

Great Western Painting

Access to Employee Medical Records and Exposure Records

ACCESS TO EMPLOYEE MEDICAL RECORDS & EXPOSURE RECORDS **1910.1020 - Access to employee exposure and medical records.**

All employee exposure records and medical records are under the control of our Safety Program Administrator.

Exposure records must be retained for 30 years.

Medical records must be retained for the duration of employment plus 30 years.

Our Safety Program Administrator is: Patrick Evje

An employee's 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".

This would include:

- a. medical and employment questionnaires or histories (including job description and occupational exposures),
- b. the results of medical examinations (pre-employment, pre-assignment, periodic, or episodic) and laboratory tests (including chest and other X-ray examinations taken for the purpose of establishing a base-line or detecting occupational illnesses and all biological monitoring not defined as an "employee exposure record".
- c. medical opinions, diagnoses, progress notes, and recommendations.
- d. First aid records.
- e. descriptions of treatments and prescriptions.
- f. employee medical complaints.

Note: An employee's medical record does not include:

- a. physical specimens (e.g., blood or urine samples) which are routinely discarded as a part of normal medical practice, or
- b. records concerning health insurance claims if maintained separately from the employer's medical program and its records, and not accessible to the employer by employee name or other direct

personal identifier (e.g., social security number, payroll number, etc.).

- c. records created solely in preparation for litigation which are privileged from discovery under the applicable rules of procedure or evidence.
- d. records concerning voluntary employee assistance programs (alcohol, drug abuse, or personal counseling programs) if maintained separately from the employer's medical program and its records.

An employee's employee **exposure record** means a record containing any of the following kinds of information:

- a. 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.
- b. 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.
- c. material safety data sheets indicating that the material may pose a hazard to human health.
- d. in the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity (e.g., chemical, common, or trade name) of a toxic substance or harmful physical agent.
- e. Objective Data for Exemption from Requirement for Initial Monitoring.

Employee Information

Upon first entering into employment, and at least annually thereafter, each employee will be informed of the following:

- a. The existence, location, and availability of any records covered by 29 CFR 1910.1020.
- b. The person responsible for maintaining and providing access to records (the Safety Director).
- c. the employee's rights of access to his/her records.

- d. that a copy of 29 CFR 1910.1020 and its appendices will be maintained in the Safety Director's office and made readily available upon request.

Informational materials concerning access to medical records received from or provided by the Assistant Secretary of Labor for Occupational Safety and Health will be distributed to all current employees.

Access to Records

Employees or their designated representatives will have access to their medical or exposure records within 15 working days of their request or, if this is not possible, the Safety Director will provide, within 15 working days, the reason for the delay and provide a best estimate of when the records will be available.

Copies of employee medical or exposure records will be provided in a reasonable time, place, and manner and **at no cost to the employee.**

Upon request, the Safety Director will provide access to representatives of the Assistant Secretary of Labor for Occupational Safety and Health employee exposure and medical records and to analyses using exposure or medical records.

Analysis Using Medical or Exposure Records

"Analysis using exposure or medical records" means any compilation of data or any statistical study based at least in part on information collected from individual employee exposure or medical records or information collected from health insurance claims records, provided that either the analysis has been reported to the employer or no further work is currently being done by the person responsible for preparing the analysis.

Before access is granted to an analysis using medical or exposure records, all personal identifiers must be removed that could reasonable directly identify the employee. Identifiers would include: name, SSN, address, etc.. Identifiers that could indirectly identify the employee will also be removed. These would include date of hire, sex, job title, etc..

Confidentiality

Nothing in the OSHA standards is intended to affect existing legal and ethical obligations concerning the maintenance and confidentiality of employee medical information, the duty to disclose information to a patient/employee or any other aspect of the medical-care relationship, or affect existing legal obligations concerning the protection of trade secret information.

Transfer of records

Should we cease to do business, the successor employer shall receive and retain all the above medical and exposure records.

Should we cease to do business and there is no successor employer to receive and retain the above medical and exposure records, they shall be transmitted to the Director of the National Institute or Occupational Safety and Health.

At the expiration of the retention period for the above medical records, we will notify the Director at least 3 months prior to the disposal of such records and shall transmit those records to the Director if he requests them within that period.