

**CCEMS**  
**ADMINISTRATIVE POLICY 300-17**  
**HIPAA POLICY ON MEDICAL RECORDS OF EMPLOYEES**


**I. PURPOSE**

- 1.1 To provide guidance to management and staff concerning the privacy of medical records which involve staff members of Coshocton County EMS.

**II. POLICY AND PROCEDURE**

- 2.1 Coshocton County 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.
- 2.2 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.
- 2.3 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.
- 2.4 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:
- 2.4.1 Information obtained to determine the employees suitability to perform the job duties, such as physical examination reports;
- 2.4.2 Drug and alcohol tests obtained in the course of employment;
- 2.4.3 Doctor's excuses provided in accordance with the attendance policy;
- 2.4.4 Work-related injury and occupational exposure reports; and
- 2.4.5 Medical and laboratory reports related to such injuries or exposures, especially to the extent necessary to determine worker's compensation coverage.
- 2.5 Nonetheless, despite the fact that such records are not considered HIPAA protected, CCEMS 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.
- 2.6 With respect to staff members of CCEMS, only health information that is obtained about staff in the course of providing ambulance or other medical service directly to them is considered PHI under HIPAA. In other words, if CCEMS provides medical transport 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 CCEMS 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 CCEMS 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, CCEMS 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 CCEMS 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. Questions regarding how an employee's medical information is used and disclosed by CCEMS should be addressed to the Director at 740-622-4294.

Director: 

Effective: 11/25/2008

Reviewed: \_\_\_\_\_

Revised: \_\_\_\_\_