points under the Healthy Steps Wellness Program include but are not limited to: getting your preventive exam and health screenings, participating in various health activities available throughout the year, working with one of the program's wellness partners, such as Virta, Livongo, Maven, or Rethink, or registering for the telemedicine program. When you and your spouse/domestic partner earn enough cumulative points by the established deadlines set forth in the Healthy Steps Wellness Program (as described in more detail in these open enrollment materials), you can receive premium discounts. You are not required to participate in any of the wellness activities available under the Healthy Steps Wellness Program. However, only those individuals who do participate in these activities will be eligible to earn points toward the plan's premium discount.

If you are unable to participate in any of the health-related activities or achieve any of the health outcomes required to earn points, you may be entitled to a reasonable accommodation or an alternative standard. You may request a reasonable accommodation or an alternative standard by contacting Quantum Health at 800.991.6171. If you are eligible for an alternative standard, the Healthy Steps Wellness Program will work with you (and, if you wish, with your doctor) to find a wellness option that is right for you in light of your health status to help you earn the plan's premium discount.

If you choose to complete a WBA and/or Health Screening, the results will be used to provide you with information to help you understand your current health and potential risks, and may also be used to recommend to you services through the wellness program, such as health coaching. You also are encouraged to share your results or concerns with your own doctor.

Protections from Disclosure of Medical Information

We are required by law to maintain the privacy and security of your personally identifiable health information. Although the Healthy Steps Wellness Program and Kindred may use aggregate information it collects to design a program based on identified health risks in the workplace, the Healthy Steps Wellness Program will never disclose any of your personal information, either publicly or to Kindred in its capacity as your employer, except as necessary to respond to a request from you for a reasonable accommodation needed to participate in the Healthy Steps Wellness Program, or as expressly permitted by law. Medical information that personally identifies you that is provided in connection with the wellness program will not be provided to your supervisors or managers and may never be used to make decisions regarding your employment.

Your health information will not be sold, exchanged, transferred, or otherwise disclosed except to the extent permitted by law to carry out specific activities related to the wellness program, and you will not be asked or required to waive the confidentiality of your health information as a condition of participating in the wellness program or receiving an incentive. Anyone who receives your information for purposes of providing you services as part of the wellness program will abide by the same confidentiality requirements. The only individual(s) who will receive your personally identifiable health information is (are) those individuals (including members of Kindred's benefits department and third-party service providers) who are determined to be necessary to administer the Healthy Steps Wellness Program, such as a "health coach", in order to administer and provide you with services under the Healthy Steps Wellness Program.

In addition, all medical information obtained through the Healthy Steps Wellness Program will be maintained separate from your personnel records, information stored electronically may be encrypted in accordance with the wellness program's security policies and procedures, and no information you provide as part of the wellness program will be used in making any employment decision. Appropriate precautions will be taken to avoid any data breach, and in the event a data breach occurs involving information you provide in connection with the wellness program, we will notify you immediately.

You may not be discriminated against in employment because of the medical information you provide as part of participating in the wellness program, nor may you be subjected to retaliation if you choose not to participate.

If you have questions or concerns regarding this notice, or about protections against discrimination and retaliation, please contact the Plan Sponsor/Administrator at this address:

Kindred Healthcare Operating, LLC
Attn: Sr. Vice President, Benefits and Compensation
680 South Fourth Street
Louisville, KY 40202
(502) 596-7300
healthystepswellness@kindred.com

HEALTHY STEPS WELLNESS PROGRAM CONSENT

As previously mentioned, if you elect to participate in the Healthy Steps Wellness Program, you may opt to complete a voluntary Well-Being Assessment, or "WBA," that will ask you a series of questions about your health related activities and behaviors. By doing so, you hereby consent to completion of the WBA. In addition, as part of the Healthy Steps Wellness Program, you may opt to schedule an appointment with a Quest Patient Service Center or an appropriate doctor for a Health Screening, and by scheduling this screening you consent to the disclosure of your Health Screening test results to those designated employees and service providers of Kindred responsible for administering the wellness program for the purpose of confirming your participation in the Healthy Steps Wellness Program and eligibility for rewards and other benefits available under the program. Your Health Screening will include screening of height, weight, waist circumference, blood pressure, and a simple fasting blood draw to screen for cholesterol, glucose, and triglycerides. Your screening results and the WBA, if applicable, will be used as part of the Healthy Steps Wellness Program to calculate awards points under the Program and to help you set individual goals and improve your health status. By completing the WBA and/or Health Screening, you acknowledge that you have read, understand, and accept all of the statements in this Healthy Steps Wellness Program Consent, and knowingly and voluntarily authorize the collection and use of the genetic and health information described above for purposes of the Healthy Steps Wellness Program.

Kindred must comply with the Genetic Information Nondiscrimination Act of 2008 (GINA) while administering the Healthy Steps Wellness Program. GINA requires that Kindred describe the confidentiality protections and restrictions on the disclosure of your genetic information. "Genetic information," as defined by GINA, includes an individual's family medical history (i.e., information about the manifestation of a disease or disorder in an individual's family members, including a spouse), the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Complete blood counts, cholesterol tests, and liver-

function tests are not considered a “genetic test” under GINA. The WBA and Health Screening results of your spouse, because they may include information about the manifestation of a disease or disorder in your spouse, is considered genetic information that is protected by GINA.

Kindred must maintain any of your genetic information that it obtains in connection with the Healthy Steps Wellness Program (including where the information exists in electronic forms and files) separate from your personnel files. Kindred must treat this information as a confidential medical record. The genetic information collected through the Healthy Steps Wellness Program may only be used to administer the wellness program, which includes confirming your participation and eligibility for incentives, helping you understand your current health and potential health risks, and offering you services through the wellness program, such as health coaching.

The Healthy Steps Wellness Program will not disclose your genetic or health information publically or to Kindred in its capacity as an employer, except as expressly permitted by law. Your genetic information will not be sold, exchanged, transferred, or otherwise disclosed except to the extent permitted by law to carry out specific activities related to the Healthy Steps Wellness Program, and you will not be asked or required to waive the confidentiality of your genetic or health information as a condition of participating in the programs or receiving a program incentive. Genetic information may not be used by Kindred in making an employment decision, and an employee will not be discriminated against or subject to retaliation by Kindred if his or her spouse decides not to participate in one or more components of the Healthy Steps Wellness Program or because of the health information his or her spouse provides. As described in more detail above in these open enrollment materials, the Healthy Steps Wellness Program is administered according to federal rules permitting employer-sponsored wellness programs that seek to improve employee health or prevent disease, including the Americans with Disabilities Act of 1990, GINA, and the Health Insurance Portability and Accountability Act, as applicable, among others.