

Yamhill Fire Protection District

District Policies, Procedures, & SOG's

MISSION

*Yamhill Fire Protection District is dedicated to
serve and protect our community*

District Procedure

OPERATIONS

OPS-EMS – 508.2

Medical Records of Employees

Page 1 of 2

Issued: May 13, 2014

OBJECTIVE:

To provide guidance to management and staff concerning the privacy of medical records that involves staff members of the Yamhill Fire Protection District.

PROCEDURES:

Yamhill Fire Protection District 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 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. 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 HIPPA protected, Yamhill Fire Protection 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.

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With respect to staff members of the Yamhill Fire Protection District, 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 Yamhill Fire Protection District provides ambulance service to an employee, the protections typically given to such information of 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 who used Yamhill Fire Protection District was 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 Yamhill Fire Protection 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, Yamhill Fire Protection 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 Yamhill Fire Protection 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 of employees.

If you have any questions about how medical information about you is used and disclosed by Yamhill Fire Protection District, please contact our Privacy Officer.