



FESHM 5310: PREVENTIVE AND OCCUPATIONAL MEDICINE

Revision History

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Nancy L. Grossman	Combined FESHM 5320 and 5330 into 5310.	August 2011
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Timothy M. Miller	Initial release of Chapter 5320 addresses topics not previously included in FESHM.	August 2011
Timothy M. Miller	Chapter 5330: name and contents were changed from “medical information practices” to “medical records.” Chapter reformatted according to new template. The Medical Department’s lead role in medical record management was clarified. References to external documents were added. Where ever reference is made to distributing medical records beyond employees and the Medical Department, the phrase “need-to-know basis” was added. Contents were updated to address requirements in Fermilab’s PII program as well as those in the Genetic Information Nondiscrimination Act of 2008 (GINA). A reference was added for the Medical Department’s new medical record computer security plan.	February 2011



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1.0 INTRODUCTION

The primary goal of occupational medicine is the prevention and management of injuries and illnesses that can arise in the course of employment. At Fermilab, this is accomplished by assuring that workers are sufficiently fit to carry out their assigned duties, monitoring the potential health impacts on workers exposed to particular hazards, managing work-related injuries and illnesses when they occur, and providing consultation to workers and managers.

Other functions carried out in a comprehensive occupational health program include non-occupational first aid, medical health promotion, and workplace wellness. Although it can be argued that these activities are not explicitly work-related, it is recognized that they provide substantial benefits to both employees and to Fermilab.

First aid care is available to anyone onsite; primarily through Fermilab's Medical and Fire Departments. Medical health promotion activities are provided to Fermilab employees including advice based on reviews of health histories and health-related behaviors, as well as the results of medical tests. The [Fermilab Wellness Office](#) in WDRS also offers a variety of recreation, fitness and wellness programs to encourage employees, users, visitors and contractors to live balanced and healthy lives. Although Fermilab provides these limited first aid and health promotion services, it is not the Lab's role to function as a primary health care provider.

Confidentiality is another aspect of occupational medicine that must be addressed. The open exchange of information between patients and health care providers is critical to the effective management of health and the prevention of harm to others. Therefore, confidentiality is a key to encouraging candor.

This chapter describes the occupational medical services and associated activities that are provided through the FMD.

2.0 DEFINITIONS

Americans with Disabilities Act of 1990 (ADA) – A law intended to make American Society more accessible to people with disabilities. Title I prohibits employers from discriminating against qualified individuals with disabilities. Prospective employers are prohibited from asking questions about an applicant's disabilities or to have them submit to a medical exam before a job offer is extended. In addition, the law requires employers to make reasonable accommodations for persons with disabilities.

First aid – Immediate care given to someone experiencing an injury or sudden illness. First aid for employee occupational injuries and illnesses is addressed in section 5 of this chapter, while section 6 addresses first aid that is non-occupational from the standpoint of a Fermilab employee including any kind of first aid for others including subcontractors. Definitive treatment is normally provided by a personal health care professional.



Department of Energy (DOE) – A cabinet-level agency whose mission is to ensure America's security and prosperity by addressing its energy, environmental, and nuclear challenges through transformative science and technology solutions. Nearly all of Fermilab's funding comes from this organization.

Emergency Medical Technician (EMT) - Emergency responders trained to provide immediate care for sick or injured people and transport them to medical facilities. Fermilab's Fire Department is staffed with Illinois State certified EMTs.

Environment, Safety and Health (ES&H) – The name adopted by DOE to describe the combined functions of environmental and occupational protection. At Fermilab, this includes the ES&H Section, as well as personnel ES&H personnel within other D/S/Cs.

Family Medical Leave Act of 1993 (FMLA) – A law that provides certain employees with up to 12 workweeks of unpaid, job-protected leave a year and requires group health benefits be maintained during the leave. New military family leave entitlements (qualifying exigency leave -- 12 weeks, and military caregiver leave -- 26 weeks) were added in 2008.

Fermilab Medical Department (FMD) – The organization with primary responsibility for managing Fermilab's occupational medical program.

Genetic Information Nondiscrimination Act of 2008 (GINA) - A law that prohibits health insurers from denying coverage or charging higher premiums to currently healthy individuals based on genetic predispositions to diseases. Employers are also prevented from using genetic information in making decisions about hiring, firing, job placement, or promotion.

