

Official Rules
HMSA's Online Care Enrollment Incentive Program

Holiday Giveaway

December 11-29, 2017

1. **ELIGIBILITY:** HMSA's Online Care Enrollment Incentive Program ("Holiday Giveaway") is available to any person currently enrolled in HMSA's commercial and government health plans* but hasn't signed up for HMSA's Online Care. All Holiday Giveaway entrants must be Hawaii residents 18 years of age or older.
 - a. No purchase is necessary to enter or win.
 - b. You may not disenroll from HMSA's Online Care then re-enroll to enter.
 - c. Proof of age, identity, and eligibility must be furnished on request. HMSA reserves the right to refuse to award prizes to anyone who doesn't meet all eligibility requirements at the time of entry and to disqualify any entrant who fails to comply with applicable laws and these Official Rules.
 - d. No substitution of prizes is offered, no transfer of the prize to a third party is permitted (including use of HMSA's Online Care services), and prize may not be redeemed for cash value. Void where prohibited or restricted by law. All federal, state, and local laws apply. Any reselling of prizes is strictly prohibited.
 - e. HMSA isn't responsible for any liabilities arising directly or indirectly from the award or use of the prizes including any taxes, transaction fees, or other fees that third parties may charge for the use of the prizes. The fair market value of the gift amount may be subject to tax. Please consult your tax adviser. The payment of federal, state, and local taxes is the sole responsibility of the recipient.
 - f. The Holiday Giveaway may be canceled or discontinued at any time at the sole discretion of HMSA.
 - g. You may enter only one incentive program related to registering for HMSA's Online Care.

***Excludes QUEST Integration and Plumbers Association plan members.**

2. PROMOTIONAL PERIOD: The Holiday Giveaway's Promotional Period is 12 a.m. Hawaii time, Monday, December 11, 2017, through 11:59 p.m. Hawaii time on Friday, December 29, 2017. HMSA will select the Holiday Giveaway winner within 14 calendar days of the close of the Promotional Period in a random drawing from the eligible entries received.

3. HOW TO ENTER: Limit one entry per person.

- a. All qualified entrants who register for HMSA's Online Care during the Promotional Period will be automatically entered into the Holiday Giveaway.
- b. HMSA is not responsible for entries that are lost, late, misdirected, incorrect, incomplete, incomprehensible, illegible, damaged, undeliverable, or delayed. It is the entrant's responsibility to notify and update HMSA of any change in contact information during the Promotional Period.

4. PRIZES: Three winners will each receive the following:

- YETI Tundra 35 cooler (value \$300);
- JBL Flip 4 Bluetooth speaker (value \$100)

5. **ODDS:** The odds of winning any prize depends on the total number of eligible entries received during the Promotional Period.
6. **DRAWING:** The potential winner will be selected 14 calendar days after the end of the Promotional Period in a random drawing from all eligible entries received under the direction of American Well Marketing Department, whose decisions are final in all matters relating to the Holiday Giveaway. Only one prize per person or household may be claimed.
7. **WINNER NOTIFICATION/RELEASE:** The winner will be notified via telephone or email using the information the winner provided when signing up for HMSA's Online Care within three business days of selection. Winners are solely responsible for reporting and paying any taxes on a prize. To claim a prize, winners will be required to provide their valid Social Security number to HMSA and complete and sign an IRS W-9 form for tax purposes. Winners are solely responsible for all federal, state, and local taxes on the prize value and, as applicable, will be issued an IRS Form 1099 based on the prize value determined.
8. **If a potential winner:**
 - a. Cannot be contacted because of invalid or missing contact information;
 - b. Does not claim a prize within 30 calendar days;
 - c. Is unable to prove that he/she meets all eligibility requirements;
 - d. Refuses the prize;
 - e. Refuses to provide his/her valid Social Security number and complete and sign an IRS W-9 to HMSA for tax purposes; or
 - f. If a prize notification is returned undeliverable,

the winner will forfeit any and all rights and claims to the prize and an alternate winner may be selected from the remaining entrants at HMSA's sole discretion.

