
	Access to Medical Records				
Control number:	HSE-P-2	Revision date:	8/26/2024	Rev #:	0
Approved by:	Derrick Landry	Revised by:	Madison Myers	MOC#:	N/A

PURPOSE

The purpose of this program is to provide employees and their designated representative(s), a right of access to relevant exposure and medical records and to provide representatives of the Assistant Secretary a right to access to these records to fulfill responsibilities under the Occupational Safety and Health Act.

1.0 DEFINITIONS

- A. Access – means the right and opportunity to examine and copy.
- B. Analysis Using Exposure or Medical Records – means any compilation of data, or any research, statistical or other study based at least in part on information collected from individual employee exposure or medical records or information collected from health insurance claims records, provided that either the analysis has been reported to Peak NDT Solutions or no further work is currently being done by the person responsible for preparing the analysis.
- C. Designated Representative – means any individual or organization to which an employee gives written authorization to exercise a right of access. For the purpose of access to employee exposure records and analysis using exposure or medical records, a recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.
- D. Employee – means a current employee, a former employee, or an employee being assigned or transferred to work where there will be exposure to toxic substances or harmful physical agents. In the case of a deceased or legally incapacitated employee, the employee's legal representative may directly exercise all the employee's rights under this section.
- E. Employee Exposure Records – means a record containing any of the following kinds of information concerning employee exposure to toxic substances or harmful physical agents:
 - 1. Environmental (workplace) monitoring or measuring, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained:

	Access to Medical Records				
Control number:	HSE-P-2	Revision date:	8/26/2024	Rev #:	0
Approved by:	Derrick Landry	Revised by:	Madison Myers	MOC#:	N/A


2. Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.), but not including results which assess the biological effect of a substance or agent, or which assess an employee's use of alcohol or drugs;
3. Material safety data sheets indicating that the material may pose a hazard to human health; or,
4. In the absence of the above, any other record which reveals the identity (e.g. chemical, common, or trade name) of a toxic substance or harmful physical agent.

F. Employee Medical Record – means a record concerning the health status of an employee which is made or maintained by a physician, nurse, or other health care personnel, or technician, including:


1. Medical and employment questionnaires or histories (including job description and occupational exposures)
2. The results of medical examinations (pre-employment, pre-assignment or periodic) and laboratory tests (including X-ray examinations and all biological monitoring),
3. Medical opinions, diagnoses, progress notes and recommendations,
4. Descriptions of treatments and prescriptions, and
5. Employee medical complaints.

G. Employee Medical Record – does not include the following:

1. Physical specimens (e.g. blood or urine samples) which are routinely discarded as a part of normal medical practice and are not required to be maintained by other legal requirements.
2. Records concerning health insurance claims if maintained separately from Peak NDT Solutions medical program and its records, and not accessible to Peak NDT Solutions by employee name or other direct personal identifier (e.g. social security number, payroll number, etc.) or

	Access to Medical Records				
Control number:	HSE-P-2	Revision date:	8/26/2024	Rev #:	0
Approved by:	Derrick Landry	Revised by:	Madison Myers	MOC#:	N/A


3. Records concerning voluntary employee assistance programs (alcohol, drug abuse, or personal counseling programs) if maintained separately from Peak NDT Solutions medical program and its records.
- H. Company – means the current Company, a former Company, or a successor Company.
- I. Exposure or Exposed – means that an employee is subjected to a toxic substance or harmful physical agent in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.) and includes past exposure and potential (e.g. accidental or possible) exposure, but does not include situations where Peak NDT Solutions can demonstrate that 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.
- J. Record – means any item, collection or grouping of information regardless of the form or process by which it is maintained (e.g. paper document, microfiche, microfilm, X-ray film, or automated data processing).
- K. Specific Written Consent – means a written authorization containing the following:
1. The name and signature of the employee authorizing the release of medical information.
 2. The data of the written authorization.
 3. The name of the individual or organization that is authorized to release the medical information.
 4. The name of the designated representative (individual or organization) that is authorized to receive the release information.
 5. A general description of the medical information is authorized to be released.
 6. A general description of the purpose for the release of the medical information, and
 7. A date or condition upon which the written authorization will expire (if less than one year).