<http://www.eeoc.gov/laws/statutes/gina.cfm>

Health Insurance Portability and Accountability Act of 1996 (HIPAA) - A law that helps to assure health insurance coverage after leaving a job, standardizes electronic transactions to help control health care costs, and imposes strict controls on how electronic data must be managed. HIPAA does not apply to persons involved in the management of workers' compensation cases and specifically permits medical providers to disclose relevant medical records in these circumstances (45 CFR 164.512 (l)). <http://www.hhs.gov/ocr/privacy/>

Health Risk Assessment (HRA) – An evaluation of health risk based on lifestyle, family history and current health status. The Fermilab Medical Department conducts voluntary HRAs on employees who are eligible to receive employment benefits (e.g., group medical insurance).

Long Term Disability (LTD) – An insurance program that pays a portion of an employee's salary after an extended period away from work due to a non-work disability. At Fermilab, LTD pays 60% of an employee's salary and can begin after six months of absence.

Medical record – Documentation of a patient's medical history including complaints, physical findings by medical professionals, and results of diagnostic tests and procedures, as well as medications and therapeutic procedures.



Occupational Medical Surveillance Group - employees participating in regularly-scheduled mandatory medical monitoring to assure their fitness to engage in a specific work activity (e.g., respirator usage) or to identify changes in their health status associated with exposure to a specific hazard (e.g., lead).

Oxygen deficiency hazard (ODH) - an operation which exposes personnel to an increased risk of fatality due to oxygen deficiency. Unlike confined spaces, ODH work spaces are generally designed for occupancy and provided with normal access and egress. In addition, the hazard is primarily limited to oxygen deficiency which is well understood and controlled through quantitative risk assessment. See <http://esh-docdb.fnal.gov/cgi-bin/ShowDocument?docid=387> for additional information.

Personal health care provider – A health care provider, usually a physician, who assumes responsibility for the health care of an individual. FMD staff are not personal health care providers for members of the Fermilab community. However, they may offer services that can complement those of a personal health care provider.

Personally-Identifiable Information (PII) - Information that can be used to distinguish or trace an individual's identity. For more information, see <http://cd-docdb.fnal.gov/cgi-bin/ShowDocument?docid=2134>

Protected Personally-Identifiable Information – PII about a person that could cause them serious harm if misused by others. Harm would most likely occur through identity theft or other unauthorized use/misuse of this information. A detailed medical record is considered to be one type of protected PII.

Site Occupational Medical Director (SOMD) – The name adopted by DOE to describe the physician responsible for the overall direction and operation of the site occupational medical program. At Fermilab, the SOMD is the head of the Medical Department.

Work Activities Analysis Form (WAAF) - An online questionnaire used to communicate worker job functions and potential exposures to Medical Department personnel. This application includes a checklist that allows supervisors to identify the nature and frequency of potential workplace exposures. A WAAF must be completed prior to each (HRA). In addition, FMD personnel may request a review and update of an employee's WAAF any time they are placed on work restrictions, job transfer or extended period since last update.

Workforce Development and Resources Section (WDRS) – The Fermilab section that provides vital services to Laboratory employees and users in support of the research mission of Fermilab, and to improve national science education through teacher, student, and public programs. For more information see <http://wdrs.fnal.gov/index.html>.



3.0 RESPONSIBILITIES

3.1 Employees

- Baseline and annual medical surveillance program physical examinations will be completed by employees exposed to workplace hazards. Employees must schedule the appointment with FMD and notify their supervisor or manager of the appointment.
- If an employee accumulates more than three consecutive days or 24 hours of sick leave, their health status must be reviewed by FMD staff prior to their return to work.
- Before an employee may return to work following a period of absence due to an occupational injury/illness, they must first be evaluated by the FMD.
- Employees shall report all injuries/illnesses to the FMD that could potentially be work-related immediately.
- If transported by ambulance to a local hospital, must clear through FMD.
- If undergoing a surgical procedure, must clear through FMD, even if gone for just one day (such as an angiogram).
- Nuclear medicine procedures clear through FMD and their division/section/center radiation safety officer (RSO).

3.2 Supervisors

- Supervisors shall provide information regarding the details of temporary transfers to medical professionals in the FMD.
- Employees may be exposed to hazards with medical surveillance requirements. Supervisors shall document this information in the WAAFs and ensure employees participate in the associated medical surveillance programs.
- Supervisors must update WAAFs before an appointment will be scheduled for a HRA.

