



Terms of Service Agreement

1l. "FDA" means the United States Food and Drug Administration.

1m. "FQHC" means an entity that participates in the Medicare Program as a Federally Qualified Health Center pursuant to 42 C.F.R. Part 491, Subpart A.

1n. "Go-Live Date" means the date that the VaxCare Services becomes live and operational at Administrator's site and the Vaccine in Administrator's possession becomes consigned to VaxCare.

1o. "HIPAA" and "HITECH" means Health Insurance Portability and Accountability Act of 1996, as amended, including by, but not limited to, Section XIII of the American Recovery and Reinvestment Act of 2009 known as the Health Information Technology for Economic and Clinical Health Act, and any and all regulations promulgated thereunder as may be applicable at any particular time, including the 2013 HIPAA regulation amendments.

1p. "Law" means any statute, law, ordinance, regulation, standard (including standard of care), rule, code, order, constitution, treaty, common law, judgment, decree, other requirement or rule of law of any governmental authority or regulatory body, including, but not limited to, the DEA, CDC, CMS, and FDA, whether currently in effect or enacted on a later date during the Term.

1q. "License" means any and all applicable licenses, registrations, or certifications required by Law necessary for Administrator or VaxCare, as applicable, to perform its respective duties under this Agreement in each and every jurisdiction applicable to the performance of such duties. Such Licenses include, but are not limited to, those issued by any applicable state department of health, state medical board, the DEA and any other similar governmental authority or regulatory body.

1r. "Licensed" means having all applicable Licenses in good standing.

1s. "Location" refers to a location of the Administrator registered with VaxCare pursuant to Section 4n. As stated in Section 4n, VaxCare Services may only be used at registered Location(s).

1t. "Medicare Program" means the federal health insurance program established under Section XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and administered by CMS.

1u. "Non-Conforming Vaccination" means a Vaccination that does not meet all of the criteria set forth in Section 5b for a Conforming Vaccination.

1v. "Notice of Privacy Practices" means the VaxCare Notice of Privacy Practices, which can be found at:

<https://s.vaxcare.com/resources/portalfoms/awarenessforms/VaxCare.Privacy.Policy.030717.pdf>

