

Subject:	HIPAA Employee Medical Records
Section:	PPG# 3350.5
Chapter:	Community Relations
Effective Date:	8/14/03

1.0 POLICY

- 1.1 McLane/ Black Lake Fire Department will, to the extent required by law, protect medical records it receives about employees or other staff in a confidential manner. Only those with a need to know will have access to PHI, and, even then, will only have access to as much information as is minimally necessary for the legitimate use of the medical records.

2.0 GUIDELINES

- 2.1 Medical records of staff will be kept in separate files apart from the employee's general employment file. These records will be secured with limited access by management.
- 2.2 Medical records that are not considered employment records will be treated in accordance with the safeguards of the Privacy Rule with respect to their use and disclosure.
- 2.3 Medical records related to employment are not considered to be protected health information, or PHI, subject to HIPAA safeguards, including certain medical records of employees related to the job. Employment records not covered under HIPAA include but are not limited to: information obtained to determine suitability to perform the job duties (such as physical examination reports), drug and alcohol tests obtained in the course of employment, doctor's excuses provided in accordance with the attendance policy, work-related injury and occupational exposure reports, and medical and laboratory reports related to such injuries or exposures, especially to the extent necessary to determine workers' compensation coverage.
- 2.4 Disclosure of employee medical records not protected by HIPAA, as described above, shall have their access limited with use and disclosure only to those who have need to know, such as certain management staff, a designated physician, and state agencies pursuant to State law.
- 2.5 Any member receiving treatment as a patient of McLane/ Black Lake Fire Department shall be afforded the same protections provided any other patient under HIPAA. These protections are subject to HIPAA exceptions, such as in the situation in which the staff member who received care from McLane/ Black Lake Fire Department for a work-related injury.
- 2.6 Questions about how members' medical information is used and disclosed by McLane/ Black Lake Fire Department should be directed to the Privacy Officer.

3.0 REFERENCES

- 3.1** Health Insurance Portability and Accountability Act of 1996 (HIPAA)