3.3 Senior Safety Officers (SSOs)

Senior safety officers are responsible for designating employees within their Division/Section/Center who participate in occupational medical surveillance programs. They are responsible for communicating the addition and removal of individuals to the FMD.

3.4 Division/Section/Center ES&H Personnel

Division/Section/Center ES&H personnel are encouraged to provide information regarding the details of temporary transfers to medical professionals in the FMD.

3.5 Fermilab Medical Department (FMD)

This organization has primary responsibility for maintaining Fermilab's medical records. FMD will notify employees when they are due for physical examinations through automatic e-mail notices.



3.6 Computing Division (CD)

This organization has primary responsibility for providing technical and administrative expertise in the design, operation and maintenance of secure electronic data management system(s) for Fermilab's occupational medical records.

3.7 Site Occupational Medicine Director (SOMD)

The site occupational medicine director in the ES&H Section has primary responsibility for assuring implementation of the Medical Department aspects of this chapter.

3.8 Lead Recreation Specialist

The lead recreation specialist in the WDRS has primary responsibility for implementing the workplace wellness aspects of this chapter.

4.0 OCCUPATIONAL MEDICAL SERVICES PROGRAM DESCRIPTION

4.1 Applicability

Fermilab's occupational medicine program is primarily limited to Fermilab employees (full-time, part-time and on-call). Medical surveillance may be provided to others doing work on site as a matter of expedience (cost, convenience or assurance). This is most often encountered as a pre-requisite for participating in Oxygen Deficiency Hazards operations (see [chapter 5064](#) in this manual).

5.0 OCCUPATIONAL MEDICAL SERVICES PROCEDURES

5.1 Fitness reviews

The purpose of medical fitness reviews is to ensure that workers do not have medical conditions that may be aggravated by their job duties or that may adversely affect the health or safety of others. Critical factors in the review process are worker health status, job duties, and work environment. At Fermilab these factors are used to focus the content of medical reviews in order to optimize benefits while minimizing the use of resources.

5.1.1. Employment status reviews

Hire –WDRS notifies the FMD whenever a job offer has been extended and also provides a copy of the associated job requisition. FMD staff review the requisition to determine whether potential job risks are such that the candidate must successfully complete a medical exam prior to being hired. This is referred to as a “post-offer” exam. Such jobs typically involve significant physical demands and/or participation in an occupational medical surveillance group. If this is the case, successful completion of this exam is a prerequisite for employment and is scheduled to occur as soon as possible. If not, the medical exam may be delayed, though it must be completed before the end of the probationary period. This is referred to as a post-offer with ID exam.



Termination – The WDRS notifies the FMD whenever an employee is about to terminate employment. FMD staff review the employee’s medical chart to see whether there are occupational health issues that warrant a final interaction. A history of work injuries or participation in an occupational medical surveillance group would typically indicate that a final visit may be required.

5.1.2. Return to work reviews

>3 days (24 hours) of sick leave – If an employee accumulates more than 3 days (24 hours) of sick leave, their health status must be reviewed by FMD staff prior to their return to work. The assessment will determine the employee’s level of fitness in one of three categories:

- Fit to perform all regularly-performed duties
- Specific work limitations are imposed
- Not well enough to perform any duties

In the case of limitations or total disability, the employee’s supervisor will be formally notified.

The FMD will also verify for the Payroll Department whether documentation has been received that substantiates the occurrence of an illness. Appropriate certification includes a written statement from a physician that clearly states the following:

- Diagnosis
- Prognosis
- Date of visit
- A medical confirmation that the employee was unable to work due to illness
- The period of absence covered by the illness
- The physician’s signature

This information is considered to be individually-identifiable medical information and is handled in accordance with this Chapter. Failure to provide written certification may result in the denial of sick leave, a subsequent loss of pay and/or disciplinary action.

In all cases subsequent to a non-occupational injury/illness the employee’s supervisor will be formally notified regarding the results of the evaluation.

Occupational Injury/Illness (OII) – Before an employee may return to work following a period of absence due to an occupational injury/illness, they must first be evaluated by the FMD. As with extended sick leave, the assessment will determine the employee’s level of fitness in one of three categories:



- Fit to perform all regularly-performed duties
- Specific work limitations are imposed
- Not well enough to perform any duties

In all cases subsequent to an occupational injury/illness, the employee's supervisor will be formally notified regarding the results of the evaluation.

