



NORTHAMPTON COUNTY

Department of EMERGENCY MEDICAL SERVICES



STANDARD OPERATING GUIDELINES

TOPIC: Medical Records of Employees	SOG #: 2.22.8
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Status: ACTIVE	Written: 03/28/2003
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Approved by: Hollye B. Carpenter	Adopted: 01/01/2013

PURPOSE

To provide guidance to management and staff concerning the privacy of medical records which involve staff members of Northampton County Department of EMS.

SCOPE

All EMS Providers

PROCEDURE

Northampton County Department of EMS 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, they will only have access to as much information as is minimally necessary for the legitimate use of the medical records.

In accordance 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 with limited access by management.

In accordance with the Privacy Rule of the Health Insurance Portability and Accountabilities Act, 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.

Employment records are not 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 my 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.

Nonetheless, despite the fact that such records are not considered HIPAA protected, Northampton County Department of EMS will limit the use and disclosure of these records to only those with a need to have access to them, such as certain management staff, the Company’s designated physician, and state agencies pursuant to state law.



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With respect to staff members of Northampton County Department of 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 Northampton County Department of EMS provides ambulance service to an employee, the protections typically given to such information to our ambulance service patients applies to the employee. These protections are subject to HIPAA exceptions, such as in the situation in which the staff member used Northampton County Department of EMS Service involved in a work-related injury while on duty.

As another example, 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 Northampton County Department of EMS 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, Northampton County Department of EMS 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 Northampton County Department of EMS 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.

If you have any questions about how medical information about you is used and disclosed by Northampton County Department of EMS, please contact our Privacy Officer, Hollye B. Carpenter.