



**Los Angeles County Department of Health Services**

<b>Policy &amp; Procedure Title:</b>		Workforce Member Health Records	
<b>Category:</b>	700-799 Personnel Policy	<b>Policy No.:</b>	705.050
<b>Originally Issued:</b>	5/1/2017	<b>Update (U)/Revised (R):</b>	
<b>DHS Division/Unit of Origin:</b>		EHS Committee	
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<b>Distribution: DHS-wide</b> <input checked="" type="checkbox"/>		<b>If not DHS-wide, other distribution:</b>	

**PURPOSE:**

To preserve, maintain, and protect the integrity and confidentiality of each Workforce Member’s (WFMs) health records in accordance with federal, state, and regulatory requirements.

**DEFINITION:**

WFMs includes employees, contract staff, affiliates, volunteers, trainees, students, and other persons whose conduct, in the performance of work for DHS, is under its direct control, whether or not they receive compensation from the County.

Employee medical records (paper or electronic) include:

- medical and employment questionnaires or histories including job descriptions and occupational exposures
- results of medical examinations (pre-employment, pre-assignment, annual, periodic, or episodic) and laboratory tests
- medical/health opinions, diagnoses, progress notes, and recommendations
- first-aid records
- descriptions of treatments and prescriptions
- employee medical complaints

**POLICY:**

The Department of Health Services Employee Health Services (DHS EHS) must keep all documentation related to a County or Non-County WFM’s health information confidential and separate from other business records. Confidential WFM health information must not be kept

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*The mission of the Los Angeles County Department of Health Services is to ensure access to high-quality, patient-centered, cost-effective health care to Los Angeles County residents through direct services at DHS facilities and through collaboration with community and university partners.*

in area files, official personnel files, or in any location outside of Employee Health Services (EHS). The EHS Clearance Certificate may be kept in the area file. WFM health information must be kept in the appropriate facility's EHS Department.

## Records

Employment records are protected by special provisions of the Confidentiality of Medical Information Act (CMIA) and the Genetic Information Nondiscrimination Act (GINA). Health information provided to EHS in its role as employer is considered a part of "employment records" and its records are covered by CMIA. The Health Insurance Portability and Accountability Act (HIPAA) does not regulate the uses or discloses of health information in employment records. HIPAA covers "treatment records" which EHS does not provide.

EHS staff is responsible and accountable for initiation, repair and maintenance of all WFMs' health records, as appropriate. WFMs' health records shall be kept locked in a secure location or on a secure computer system. Information may be released from the health files upon written and signed authorization from the WFM, parent/guardian, or as otherwise allowed or required by law (Workforce Member Authorization to Release EHS Health Information).

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. EHS will not ask WFMs to provide any genetic information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

## PROCEDURE:

### I. Maintenance of Employee Health Records

Employee health records will be secured in the facility's EHS department or office.

- A. Each employee will have a health file maintained and stored electronically in the EHS office.
- B. EHS staff will maintain, as appropriate, records of pre-placement health evaluation, annual health screenings, respiratory fit testing, and Cal/OSHA monitoring or hazardous exposures documentation.
- C. EHS will ensure the health records will be protected against loss, defacement, tampering, and/or damage by fire and water.

### II. Maintenance of Non-County Workforce Member Health Records

Non-County workforce member health records are kept by the contract agency and are to be available within four (4) hours of a request or per applicable contract.

### III. Retention of Workforce Members' Health Records

- A. Non-County WFM health records not subject to Cal/OSHA regulations shall be maintained for 3 years after the WFM's termination date.
- B. County WFM health records subject to Cal/OSHA regulation shall be maintained for 30 years after the WFM's termination date.

### IV. Release of Information

- A. EHS health records are the property of the employer and are maintained for the benefit of the WFM and the employer.
- B. Original EHS health records shall not be removed from the control of EHS unless required by an appropriate authorization, court order, subpoena, or statute.
- C. Original EHS health records may be released to the facility in which the employee is assigned without the employee's authorization, for EHS purposes and continuity of care.
- D. EHS may release copies of routine information contained in the EHS health record upon written authorization by the WFM or legally responsible individual unless the disclosure is allowed by law without authorization.
- E. Copies of any information contained within the EHS health record regardless of its original source will not be released without the WFM's authorization.

### ATTACHMENTS/FORMS:

T3 - Workforce Member Authorization to Release EHS Health Information

### REFERENCE(S)/AUTHORITY:

California Code of Regulations:

Title 8, Sections 3204, 5144, 4193, 5199

Title 17, Chapters 4 and 8

Title 22, Section 70723

California Civil Code Sections 56.20 – 56.245

Code of Federal Regulations (CFR):

29 CFR Sections 1910 and 1635

45 CFR Sections 160.103, 164.512 (b)(1)(v)

DHS Policies:

- 705 Health Screening: DHS Employees
- 705.001 Health Screening – Non-County Workforce Members
- 334.200 Influenza Vaccination for Workforce Members
- 925.000 Employee Health Services Program
- 925.100 Immunizations for Workforce Members
- 925.510 Tuberculosis Screening Surveillance Program