5.1.3. Health Status Change Reviews

Long-term/Chronic conditions – Some employees develop potentially work-impacting health conditions without being in a work category that otherwise requires a review of fitness by the FMD. Examples include non-occupational problems of the back, joints, balance or consciousness, as well as the use of function-impairing medications.

Employees who develop such conditions are encouraged to report them to a medical professional in the FMD. This may be done by phone, e-mail, in person, etc. If an external health care professional has imposed specific work-related limitations or work impacts are already ongoing or imminent, employees are required to provide a status report to the FMD. In some cases limitation of work activities may be necessary.

Reproduction - If a woman knows or suspects that she is pregnant, and has concerns about radiation exposure, she should refer to [Article 951](#) in Chapter 9 of Fermilab's Radiological Control Manual. Concerns about potential reproductive impacts from other occupational exposures can be addressed via an appointment with a medical professional in the FMD.

Occupational injury/illness – Following recovery from an occupational injury or illness, an employee may have residual limitations. This is accommodated to the extent possible.

5.1.4. Work activity change reviews

Permanent transfers – When a posted position is filled via internal transfer, the WDRS sends a notice to the FMD identifying the individual who filled the position. The supervisor for the newly-filled position then updates the WAAF of the employee. The SOMD reviews the WAAF in light of the information contained in the employee's medical chart. In most cases, there is no need for additional follow up. Occasionally, the employee will be asked to talk or meet with the SOMD. Activity modifications are sometimes required.

Temporary transfers – Employees are occasionally given temporary assignments in other organizations or locations and may perform work that differs from their usual jobs. A particular example of this is accelerator shutdowns where workers are often reassigned in large numbers. Supervisors and Division/Section/Center ES&H



personnel shall provide information regarding the details of temporary transfers to medical professionals in the FMD. Review of medical fitness and modification of activities are handled in a fashion similar to that used for permanent transfers.

5.1.5. Impairment reviews

Employees may be observed behaving in a way that brings into question their ability to safely and/or effectively carry out the responsibilities of their assignment. If the behavior appears to be related to a health condition, medication or substance abuse, the FMD is available to assess the fitness of the employee to continue working.

5.2 Surveillance programs

5.2.1 Selection criteria - SSOs designate employees who are participating in occupational medical surveillance programs. They are responsible for communicating the addition and removal of individuals to the FMD.

5.2.2 Required medical monitoring – The content and frequency of monitoring varies with surveillance group. However, the organs/systems most likely to be adversely affected are the subjects of review. There is typically a baseline exam prior to participation, periodic exams during participation, and a final exam upon termination of employment.

5.2.3 List of surveillance programs

Hazard	Surveillance requirement
ODH	FESHM 5064
Hearing conservation	FESHM 5061
Respiratory protection	FESHM 5103
Laser	FESHM 5062.1
Lead	FESHM 5052.3
Firefighter	NFPA 1582
CDL	49 CFR 391.41
Grit blasting	29 CFR 1910.1000, 29 CFR 1926.55
Beryllium	FESHM 5052.5
Asbestos	FESHM 5052.4
Hazardous waste	29 CFR 1910.120(f)
Roads & Grounds	Physical job – best management practice
Daycare	Tuberculosis - 77 IAC 696.140(a)(5)
Security guards	DOE requirement – medical clearance
Shutdown crews	Temporary transfers – best management practice
Snow removal	Physical job – best management practice
Vehicle Maintainance	49CFR 391.41



5.3 Occupational Injury / Illness Management

5.3.1. Emergencies

The onsite phone number to obtain help in any emergency is 3131. The call should be placed from a safe location. Be prepared to clearly identify the location and stay on the line until the operator no longer needs your assistance. In medical emergencies, expect that an ambulance will respond to the scene.

5.3.2. Notification

Notification and investigation processes are described in [Chapter 3020](#) of this manual.

5.3.3. Evaluation

The SOMD (or designee) is responsible for evaluating the nature and extent of occupational injuries/illnesses. This is accomplished through direct examination or through the efforts of other medical/health professionals.

5.3.4. Treatment

Minor procedures to repair damaged tissues, minimize discomfort, speed recovery or prevent future medical conditions may be administered onsite under the direction of the SOMD. These can include some kinds of inoculation, bandaging, bracing, splinting, wound cleaning/flushing, foreign object removal, use of cold packs, suturing or medications. Procedures to treat (potentially) serious conditions, as well as those requiring specialized skills or equipment are dealt with by referral to offsite providers.

