

Northwestern

Employee Exposure and Medical Records Access Guidelines

Environmental Health and Safety

Table of Contents

I. Purpose	2
II. Scope.....	2
III. Definitions	2
IV. Responsibilities	3
V. Requirements.....	4
VI. Procedures for Accessing Records	4
VII. Recordkeeping	4
VIII. Regulatory Authority.....	5
IX. Contact.....	5

I. Purpose

The Occupational Safety and Health Administration (OSHA) standards require Northwestern and its associated occupational health partners to maintain employee exposure and medical records and provide access to such records to employees or their designated representatives within 15 working days upon written request.

II. Scope

These guidelines apply to Northwestern employees, schools, units, and associated partners that maintain exposure and medical records, as defined by OSHA, in non-research areas. For exposure and medical records in research areas (e.g., radiation exposure records), contact researchsafety@northwestern.edu.

III. Definitions

- A. **Access:** The right and opportunity to examine and copy or be provided a copy.
- B. **Designated representative:** Any individual or organization to whom an employee gives written authorization to exercise a right of access. For the purposes of access to employee exposure records and analyses using exposure or medical records, a recognized or certified collective bargaining agent will be treated automatically as a designated representative without regard to written employee authorization.
- C. **Employee:** A current or former employee, or employee being assigned or transferred to work where there will be exposure to toxic substances or harmful physical agents.
- D. **Employee exposure record:** A record that may contain any of the following information:
 - i. Results of workplace monitoring of toxic substances or potentially harmful physical agents (e.g., noise, chemicals, dust, fumes).
 - ii. Results of biological monitoring (e.g., blood or urine tests) that assess the absorption of a toxic substance by an individual.
 - iii. Safety data sheets (SDSs) indicating that a material may pose a hazard to human health (refer to the [Northwestern Hazard Communication Program](#)).
 - iv. In the absence of the above-referenced records in **Section III.D.i-iii**, a chemical inventory or any other record that reveals the identity (e.g., chemical, common, or trade name) and time/date and location of use of a toxic substance or harmful physical agent.
 - v. In the absence of direct employee relevant records, such records of other employees with past or present job duties or working conditions related to or similar to those of the employee, to the extent necessary to reasonably indicate the amount and nature of the toxic substances or harmful physical agents to which the employee is or has been subjected.
- E. **Employee medical record**
 - i. A record concerning the work-related health status of an employee that is made or maintained by a physician, nurse, or other health-care provider.
 - ii. May be accessed only by the employee who is the subject of the records, unless the employee has given written consent to a designated representative.
 - iii. May include any of the following:
 - a) Medical and employment questionnaires or histories
 - b) Results of medical examinations and laboratory tests
 - c) Medical opinions, diagnoses, progress notes, and recommendations

- d) First aid records
 - e) Descriptions of treatments and prescriptions
 - f) Employee medical complaints
- F. **Exposure or exposed:** An employee that is subjected to a toxic substance or harmful physical agent in the course of employment through any route of entry (e.g., inhalation, ingestion, skin contact, absorption), and includes past exposure and potential (e.g., accidental or possible) exposure, but does not include situations where the toxic substance or harmful physical agent is not used, handled, stored, generated, or present in the workplace in any manner different from typical non-occupational situations.
- G. **Toxic substance or harmful physical agent:** Any chemical substance, biological agent (e.g., bacteria, virus, fungus), or physical stress (e.g., noise, heat, cold, vibration, repetitive motion) which:
 - i. Is listed in the latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) [Registry of Toxic Effects of Chemical Substances \(RTECS\)](#), which is incorporated by reference as specified in 29 CFR 1910.6, or
 - ii. Has yielded positive evidence of an acute or chronic health hazard in testing conducted by, or known to, Northwestern, or
 - iii. Is the subject of a Safety Data Sheet (SDS) kept by or known to Northwestern, indicating that the material may pose a hazard to human health.

