

Delaware County Emergency Medical Service Standard Operating Guidelines

Subject	Effective	Supersedes	This Sheet	Total
Employee's Medical Records	August 1, 2007	All	1	1

Delaware County will, to the extent required by law, protect medical records it receives about employees or other staff in a confidential manner. Generally, only those with a need to know the information will have access to it, and, even then, will only have access to as much information as is minimally necessary for the legitimate use of the medical records. In accordance with laws concerning disability discrimination, all medical records of staff will be kept in separate files apart from the employee's general employment file. These records will be secured in the Human Resources Department with limited access by management.

In accordance with the Federal Privacy Rule of HIPAA, medical records are not considered employment records, and will be treated in accordance with the safeguards of the Privacy Rule with respect to their use and disclosure.

Employment medical records are considered to be protected health information, or PHI, subject to HIPAA safeguards, including certain medical records of employees that are related to the job. These employment records not covered under HIPAA include, but are not limited to: information obtained to determine employee 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.

With respect to staff members of Delaware County EMS, only health information that is obtained about staff in the course of providing ambulance or other medical services directly to them is considered PHI under HIPAA. In other words, if Delaware County provides ambulance service to an employee they are protected. These protections are subject to HIPAA exceptions, such as in the situation in which the staff member who used Delaware County EMS was involved in a work-related injury while on duty. If we receive a staff member's medical record in the course of providing the employee with treatment and/or transport, it does not matter that Delaware County happens to be the employer, that record is PHI. If, however, the employee submits a doctor's statement to a supervisor to document an absence or tardiness from work, Delaware County does not need to treat that statement as PHI. Other health information that could be treated as employment related, and not PHI, includes medical information that is needed for Delaware County to carry out its obligations under the FMLA, ADA and similar laws, as well as files or records related to occupational injury, disability insurance eligibility, drug screening results, workplace medical surveillance, and fitness-for-duty-tests of employees.

For questions or concerns contact the Delaware County Human Resources Department or refer to Delaware County Standard Operating Guidelines.

Issuing Authority:



DCEMS Chief Rob Farmer

08/01/2007

Date