5.3.5. Workers' Compensation

Fermilab manages its workers' compensation program in accordance with the Illinois Workers' Compensation Act (820 ILCS 305).

You shall report all injuries/illnesses to the FMD that could potentially be work-related. If a case is potentially compensable, you will be given instructions on how to proceed.

5.4 Consultation

The FMD staff is available to advise workers on health issues that affect job performance. Here are examples of the kinds of consultation that are available:

5.4.1. Managers

Excessive employee sick leave use. Workers with medical conditions or chemical substance problems that may affect job performance or safety.

5.4.2. Workers

Concerns about (potential) workplace hazards or exposures. (Potential) impact(s) of work with pre-existing medical conditions.



5.4.3. ES&H

Management of occupational injury/illness cases. Adding/removing workers from medical surveillance groups.

5.4.4. Personnel (WDRS)

Issues related to Family Medical Leave Act (FMLA), Employee Assistance Program (EAP), American with Disabilities Act (ADA) and Long Term Disability (LTD).

5.4.5. Payroll (Finance Section)

Sick leave and workers' compensation leave usage.

6.0 NON-OCCUPATIONAL FIRST AID AND HEALTH PROMOTION PROCEDURES

6.1 First Aid

It is not unusual for people to discover an urgent need for medical assistance while on the Fermilab site. This may arise from either occupational or non-occupational reasons. This section only deals with conditions that are not associated with workplace incidents or exposures to Fermilab employees. See Section 5.3 for procedures associated with employee occupational injuries and illnesses.

Fermilab provides first aid care to anyone onsite. Those who receive first aid or medical assessment services at Fermilab will be referred to definitive outside care as appropriate. It is not Fermilab's role to function as primary health care provider.

6.1.1. Emergencies

If someone needs emergency care, summon fire department EMTs by calling X3131. If in doubt, err on the side of making the call. If you can do so safely, please stay on the line to continue providing information to the emergency operator until the EMTs arrive.

6.1.2. Self-treatment

If the condition does not constitute an emergency, is well-understood, and you have an effective method for dealing with it, you should proceed according to your pre-existing plan of action. It is suggested that you inform the FMD, your supervisor, and others who may be affected regarding your condition. In this way they will understand what is going on and be better able to take appropriate actions.

6.1.3. When to Go For Onsite Help

If the condition appears to warrant prompt attention by a medical professional (but is not an emergency), is not well-understood, and/or you do not have an effective method for dealing with it, you should proceed to the FMD during normal work hours. This organization is located on the northwest corner of Wilson Hall at the ground floor level. Their onsite phone number is 3232 and regular hours of operation



are Monday through Friday, 7 a.m. to 3:30 pm. Parking spaces are reserved for people with medical issues in the lot outside the medical office. At other times you may proceed to the Fermilab Fire Department that is staffed 24/7. The onsite non-emergency phone number for the Fire Department is 3428 and they are located at the south end of Site 38 on Receiving Road.

6.1.4 Minors

As noted above in 6.1.1, fire department EMT's will provide emergency medical care to anyone onsite, including minors. However, the FMD is not legally permitted to provide medical care for a minor unless a parent or guardian has granted consent. When minors are expected to be on the Fermilab site without a parent or guardian being present, it is a good idea for them to carry a signed release that can be presented in case of need. Alternatively, the FMD will try to contact the parent or guardian via phone.

6.1.5 State Reporting

Fermilab medical or emergency response personnel may discover suspected cases of [communicable disease infection or child abuse](#) while providing medical assistance. These are reported to State of Illinois authorities in accordance with requirements.

6.2 Medical Health Promotion

FMD health promotion services are only available to Fermilab employees.

6.2.1. Health Risk Assessments (HRAs)

HRAs are voluntary unless they are part of work-related fitness reviews or surveillance programs (see Section 5.2). They are intended to compliment services provided by a personal health care provider. HRAs are offered every two years to employees through age 45 and annually thereafter. A computer application is used to track visits and sends out e-mail invitations to employees at the appropriate interval. These messages remind employees that their WAAFs must be updated by their supervisor before an appointment will be scheduled.

