

# ACCESS TO EMPLOYEE MEDICAL & EXPOSURE RECORDS POLICY

## SUMMARY

The document outlines the company's policies on employee access to medical and exposure records, including the retention, access, and confidentiality of these records.

- **Access to Records:** Employees and their designated representatives have the right to access relevant exposure and medical records. The Company ensures records are accessible within a reasonable time frame, and if not, the employee will be informed of the delay and the earliest availability date.
- **Definition and Retention of Medical Records:** Employee medical records include any health-related information made or maintained by health personnel. These records are retained for the duration of employment plus thirty years.
- **Environmental and Biological Monitoring:** Employee exposure records include environmental monitoring of toxic substances and biological monitoring results assessing the absorption of harmful agents by body systems.
- **Confidentiality and Access Restrictions:** Personal identifiers must be removed from records before access is provided, and certain information may be withheld if deemed detrimental to an employee's health. Confidential information from family or friends can also be removed by health personnel.

## POLICY

The Company ensures that employees and their designated representatives a right of access to relevant exposure and medical records.

The Company ensures that employee medical records are records that concern the health status of an employee, and are made or maintained by a physician, nurse, or other health care personnel, or technician.

"Employee medical record" means a record concerning the health status of an employee which is made or maintained by a physician, nurse, or other health care personnel, or technician.

"Record" means any item, collection, or grouping of information regardless of the form or process by which it is maintained (e.g., paper document, microfiche, microfilm, X-ray film, or automated data processing).

Medical records are retained for the duration of an employee's employment plus thirty (30) years.

Employee exposure records include either environmental and/or biological monitoring.

- Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;

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- Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs.

The Company ensures that records can be accessed and provided in a reasonable time, place, and manner. If access to records cannot reasonably be provided within fifteen (15) working days, The Company will within the fifteen (15) working days apprise the employee or designated representative requesting the record of the reason for the delay and the earliest date when the record can be made available.

Copies of medical records are provided to employees at not cost to the employee.

Whenever access is requested to an analysis which reports the contents of employee medical records by either direct identifier (name, address, social security number, payroll number, etc.) or by information which could reasonably be used under the circumstances indirectly to identify specific employees (exact age, height, weight, race, sex, date of initial employment, job title, etc.), personal identifiers must be removed before access is provided.

Upon an employee's first entering into employment, and at least annually thereafter, information will be given to current employees of the existence, location, availability and the person responsible for maintaining and providing access to records and each employee's rights of access to these records.

Whenever an employee requests access to his or her employee medical records, and a physician representing the Company believes that direct employee access to information contained in the records regarding a specific diagnosis of a terminal illness or a psychiatric condition could be detrimental to the employee's health, the Company may inform the employee that access will only be provided to a designated representative of the employee having specific written consent, and deny the employee's request for direct access to this information only. Where a designated representative with specific written consent requests access to information so withheld, the Company ensures the access of the designated representative to this information, even when it is known that the designated representative will give the information to the employee.

A physician, nurse, or other responsible health care personnel maintaining employee medical records may delete from requested medical records the identity of a family member, personal friend, or fellow employee who has provided confidential information concerning an employee's health status.

Should the Company cease business, all employee medical exposure records will be provided to the successor employer. If the Company either ceases to do business and there is no successor employer to receive and maintain the records, the Company will

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notify affected current employees of their rights of access to records at least three (3) months prior to the cessation of the Company's business.

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## DISCLAIMERS

Even OSHA's own website has a disclaimer:

- These regulations and related materials are ... continually under development. The user should be aware that, while we try to keep the information on our Web site timely and accurate, there will often be a delay between official publication of the materials and their appearance or modification on these pages. The Company will make every effort to correct errors brought to our attention.

Company Disclaimer:

- The following has been developed to reduce hazards likely to cause injuries to our employees.
- Some of the following policies may not be applicable to our operations. This manual serves as a guideline and is subject to change or modification as particular circumstances warrant.
- Employees should contact their immediate supervisor or senior management with questions.
- **If there are conflicts with local, state or federal regulations or the Company's Employee Handbook or other Company documents, the local, state or federal regulations, the Company Employee Handbook or other Company documents will prevail.**

Agency Risk Management's Disclaimer:

- The information contained is not the complete OSHA standard.
- The information contained is for informational purposes only.
- Agency Risk Management makes no guarantee the information in this document is true, correct, precise or accurate.
- Agency Risk Management has no influence on how the information in this document is used.
- No one employed by or connected to Agency Risk Management takes any responsibility for the results or consequences of error or for any loss or damage suffered by users of any of the information in this document or attached to it, and such information does not form any basis of a contract with users of it.

Reference OSHA Standards:

- **Refer to the OSHA standards and updates issued by OSHA for the most accurate information.**
- **This document is based on OSHA's [Training Requirements in OSHA Standards](#) document.**
- **When there is a conflict between the contents in this document and, as applicable, [OSHA 29 CFR Part 1926 Safety and Health Regulations for Construction](#) or [OSHA 29 CFR Part 1910 Safety and Health Regulations for General Industry](#), the OSHA standards and other regulatory updates will prevail.**