

**REPORTING PROTECTED HEALTH
INFORMATION TO EMPLOYERS UNDER OSHA
AND SIMILAR LAWS POLICY**

RESPONSIBILITY: Privacy Official or Designee(s), Director of Employee Health,
and Health Care Professionals

BACKGROUND:

The Federal Occupational Safety and Health Act, and the Federal Mine Safety and Health Act, require employers to record and/or report work-related injuries or illnesses. Employers are also required to monitor employees' exposure to certain hazardous substances, and to remove employees from exposure when toxic thresholds are met. State laws may impose similar requirements.

In order to determine whether an employee's injury or illness is work-related, or the degree of an employee's exposure to a dangerous substance, a health care professional may be requested to examine the employee. Bureau for Behavioral Health and Health Facilities (BHFF) may disclose the results of such examination to the employer without obtaining a written authorization from the employee, but the disclosure must be in accordance with this policy. Only the minimum protected health information (PHI) necessary for the employer to fulfill the recording, reporting and exposure monitoring obligations may be disclosed. See the MINIMUM NECESSARY RULE.

This policy is applicable even when the employer is BHFF or another component of BHFF.

POLICY:

1. BHFF may disclose PHI to an employer, as necessary, to permit that employer to comply with federal and state laws that require the recording and reporting of work-related injuries, illnesses, and exposures. It is not necessary to obtain an authorization (see AUTHORIZATION TO USE OR DISCLOSE PROTECTED HEALTH INFORMATION policy) from the employee in order to make such disclosures.
2. The employee must be referred to BHFF by the employer specifically for purposes of determining whether he or she has a work-related injury or illness, or for purposes of determining or measuring the degree of exposure to a hazardous substance.
3. Only the minimum PHI necessary to permit the employer to comply with applicable federal and state laws may be disclosed. These laws include the federal Occupational Safety and Health Act (OSHA) and the Federal Mine Safety and Health Act (MSHA).
4. A written notice must be given to any employee who is examined, at an employer's request, to determine whether he or she has a work-related injury or illness, or to determine or measure the degree of exposure to a hazardous substance. The notice

must inform the employee that protected health information will be provided to the employer, as necessary to satisfy obligations imposed by OSHA and similar laws regarding recording, reporting, and monitoring work-site illnesses, injuries, and exposures to hazardous substances. A copy of the currently approved notice is attached to this policy as an appendix.

5. The same notice must be given to the patient each time he or she is examined or treated for a work-related injury, illness, or exposure. This notice is in addition to the notice of privacy practices, and may not be combined with that notice or any other form.
6. If the health care services are provided to the employee on the employer's premises, the above notice does not need to be given to the employee if the employer has provided him or her with a substantially equivalent notice, or has posted a substantially equivalent notice in the location where the care is given. This includes any employee health clinics operated by BHHF By BHHF.
7. The required notice will be posted in a prominent location in any employee health clinic operated by BHHF. This is in lieu of providing the required notice to each BHHF employee examined in such clinics for purposes of OSHA and similar reporting and monitoring.

Effective Date: 4/14/03

Dates Revised:



Jerome E. Lovrien, Commissioner, Bureau for Behavioral Health and Health Facilities