The HRA consists of two parts, normally on separate visits: (1) an exam with a physician or nurse and (2) medical testing with a nurse. The first part includes an update of your medical history, an assessment of your health, an opportunity to have questions answered, and selection of medical tests to be included in the second part of the HRA. The medical history includes a review of your health status, medical screenings, exercise, and medications. The health assessment typically includes a cursory examination of your head, ears, nose, throat, heart, lungs and abdomen.

The second part of the HRA may include any of the following tests.

- Blood analyses
- Urine analyses (UA)
- Electrocardiogram (EKG)
- Visual acuity



- Tonometry (ocular pressure)
- Spirometry (breathing test)
- Audiometry (hearing test)

The blood test includes a comprehensive metabolic panel (CMP) which checks for heart function, kidney function, liver function in addition to the electrolytes. The complete blood count (CBC) checks for anemia and leukemia. The lipid profile checks cholesterol, lipid level in addition to good and bad cholesterol. If diabetes is a concern, glycolated hemoglobin (HgbA1C) is analyzed. For men over 40 years, the prostate-specific antigen (PSA) is analyzed. Thyroid stimulating hormone (TSH) is generally checked at age 50 then repeated every five years in asymptomatic individuals.

A urine test detects the byproducts of normal and abnormal metabolism, as well as the presence of cells, cellular fragments, and bacteria. The results are used to evaluate the health of the kidneys and bladder.

At the completion of each HRA a physician or nurse in the FMD reviews the results and provides advice to the employee regarding proposed changes to health behaviors and items that should be followed up with their personal health provider. This is accomplished using the “Orders/Feedback” form.

6.2.2. Inoculations

These vaccinations are offered to full-time, part-time, term and temporary Fermilab employees in active work status. Experimenters, contractors, day workers, on-call employees, retirees, dependents of employees are not eligible for participation in this program.

Influenza - In the autumn of each year, Fermilab offers seasonal influenza vaccines. Persons considered to be at high risk of complications from contracting influenza are given priority in the administration of available vaccine.

Tetanus

- Td (Tetanus-Diphtheria) should be administered every 10 years in adults. However, it can be given as frequently as every five years in persons subject to tetanus-prone injuries.
- Tdap (Tetanus-Diphtheria-acellular Pertussis) should be administered one time in adults. It can be given as a replacement for a periodic Td inoculation or when needed to protect against an exposure to pertussis.

6.2.3. Other

Education / Consultation – The SOMD is a regular contributor to the weekly safety tip column in the electronic newsletter *Fermilab Today*. Both occupational and non-occupational topics are addressed in these articles. Similarly, health promotion is a



key feature in a monthly flyer called the *Porcelain Press* which is published by the ES&H Section. Occasionally an employee may have difficulty understanding a medical test or diagnosed condition. With the help of descriptions, models, and internet resources, the FMD staff can help the employee better understand a condition and possible next steps. The FMD web page also contains a wealth of information (<http://esh.fnal.gov/xms/Resources/Medical>).

Health monitoring - With the knowledge and consent of an employee's primary health care provider, FMD staff can assist in monitoring health-related indices such as blood pressure, blood glucose, heart rate and heart rhythm. The intent is to assist the employee's physician in making better informed decisions.

Referrals - An employee may not know how to appropriately access health care for a given condition or may be seeking a medical subject matter expert. The FMD staff can assist in providing contact information for these purposes.

6.3 Workplace Wellness

The web page for the Fermilab Wellness Office web is located here:
<http://wdrs.fnal.gov/wellness/>

This organization offers brown bag lunch seminars; fitness classes; an outdoor pool; tennis, volleyball, and basketball courts; a softball diamond, a soccer field, and canoe rentals, as well as memberships in clubs and leagues.

7.0 MEDICAL RECORDS

7.1 Privacy

Privacy of medical records is of great importance to Fermilab. FMD will retain all employee medical records. Individual medical records are not released, except upon the express written consent of the individual, or as required by law or by legal order from Courts of competent jurisdiction.

FMD adheres to the medical confidentiality requirements established by the American College of Occupational and Environmental Medicine (ACOEM) in their Code of Ethical Conduct. In particular, communications with managers may include issues that relate to job limitations, work restrictions, absences, fitness for duty, disability or other general information.