	Access to Medical Records				
Control number:	HSE-P-2	Revision date:	8/26/2024	Rev #:	0
Approved by:	Derrick Landry	Revised by:	Madison Myers	MOC#:	N/A

8. A written authorization – does not operate to authorize the release of medical information not in existence on the date of written authorization, unless this is expressly authorized, and does not operate for more than one year from the date of written authorization.
9. A written authorization may be revoked in writing prospectively at any time.
- L. Toxic Substance or Harmful Physical Agent – means any chemical substance, biological agent (bacteria, virus, fungus, etc.) or physical stress (noise, heat, cold, vibration, repetitive motion, ionizing and non-ionizing radiation, hypo- or hyper baric pressure, etc.) which:
 1. Is regulated by any Federal law or rule due to a hazard to health,
 2. 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),
 3. Has yielded positive evidence of an acute or chronic health hazard in human, animal or other biological testing conducted by, or known to, the Company, or
 4. Has material safety data sheet available to Peak NDT Solutions indicating that the material may pose a hazard to human health.

2.0 PRESERVATION OF RECORDS


- A. Unless a specific occupational safety and health standard provides a different period of time, each Company shall assure the preservation and retention of records as follows:
 1. Employee Medical Records – Each employee medical record shall be preserved and maintained for at least the duration of employment plus thirty (30) years, except that health insurance claims records maintained separately from Peak NDT Solutions medical program and its records need not be retained for any specified period.
 2. Employee Exposure Records – Each employee exposure record shall be preserved and maintained for at least thirty (30) years, except that:

	Access to Medical Records				
Control number:	HSE-P-2	Revision date:	8/26/2024	Rev #:	0
Approved by:	Derrick Landry	Revised by:	Madison Myers	MOC#:	N/A

- a. Background data to environmental (workplace) monitoring or measuring, such as laboratory reports and worksheets, need only be retained for one (1) year so long as the sampling results, the collection methodology (sampling plan), a description of the analytical and mathematical methods used, and a summary of other background data relevant to interpretation of the results obtained, are retained for at least thirty (30) years; and
 - b. Material safety data sheets 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 (chemical name if known) of the substance or agent, where it was used, and when it was used is retained for at least thirty (30) years.
- B. Nothing in this section is intended to mandate the form, manner, or process by which Peak NDT Solutions preserves a record so long as the information contained in the record is preserved and retrievable, except that x-ray films shall be preserved in their original state.

3.0 GENERAL ACCESS

- A. Whenever an employee or designated representative requests access to a record, Peak NDT Solutions shall assure that access is provided in a reasonable time, place and manner, but in no event later than fifteen (15) days after the request for access is made.
- B. Whenever an employee or designated representative requests a copy of a record, Peak NDT Solutions shall, within the period of time previously specified, assure that either:
 1. A copy of the record is provided without cost to the employee or representative.
 2. The necessary mechanical copying facilities (e.g. photocopying) are made available without cost to the employee or representative for copying the record, or
 3. The record is loaned to the employee or representative for a reasonable time.
- C. Whenever a record has been previously provided without cost to an employee or designated representative, Peak NDT Solutions may charge reasonable, non-

	Access to Medical Records				
Control number:	HSE-P-2	Revision date:	8/26/2024	Rev #:	0
Approved by:	Derrick Landry	Revised by:	Madison Myers	MOC#:	N/A

discriminatory administrative costs (i.e. search and copying expenses but not including overhead expenses) for a request by the employee or designated representative for additional copies of the record, except that:

1. Peak NDT Solutions shall not charge for an initial request for a copy of new information that has been added to a record which was previously provided; and
 2. Peak NDT Solutions shall not charge for an initial request by a recognized or certified collective bargaining agent for a copy of an employee exposure record or an analysis using exposure or medical records.
- D. Nothing in this section is intended to preclude employees and collective bargaining agents from collectively bargaining to obtain access to information in addition to that available under this section.


4.0 EMPLOYEE & DESIGNATED REPRESENTATIVE ACCESS

A. Employee Exposure Records – Peak NDT Solutions shall, upon request, assure the access of each employee and designated representative to employee exposure records relevant to the employee. For the purpose of this section, exposure records relevant to the employee consist of:

1. Records of the employee's past or present exposure to toxic substances or harmful physical agents,
2. Exposure records of other employees with past or present job duties of working conditions related to or similar to those of the employee,
3. Records containing exposure information concerning the employee's workplace to working conditions, and
4. Exposure records pertaining to workplaces or working conditions to which the employee is being assigned or transferred.

