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**SUBJECT: EMPLOYEE'S MEDICAL RECORDS**

**GOAL:** To protect medical records received about District personnel in a confidential manner to the extent required by law.

**PURPOSE:** To provide guidance to management and administrative staff concerning the privacy of medical records which involve District personnel.

**SCOPE:** All District administrative staff with authorized access to personnel files.

**PROCEDURE:** 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 personnel medical records will be kept in separate files apart from the individual's general employment file. These records will be secured with limited access by management.

In accordance with the Privacy Rule of HIPAA, 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. 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.

Nonetheless, despite the fact that such records are not considered HIPAA protected, the District 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 District's designated physician, and state agencies pursuant to state law.

With respect to personnel of the District, only health information that is obtained about them in the course of providing health care or other medical services directly to them is considered PHI under HIPAA. In other words, if the District provides patient care to an employee, the protections typically given to a patient applies to the employee. These protections are subject to HIPAA exceptions, such as if the staff member who was treated by District personnel was involved in a work-related injury while on duty.



As another example: if a member's medical record is received in the course of providing the employee with treatment and/or transport, it does not matter that the District 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, the District 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 the District 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.

Personnel, medical, and other files relating to volunteer personnel will be treated in the same manner as paid employees for recordkeeping purposes.

Questions about how medical information about you is used and disclosed by the District should be directed to the Privacy Officer.