HIPAA does not apply to the activities conducted by the FMD. Further, this exclusion extends to workers' compensation. In general, HIPAA does not apply to information created or received by Fermilab in its capacity as an employer. In particular, the FMD is exempt from the requirements of HIPAA because it does not transmit data electronically in a "standard transaction," does not submit claims for payment, does not seek authorization from an insurer for the performance of services, and does not engage in other activities that would be regarded by HIPAA as "covered transactions." The



exemption from HIPAA also applies to implementation of the FMLA and the ADA, as well as programs for drug testing, workplace surveillance and fitness for duty.

GINA restricts the collection and use of genetic information by employers. According to this law, family medical history is one kind of genetic information. Though such information may not be used for employment purposes, it is still useful for individual risk assessment and treatment decisions. In order for workers to share family medical history information with the FMD, they must first sign a release. [Note that this requirement does not apply to information collected before 11/21/2009.] Sharing of genetic information beyond the FMD requires an additional express written consent by the individual.

7.1.1. Access and Release

Employees may review their paper and electronic medical records that are maintained by the FMD and have the opportunity to add notations regarding perceived inaccuracies. A medical professional of the FMD will stand by to assist the employee in locating and understanding the desired information. Please contact the FMD by phone (X3232) to set up an appointment for this purpose. Employees can also request a copy of their medical records.

Medical records are not released to any other organizations or persons without the prior written consent of the worker. The FMD has a form that can be used for this purpose. Workers are counseled to limit the amount of information released by designating the specific portions they desire released.

7.2 Collection and Use

The FMD adheres to the following practices for information contained in medical records.

The FMD collects medical record information through a variety of mechanisms including employee-completed forms (paper and electronic), interviews, examinations, tests, investigations, and reports. These data are used to help identify and manage health problems, as well as to comply with occupational monitoring requirements.

Members of the FMD who have signed a confidentiality agreement are granted full access to these medical records. The confidentiality agreement states that signers are subject to discipline, up to and including termination, should they reveal medical record information beyond that described in this notice.

The workers' compensation law in Illinois allows for the transfer of information contained in medical records without the prior approval of the injured person. Because of this, members of the FMD may share workers' compensation records with organizations and persons involved in the associated processes (medical providers, insurers, lawyers). This includes information pertaining to workers' compensation cases, as well as information associated with potentially-related prior injuries and pre-existing medical conditions.



Members of the FMD are authorized to communicate the following kinds of information to management representatives, ES&H personnel, and human resource personnel on a need-to-know basis. In all circumstances, access will be limited to that necessary to address assigned responsibilities.

- Information to maintain compliance with occupational monitoring requirements (e.g., hearing tests, blood lead results).
- Information to support the investigation of work-related incidents (e.g., to identify causal factors, assess corrective actions in ergonomic injuries).
- Functional job performance information such as job limitations, work restrictions, absences, fitness for duty, and disabilities. However, the medical basis for the functional information will not be revealed.
- Information to implement FMLA and ADA. Due to HIPAA, prior approval from the worker is typically required to obtain FMLA- and ADA-related information from offsite health care providers.
- Information to manage programs for drug testing and fitness for duty.

Members of the FMD will release information contained in medical records as required by law or as specified in court orders or subpoenas.

The SOMD is authorized to share congregate and summary medical information that cannot be individually identifiable. This information is used to identify trends to focus health promotion programs and to address incipient health and safety problems.

7.3 Security

The FMD protects medical records from unauthorized use in the following ways.

7.3.1. Paper records

Records for active employees are kept within the FMD. They are protected by locked physical barrier(s) when not in use and are monitored by FMD employees during periods of use. Reasonable care is exercised during use to prevent inadvertent and/or unauthorized viewing. Records for inactive employees are stored in a secure offsite location in accordance with Department of Energy (DOE) requirements. These are to be destroyed 75 years after the last entry date.

7.3.2. Electronic records

Electronic medical records are maintained in accordance with the Director's Policy (<http://cd-docdb.fnal.gov/cgi-bin/ShowDocument?docid=2134>). CD has established a minor computer application Security Plan for the ES&H Section which includes the FMD. Though medical computer applications are supported through a local server, data are transferred to and maintained in a Major Application located elsewhere on the Fermilab site. The retention policy for the correspondence and documents held in the Major Application is 75 years. Retention is achieved by using the backup facilities in the supporting Major Application.



