
OSHA

Reference Guide

*What You
Need to
Know in
Healthcare*

Second Edition

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Access to records (1904, 1910.1020, 1913.10, and others)

explanation



These records must be made available upon request to current or former employees, employee representatives, OSHA, and NIOSH for examination and copying. Records must be preserved and maintained. Confidentiality issues are addressed.

Under 29 CFR 1910.1020, requirements apply to the maintenance and retention of records for medical surveillance, exposure monitoring, inspections, and other activities and incidents relevant to occupational safety and health.

Individual health records must be kept in the employee health-service department. OSHA defines an employee medical record as one that concerns the health status of an employee and is made or maintained by a physician, registered nurse, or other healthcare professional or technician. Each employee health record must be maintained for the duration of employment plus 30 years, unless a specific occupational safety and health standard requires a different period of time. Laboratory reports and worksheets need to be kept for only one year.

In addition, employers are required to maintain accurate records of certain potentially toxic or harmful physical agents that must be monitored or measured. Employers must promptly advise employees any excessive exposure and the corrective action taken. In certain cases, physical examinations and testing are required. OSHA requires that the employee exposure records be maintained for the duration of employment plus 30 years, and employees or their designated representatives have a right to review their individual employee medical records and records that describe employee exposures.

When employees request their exposure records, the employer is required to furnish them within 15 days. Employee representatives also may examine and copy a worker's exposure records. If prescribed procedures are followed, OSHA has the right to see exposure records.

Confidentiality

Employee health records must be treated with the level of confidentiality necessary to protect employee privacy. However, the employer must make the records available to the employee—or authorized representative—if requested by the employee. Employees or their representatives have the right to examine and copy the results of exposure monitoring.

The employee exposure record contains the following:

- Environmental monitoring, specific sampling results, the collection methodology, a description of the analytical and mathematical methods used, and a summary of other background data relevant to interpretation of the results obtained
- Biological monitoring results that directly assess the absorption of a hazard
- MSDSs or a hazard inventory that describes chemicals and identifies where and when they are used

Exemptions

The following types of records are exempt from the retention rule:

- Health-insurance claims maintained separately from the employer's medical program and its records
- First-aid records of one-time treatment and subsequent observation
- Medical records of employees who have worked for less than one year for the employer need not be retained beyond the term of employment if they are provided to the employee upon termination
- Records that concern voluntary employee-assistance programs, (alcohol, drug abuse, or personal counseling) if maintained separately from the employer's medical program and its records

Additional requirements

The records-access standard also includes the following provisions:

- The storage of information in any form—document, microfilm, x-ray, or automated data processing—is permitted, but chest x-rays must be kept in their original state
- Employer trade secrets should conform with OSHA’s hazard-communication standard
- Employee representatives (such as union representatives) must show an occupational health need for requested records when seeking access to employee exposure records without consent

Similar provisions apply to employees’ medical records. However, for privacy interests, employee representatives are allowed access to the records only with written consent of the employee concerned. The records-access rule requires that employees be informed upon employment, and annually thereafter, of their rights of access to the records and the correct procedures for exercising those rights.

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