9. **TERMS AND CONDITIONS:** The Holiday Giveaway is subject to all federal, state, and local laws and regulations. Entrants are responsible for complying with applicable federal, state, and local laws and regulations and with these Holiday Giveaway Official Rules. By entering this Holiday Giveaway, entrants agree to be bound to these Official Rules. Any attempt by an entrant or other party to tamper with the proper administration of the Holiday giveaway will disqualify the entrant and may result in appropriate civil or criminal action and/or the discontinuation, suspension, or cancellation of the Holiday Giveaway.

By participating in the Holiday Giveaway, the winner agrees to have his/her name, picture, or likeness used for purposes of announcing the winner of the Holiday Giveaway without additional financial or other compensation.

10. **LIMITATION OF LIABILITY.** Entrants who participate in the Holiday giveaway agree to release, indemnify, and hold harmless HMSA and its respective agents, representatives, officers, directors, and employees (collectively, "Releasees") from and against any injuries, losses, damages, claims, actions, and any liability of any kind resulting from or arising from participation in the Holiday Giveaway or acceptance, possession, use, misuse, or non-use of the prize (including any travel or travel-related activity) that may be awarded. These Official Rules must be interpreted in accordance with the laws of the state of Hawaii without regard to its principles of conflicts of law. Jurisdiction and venue shall be solely

within the state of Hawaii. Releasees are not responsible for computer, printing, typographical, human, or other errors, including errors that may occur in the administration of the promotion, the announcement of the prize, the processing of entries or in any incentive-program related materials; for transactions that are lost, stolen, late, misdirected, damaged, incomplete, or illegible entries or postage-due mail; entries that fail to enter the processing system or are processed, reported, or transmitted late or incorrectly or are lost for any reason including computer, telephone, paper transfer, human or other error, or for electronic, computer, or telephone malfunction or error. If, in HMSA's opinion, there is any suspected or actual evidence of electronic or non-electronic tampering with any portion of the Holiday Giveaway or if a computer virus, bug, unauthorized intervention, fraud, or technical difficulties or failures compromise or corrupt or affect the administration, integrity, security, fairness, or proper conduct of the Holiday giveaway, the judges reserve the right at their sole discretion to disqualify any individual who tampers with the entry process and or void any entries submitted fraudulently, to modify or suspend the Holiday Giveaway, or to terminate the Holiday Giveaway and conduct a random drawing to award the prizes using all eligible non-suspect transactions and write-in entries received as of the Promotion Period end date. As a condition of entering the Holiday Giveaway, participant agrees that a) under no circumstances will the participant be permitted to obtain awards for and participant hereby waives all rights to claim punitive, incidental, consequential, or any other damages other than for actual out-of-pocket expenses; b) all causes of action arising out of or connected with this promotion or any prizes awarded shall be resolved individually without resorting to any form of class action; and c) any and all claims, judgments, and awards shall be limited to actual out-of-pocket costs incurred, but in no event attorneys' fees. HMSA reserves the right to modify prize award procedures.

- 11. FORCE MAJEURE, DISCLAIMER/INTERNET:** HMSA (i) assumes no responsibility for any error, omission, interruption, deletion, defect, delay in acquisition, operation or transmission of, communication line failure relating to, theft or destruction or unauthorized access to, or alteration of, entries; (ii) is not responsible for any problems relating to human error or technical malfunction of any communications network or lines, computer online systems, servers, or communications service provider, computer or other equipment, hardware, software, failure of any entry information to be received by HMSA or account of technical problems, or traffic congestion of any communication system on the internet or on any website; or (iii) any combination thereof, including any injury or damage to the participant's or any other person's computer or other device related to or resulting from participation or downloading of any materials in this Holiday Giveaway. HMSA MAKES NO WARRANTY, GUARANTEE, OR REPRESENTATION OF ANY KIND CONCERNING ANY PRIZE(S) AND SPECIFICALLY DISCLAIMS ANY IMPLIED WARRANTY OF MERCHANTABILITY, WARRANTY OF FITNESS, AND ANY OTHER IMPLIED WARRANTIES.
- 12. OTHER:** Manufacturer of prize(s)/provider of services, and its subsidiaries or affiliates do not participate in, endorse, or sponsor this Holiday Giveaway.
- 13. AMENDMENTS TO THE OFFICIAL RULES:** HMSA reserves the right to change, alter, or amend these Official Rules as necessary, in its sole discretion, to ensure the fair administration of the Holiday Giveaway or to comply with applicable laws.