8.0 REFERENCES

29 CFR 1910.120(f) Hazardous Waste Operations and Emergency Response, Medical Surveillance
http://www.osha.gov/pls/oshaweb/owadis.show_document?p_table=standards&p_id=9765

49 CFR 391.41 Physical Qualifications for Drivers
http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.aspx?rule_toc=760§ion=391.41§ion_toc=1781

Chapter 820 Illinois Combined Statutes, Act 305, Illinois Workers' Compensation Act
<http://www.state.il.us/agency/iic/act.pdf>

Fermilab Employee Drug and Alcohol Abuse and Testing Program Description (available from the FMD upon request)

NFPA 1582 – Standard on Comprehensive Occupational Medical Program for Fire Department

Title 77 Illinois Administrative Code, Chapter I, Subpart k, Part 690 – Control of Communicable Diseases Code

<http://www.ilga.gov/commission/jcar/admincode/077/07700690sections.html>

Medical professionals are required to report communicable diseases through the Illinois National Electronic Disease Surveillance System.

Chapter 325 Illinois Compiled Statutes, Children, Act 5, Abused and Neglected Child Reporting Act
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1460&ChapterID=32>

Medical professionals are required to immediately report suspected cases of child abuse to the Department of Children and Family Services (217-524-2606).

10 CFR 851 - DOE Worker Safety and Health Program

<http://www.hss.doe.gov/healthsafety/wshp/rule851/851rule.pdf>

Section 8. (f) of Appendix A provides requirements for the maintenance of occupational medicine records.

American College of Occupational and Environmental Medicine – Code of Ethics

<http://www.acoem.org/codeofconduct.aspx>

American's with Disabilities Act

<http://www.ada.gov/>

Director's Policy #38 - Personally Identifiable Information (PII)

http://www.fnal.gov/directorate/Directors_Policy/personally_identifiable_info.shtml

This policy addresses the management of electronic versions of protected PII. Detailed medical records are considered to be one type of protected PII.

DOE Administrative Records Schedule 1: Personnel Records

[http://cio.energy.gov/documents/ADM_1\(1\).pdf](http://cio.energy.gov/documents/ADM_1(1).pdf)

DOE Records Disposition Schedules provide the authority for the transfer and disposal of records created and maintained by the Department. Personnel records include those contained in medical folders. Section 19 includes non-occupational medical records and section 21.1 includes contractor employee medical records. Both are to be destroyed 75 years after the last entry date.

DOE Order 206.1 - Department of Energy Privacy Program,

<https://www.directives.doe.gov/directives/current-directives/206.1-BOrder/view>

This order provides direction regarding the privacy requirements in the Privacy Act of 1974, Section 208 of the E-Government Act of 2002, and Office of Management and Budget (OMB) directives. In particular, OMB directives include instructions for dealing with personally-identifiable information (PII).

DOE Order 243.1 - Records Management Program

<https://www.directives.doe.gov/directives/current-directives/243.1-BOrder/view>

The contractor requirements document specifies requirements for the maintenance of electronically-formatted records.

Family Medical Leave Act of 1993 (FMLA)

<http://www.dol.gov/whd/fmla/>

A law that provides certain employees with up to 12 workweeks of unpaid, job-protected leave a year and requires group health benefits be maintained during the leave. New military family leave entitlements (qualifying exigency leave -- 12 weeks, and military caregiver leave -- 26 weeks) were added in 2008.

Fermilab Records Management Program

<http://bss.fnal.gov/records/index.html>

Genetic Information Nondiscrimination Act of 2008 (GINA).

<http://www.eeoc.gov/laws/statutes/gina.cfm>

A law that prohibits health insurers from denying coverage or charging higher premiums to currently healthy individuals based on genetic predispositions to diseases. Employers are also prevented from using genetic information in making decisions about hiring, firing, job placement, or promotion.

Health Insurance Portability and Accountability Act of 1996 (HIPAA).

<http://www.hhs.gov/ocr/privacy/>

A law that helps to assure health insurance coverage after leaving a job, standardizes electronic transactions to help control health care costs, and imposes strict controls on how electronic data must be managed. HIPAA does not apply to persons involved in the management of workers' compensation cases and specifically permits medical providers to disclose relevant medical records in these circumstances (45 CFR 164.512 (l)).

Illinois Worker Compensation Act



<http://www.state.il.us/agency/iic/act.pdf>

Persons involved in the management of workers' compensation cases do not need to obtain employee permission in order to obtain relevant medical records (820 ILCS 305/8).