## Access to Medical Records

1. **Purpose**

The purpose of this policy is to provide employees and their designated representatives a right of access to their personal medical records and relevant exposure records.

1. **Employee Notification**

All employees shall be informed of their right to access medical and exposure records, the existence, location and availability of employee exposure and medical records maintained by or for the Company and the person responsible for maintaining and providing access to these.

* Initial notification should be covered in the new employee orientation. A copy of the bulletin board notification and/or copy of this standard can be used and should be documented.
* Annual notification can be made by posting a notice where the employees gather outlining the program.
* A copy (can be from OSHA website) of CFR 1910.1020 shall be maintained at each location and it shall be made available to employees for review.

1. **Access**

* The employee may access his/her records by making a request to the Human Resources Manager.
* A written request must be provided to the Human Resources representative to initiate access to these records.
* Employees, previous employees and designated representatives have the right to review and/or copy relevant Company exposure and medical records. There shall be no cost for this service.
* OSHA has the right to review and/or copy relevant exposure and medical records provided an access order is presented. The Access Order must be posted with a cover letter on an employee bulletin board and the affected employees must be informed.
* Access to an employee record shall be provided by the Company within 15 working days from receipt of the request. If the records cannot be provided within 15 working days, the employee or designated representative requesting the record shall be informed with the reason(s) for the delay and the earliest date when the record(s) can be made available.
* All personal identifiers such as name, address, social security number, payroll number or any other identifier will be removed from all records before access is granted.

1. **Transfer of Records**

Whenever an employer is ceasing to do business, the employer shall transfer all records subject to this section to the successor employer. The successor employer shall receive and maintain these records. Whenever an employer is ceasing to do business and there is no successor employer to receive and maintain the records subject to this standard, the employer shall notify affected current employees of their rights of access to records at least three (3) months prior to the cessation of the employer's business.

1. **Recordkeeping**

The Human Resources Manager is responsible for maintaining and providing access to employees’ medical records. These records are kept separately from other employee records.

Employee exposure and medical records shall be maintained by the Company for the duration of employment plus at least thirty (30) years. The medical records of employees who have worked for less than (1) year for the employer need not be retained beyond the term of employment if they are provided to the employee upon the termination of employment.

These records shall include the following:

* Exposure Records
  + 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.
  + 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.
  + Material safety data sheets indicating that the material may pose a hazard to human health. Material Safety Data Sheets. In the absence of an MSDA, 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.
* Medical Records - a record 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, including:
  + Medical and employment questionnaires or histories (including job description and occupational exposures).
  + 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").
  + Medical opinions, diagnoses, progress notes, recommendations, first aid records, Descriptions of treatments and prescriptions, and employee medical complaints.
* Analyses Using Exposure and/or Medical Records - a compilation of data or study based on information collected from individual employee exposure or medical records.