

Access to Medical Records**SPP# 1910.20****Quick Reference**

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1.0 Purpose

The purpose of this safety policy and procedure is to establish the guidelines and procedures through which employees will be able to obtain and gain access to North Carolina Department of Transportation (NCDOT) maintained exposure and medical records. These exposure and medical records are those resulting from employment related exposures, injuries, and/or illnesses.

2.0 Scope and Applicability

NCDOT workers may be exposed to toxic substances and harmful physical agents to an extent that may severely impair their health. Workers must be informed about the toxic exposures they face and their potential health effects.

This safety policy and procedure provides guidelines for employees to obtain their exposure and medical records. It includes provisions on training, retention requirements for employee exposure and medical records, and response time to employee requests for exposure and medical records. Additionally, guidelines are presented on physician review of employee medical records, OSHA access to medical records, and information that must be shared with new employees.

This safety policy and procedure also details the areas of responsibility for managers/unit heads, supervisors, and employees within NCDOT.

SAFETY POLICY & PROCEDURE

This document affects all NCDOT employees who have been exposed to toxic substances and harmful physical agents due to their job duties.

3.0 Reference

This safety policy and procedure is established in accordance with Occupational Safety and Health Standards for General Industry (29 CFR 1910.20) and Occupational Safety and Health Standards for Construction Industry (29 CFR 1926.33).

4.0 Policy

It is the policy of NCDOT to provide a place of employment free from recognized hazards and to comply with applicable standards and regulations set forth by the Occupational Safety and Health Administration.

In accordance, NCDOT will provide all exposure and medical records when properly requested as outlined in this safety policy and procedure. NCDOT will ensure that those employees who request their exposure and medical records are provided with confidential, fair, and equal treatment.

5.0 General Responsibilities

It is the responsibility of each manager/unit head, supervisor, and employee to ensure implementation of NCDOT's safety policy and procedure on Access to Medical Records.

It is the general responsibility of NCDOT to ensure that each employee has access to all exposure and medical records pertaining to their present or past employment with NCDOT. Specific responsibilities are found in Section 6.3.

6.0 Procedure

This section provides definitions, establishes general provisions, and identifies responsibilities regarding access to employee exposure and medical records.

6.1 Definitions

Access

The right and opportunity to examine, copy, or use any or all exposure and medical records.

Designated Representative

Any individual or organization to whom an employee gives written authorization to exercise a right of access to exposure or medical records.

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Employee

An individual who is employed by NCDOT and who is being assigned or transferred to work where there will be exposure to toxic substances or harmful physical agents. In a case where the employee is deceased, the employee's legal representative may directly exercise all of the employee's rights under this policy.

Employee Exposure Record

A record containing information on the type of environment or hazards present in the workplace.

Employee Medical Record

A record concerning the health status of an employee which is made or maintained by a physician, nurse, or other health care personnel.

Exposure

A condition that occurs when an employee is subjected to toxic or hazardous environments as a result of his or her job duties.

Health Professional

A physician, occupational health nurse, industrial hygienist, toxicologist, or epidemiologist providing medical care or other occupational health services to exposed employees.

Record

Any item, collection, or grouping of information regardless of the form or process by which it is maintained.

Toxic Substance

Any chemical substance, biological agent (bacteria, virus, etc.), or physical stress (noise, heat, cold, vibration, etc.) to which employees could have been exposed as a result of performing their job function.

6.2 General Provisions

This section details the provisions of this safety policy and procedure with each element discussed in a separate subsection. These provisions are:

- Access to Records
- Employee Exposure and Medical Records
- NCDOT Representation by a Physician
- OSHA Access to Records
- Employee Information

SAFETY POLICY & PROCEDURE

6.2.1 Access to Records

Whenever an employee or a designated representative of an employee requests access to exposure and/or medical records, NCDOT will provide these documents within 15 working days. If records cannot be provided within this time period, the employee or representative must be informed and given a date on which the records will be provided along with a reason for the delay. These records will be provided to the employee or representative at no cost for reproduction or for the document search itself.

6.2.2 Employee Exposure and Medical Records

Upon request, NCDOT must provide the employee or employee's designated representative access to employee exposure records. If no records exist, the employer must provide records of other employees with job duties similar to those of the employee. Access to exposure records does not require the written consent of the other employees.

In addition, these exposure records must reasonably indicate the identity, amount, and nature of the toxic substances or harmful physical agents to which the employee has been exposed.

NCDOT also must provide employees and their designated representatives access to employee medical records. Access to the medical records of another employee may be provided only with the written consent of that employee. A request for medical records can be made by using the form (or one substantially similar) shown in Appendix A.

NCDOT is responsible for maintaining employee medical records for the duration of employment plus 30 years. This recordkeeping does not include health insurance claims, first aid records (not including medical histories) of one-time treatment, and medical records of employees who have worked less than a year for NCDOT. Employee exposure records and data analysis are to be maintained for 30 years.

It is the responsibility of the employee to initiate any request for access to his or her medical records as outlined in this safety policy and procedure. (See Appendix A.)

6.2.3 NCDOT Representation by a Physician

NCDOT may request that a physician be appointed to review medical records with the employee or employee's designated representative to ensure records are reviewed and properly interpreted. The physician may deny the employee access to records if the physician detects a situation which may be detrimental to the health of the employee such as the identification of terminal illness or a psychiatric condition.

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In such cases, the employee's designated representative may request the records even if it is known that the representative may disclose the information to the employee.

6.2.4 OSHA Access to Records

Upon receiving a written request from OSHA, NCDOT will supply OSHA with any exposure or medical records for analysis. A copy of this request must be posted in a conspicuous place for at least 15 working days.

6.2.5 Employee Information

New NCDOT employees will be informed of the following information:

- The existence, location, and availability of any records covered by this safety policy and procedure
- The person responsible for maintaining and providing access to these records
- Employee's rights under this safety policy and procedure

6.3 Specific Responsibilities

6.3.1 Managers/Unit Heads

Managers/Unit Heads are responsible for maintaining employees' exposure and medical records and for ensuring compliance with this safety policy and procedure.

Managers/Unit Heads are also responsible for providing employees with copies of their exposure and medical records when properly requested.

Managers/Unit Heads will ensure the confidentiality of employees' medical records.

6.3.2 Supervisors

Supervisors will be responsible for educating and training employees about their rights under this safety policy and procedure.

6.3.3 Employees

Exposure and medical records may be kept in an employee's personnel files, in a physician's office, or contained within claim files such as Workers' Compensation.

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6.3.4 Safety and Loss Control

Safety and Loss Control will provide prompt assistance to managers/unit heads or others on any matter concerning this safety policy and procedure. Safety and Loss Control will assist in developing or securing required training for the effective implementation of this safety policy and procedure.

Additionally, Safety Engineers will provide consultative and audit assistance to ensure effective implementation of this safety policy and procedure.

Access to Medical Records Flow Chart



