

Management of Employee Health Record

Godwin Odia, MBA,MPA,RHIA

Former Health Information Management
Consultant

Aberdeen Area Indian Health Service

Aberdeen, South Dakota

Objectives

- What is employee health record?
- Why employee health record?
- Documentation into employee health record
- Access to employee health record?
- Maintenance and retention of employee health record

What is employee health record?

- Employee health record is a record of work related
 - Treatment
 - Examination
 - Exposures to infections, illness and other substances of IHS employee

What is employee health record?

- Any health related information received, created, and maintained by IHS regarding an employee's physical or mental condition in its capacity as an employer
 - Pre-employment and employment physical
 - Immunization records where required or recommended for job performance or condition of an employment
 - Records of exposure to bodily fluids, chemicals and other substances
 - Medical complaints related to work place injuries and illnesses
 - Workers compensation retained record (OWCP), etc.

What is **not** employee health record?

- Counseling and counseling referral records
- Employee assistance records - alcohol, drug abuse records
- Patient Health Records - non-work related

Why employee health record?

- Prevent injuries and illness on the job
- Prevent and or reduce the spread of communicable disease
- Promote safe work environment
- Promote employee health and wellness
- Used for medico-legal reasons
- Comply with federal and other applicable laws

Federal Laws relating to employee health

- Occupational Safety and Health Act (OSHA) 29 CFR 1910
- Family Medical Leave Act (FMLA) 29 CFR section 825
- American with Disability Act – 29 CFR subsection 1630.14(d) and 1630.16(f)

Documentation into employee health record

- Records collected and/or created as a condition of employment or recommended by IHS to its employees in its capacity as an employer
 - Treatment
 - Physical exam, periodic physical includes eye, dental exam
 - Light duty medical documentation
 - Medical care recommended by IHS

Documentation into employee health record

- Written evaluation, diagnoses and opinions by health care providers generated in the course of treatment of an IHS employee for work related injuries and illnesses
- Records documenting work related injuries and illness
- Employee immunizations
- Immunization refusals – required and recommended immunization are documented in the employee health record

Documentation into employee health record

- IHS retained files relating to OWCP claim - considered part of employee health record
- Case filed with OWCP is not part of the employee health record

Consent Form

CONSENT FORM

I have been provided information about the following infectious diseases and vaccines:

(Check the appropriate disease/vaccine)

Measles, mumps and rubella and measles, mumps and rubella vaccines

Influenza and influenza vaccine

Hepatitis B and Hepatitis B vaccine

Diphtheria and tetanus and Td vaccines

Other _____

I read this information and any questions I had about these diseases and vaccines were satisfactorily discussed with me.

Furthermore, I read and understand the Indian Health Service (IHS) Employee Immunization Policy.

My immunization status has been reviewed and evaluated by an appropriate IHS health professional.

Based on the information provided me, the review and evaluation of my immunization status, and the recommendation of Dr. _____, I consent to receive the following (Check the appropriate vaccine)

Influenza

Measles - Mumps - Rubella (MMR)

Measles - Rubella (MR)

Pneumococcal

Rubella

Tetanus

Hepatitis B

Measles

Tetanus - Diphtheria (TD)

Other _____

Date: _____

Witness: _____

Employee: _____

Documenting Refusal

REFUSAL FORM

I have been provided information about the following infectious diseases and vaccines:

Measles and rubella and measles and rubella vaccines

I read the information and any questions I had about these diseases and vaccines were satisfactorily discussed with me.

Furthermore, I read and understand the Indian Health Service (IHS) Employee Immunization Policy.

My immunization status has been reviewed and evaluated by an appropriate IHS health professional, and based on that review, evaluation and the policy of the IHS, I understand that I am unprotected against the following diseases:

Rubella

Measles

However, I do not consent to receive vaccine(s) to the above listed disease (s) I initialed. The potential risks of being unprotected against these/this disease(s) was explained to me. I understand that I am subject to be reassigned or removed from the Service because of my refusal.

Date: _____

Witness: _____ Employee: _____

HIPAA and Employee Health Record

- HIPAA Privacy Rule definition of Protected Health Information is not applicable to employee health record maintained by the Indian Health Service in its capacity as an employer.
- Therefore, HIPAA Privacy Rule would not apply to employee health record maintained by the Indian Health Service.

Access to employee health record

- Covered by government wide Privacy Act but not by HIPAA. Therefore, confidentiality of the individual is protected
- Access limited to:
 - Employee health staff
 - Chief MIS or custodian of record
 - Individual to whom the information pertains (Limitations may apply)

Use and Disclosure of Employee Health Record

- Records may be used or disclosed to the following individuals without the need for authorization:
 - Federal and state official processing workers compensation claims
 - Government officials investigating IHS compliance with employee health record laws
 - Statistical data of employee immunization program to appropriate HHS employees and other Federal officials in support of IHS compliance program
 - Appropriate IHS employees for defense against law suits

Use and Disclosure of employee health record

- IHS may use and disclose the information from ADA medical examination to:
 - Appropriate staff for accommodating and determining work restrictions of an employee
 - Government officials investigating ADA compliance
 - Emergency medical personnel

Use and Disclosure of employee health record

- Any other use or disclosure that does not meet the above, an authorization is required
- Authorization must meet the same elements as a regular authorization for release of medical information

Maintenance of employee health record

- Records must be kept in a secured location
- Separate from other records such as regular medical or personnel record
- Must be initiated as soon as employee is hired

Transfers with employee to another location

Crossover Records

- Under certain conditions, employee patient health record may cross over to become part of employee health record such as
 - OWCP retained files
 - Disability claim
 - Immunization record

Retention of employee health record

- Duration of employment plus 30 years
- Exposure records – 30 years
- OSHA must be notified three months prior to end of retention period before destruction of records

Questions?

- Contact information

Godwin Odia, MBA, MPA, RHIA

605-226-7237

Godwin.Odia@ihs.gov