IV. Responsibilities

- A. **Environmental Health and Safety (EHS)**
 - i. Adhere to the requirements of these guidelines.
 - ii. Review and revise these guidelines, as necessary.
 - iii. Maintain records in accordance with **Section VII – Recordkeeping**.
 - iv. Collaborate with schools, units, employees, and others as necessary to perform exposure monitoring deemed necessary by EHS, regulatory agencies (e.g., OSHA), or other qualified safety consultants.
 - v. Provide exposure monitoring results and any associated analyses to employees monitored for exposure and their supervisors and designated representatives, if applicable (reference **Section V – Requirements** and **Section VI – Procedures for Accessing Records**).
 - vi. Inform affected schools and units of their employees' rights to access medical and exposure records on an annual basis.
 - vii. Provide consultation and guidance, as necessary.
- B. **Schools and units**
 - i. Adhere to the requirements of these guidelines.
 - ii. Collaborate with EHS and others as necessary to perform exposure monitoring deemed necessary by EHS, regulatory agencies (e.g., OSHA), or other qualified safety consultants.
 - iii. Ensure affected employees are provided with applicable exposure monitoring records and any associated analyses, as provided by EHS.
 - iv. Inform affected employees of their rights to access medical and exposure records on an annual basis.

C. **Employees**

- i. Adhere to the requirements of these guidelines.
- ii. When assigned by their school or unit, collaborate with EHS and others as necessary to participate in exposure monitoring.

D. **Occupational health partners**

- i. Adhere to the requirements of these guidelines and applicable standards (e.g., Health Insurance Portability and Accountability Act – HIPAA).
- ii. Maintain records in accordance with **Section VII – Recordkeeping**.
- iii. Provide medical records and associated analyses to employees and designated representatives upon request.

V. Requirements

- A. Employees and their supervisors, including affected employees of similar exposures, will be provided with exposure records and associated analyses within 15 working days of exposure monitoring in writing or by posted results in an appropriate location that is accessible to affected employees.
- B. Employees and designated representatives must be provided with access to employee exposure and medical records and associated analyses, relevant to the employee's working conditions and/or workplace, within 15 working days of the request.
- C. Additional requirements for exposure and medical records, and associated analyses, can be found in 29 CFR 1910.1020.

VI. Procedures for Accessing Records

- A. Exposure records and associated analyses
 - i. Complete and submit the [Exposure Records Release Authorization Form](#).
 - ii. The employee will be notified once the records are available for pick up on campus, and a signature will be required upon receipt.
 - iii. If access to records cannot be made within 15 working days, employees and designated representatives will be notified of the reason for the delay and the earliest date the record will be available.
 - iv. Requests by designated representatives for unconsented access to employee exposure records must be in writing to EHS and must specify with reasonable particularity:
 - a) The records requested to be disclosed, and
 - b) The occupational health needs for gaining access to these records.
- B. Contact the appropriate occupational health partner to access occupational medical records and associated analyses. Refer to **Section IX – Contact**.

VII. Recordkeeping

A. **Exposure records**

- i. EHS will preserve and maintain exposure records and associated analyses for at least 30 years and make them available to employees, designated representatives, and regulatory agencies (e.g., OSHA), upon request.
- ii. Safety data sheets (SDS) and records concerning the identity of a substance or agent need not be retained for any specified period as long as some record of the identity (e.g., chemical name, if known) of the substance or agent, where it

was used, and when it was used is retained for at least 30 years. Refer to the [Northwestern Hazard Communication Program](#).

- B. EHS will maintain a copy of 29 CFR 1910.1020 OSHA standards and make them available to employees upon request.
- C. **Medical records:** Northwestern's occupational health partners are responsible for preserving and maintaining medical records and associated analyses for the duration of employment plus 30 years.

VIII. Regulatory Authority

Northwestern and its contractors will comply with the Occupational Safety and Health Administration's (OSHA) standards and any other applicable codes and standards, including:

29 CFR 1910.1020 – Access to Employee Exposure and Medical Records
National Institute for Occupational Safety and Health (NIOSH) [Registry of Toxic Effects of Chemical Substances \(RTECS\)](#)
[Northwestern Hazard Communication Program](#)

IX. Contact

- A. For exposure records questions, contact Environmental Health and Safety at ehs@northwestern.edu.
- B. For medical records access and questions, contact:
 - i. [Northwestern Medicine](#)
676 N St Clair Street, Suite 900, Chicago, IL 60611
(833) 622-6333
 - ii. [Endeavor Health](#)
1000 Central, Suite 800, Evanston, IL 60201
(847) 657-1700
 - iii. [Northwestern University Center for Audiology, Speech, Language, and Learning \(NUCASLL\)](#)
2315 Campus Drive, Evanston, IL 60208
(847) 491-3165
 - iv. [The EI Group, Inc.](#)
2101 Gateway Centre Blvd, Suite 200, Morrisville, NC 27560
(919) 657-7500