B. EMPLOYEE MEDICAL RECORDS


1. Peak NDT Solutions shall, upon request, assure the access of each employee-to-employee medical records of which the employee is the subject.

	Access to Medical Records				
Control number:	HSE-P-2	Revision date:	8/26/2024	Rev #:	0
Approved by:	Derrick Landry	Revised by:	Madison Myers	MOC#:	N/A

2. Peak NDT Solutions shall, upon request, assure the access of each designated representative to the employee medical records of any employee who has given the designated representative specific written consent.
3. Whenever access to employee medical records is requested, a physician representing Peak NDT Solutions may recommend that the employee or designated representative:
 - a. Consult with the physician for the purpose of reviewing and discussing the records requested,
 - b. Accept a summary of material facts and opinions in lieu of the records requested, or
 - c. Accept release of the requested records only to a physician or other designated representative.
4. Whenever an employee requests access to his or her employee medical records, and a physician representing Peak NDT Solutions believes that direct employee access to information contained in the records regarding a specific diagnosis of a terminal illness or a psychiatric condition could be detrimental to the employee's health, Peak NDT Solutions may inform the employee that access will only be provided to a designated representative of the employee's request for direct access to this information only. Where a designated representative with specific written consent requests access to information so withheld, Peak NDT Solutions shall assure the access of the designated representative to this information, even when it is known that the designated representative will give the information to the employee.
5. Nothing in this section precludes a physician, nurse or other responsible health care personnel maintaining employee medical records from deleting from requested medical records the identity of a family member, personal friend, or fellow employee who has provided confidential information concerning an employee's health status.

C. ANALYSIS USING EXPOSURE OR MEDICAL RECORDS

1. Peak NDT Solutions shall, upon request, assure the access of each employee and designated representative to each analysis using exposure

	Access to Medical Records				
Control number:	HSE-P-2	Revision date:	8/26/2024	Rev #:	0
Approved by:	Derrick Landry	Revised by:	Madison Myers	MOC#:	N/A

or medical records concerning the employee's working conditions or workplace.


2. Whenever access is requested to an analysis which reports the contents of employee medical records by either direct identifier (name, address, social security number, payroll number, etc.) or by information which could reasonably be used under the circumstances indirectly to identify specific employees (except age, height, weight, race, sex, date of initial employment, job title, etc.), Peak NDT Solutions shall assure that personal identifiers are removed before access is provided. If Peak NDT Solutions can demonstrate that removal of personal identifiers from an analysis is not feasible, access to the personally identifiable portions of the analysis need not be provided.

5.0 OSHA ACCESS

- A. Peak NDT Solutions shall, upon request, assure the immediate access of representatives of the Assistant Secretary of Labor for Occupational Safety and Health to employee exposure and medical records and to analysis using exposure or medical records. Rules of agency practice and procedure governing OSHA access to employee medical records are contained in 29 CFR 1913.10.
- B. Whenever OSHA seeks access to personally identifiable employee medical information by presenting to Peak NDT Solutions written access order pursuant to 29 CFR 1913.10 (d), Peak NDT Solutions shall prominently post a copy of the written access order and its accompanying cover letter for at least fifteen (15) working days.

6.0 TRADE SECRETS

- A. Nothing in this section precludes Peak NDT Solutions from deleting from records requested by an employee or designated representative any trade secret data which discloses manufacturing processes, or discloses the percent of a chemical substance in a mixture, as long as the employee or designated representative is notified that information has been deleted. Whenever deletion of trade secret information substantially impairs evaluation of the place where or the time when exposure to a toxic substance or harmful physical agent occurred, Southern Integrated Solutions & Consultingshall provide alternative information which is sufficient to permit the employee to identify where and when exposure occurred.
- B. Notwithstanding any trade secret claims, whenever access to records is requested, Peak NDT Solutions shall provide access to chemical or physical agent

	Access to Medical Records				
Control number:	HSE-P-2	Revision date:	8/26/2024	Rev #:	0
Approved by:	Derrick Landry	Revised by:	Madison Myers	MOC#:	N/A

identities including chemical names, levels of exposure, and employee health status data contained in the requested records.


- C. Whenever trade secret information is provided to an employee or designated representative, Peak NDT Solutions may require, as a condition of access, that the employee or designated representative agree in writing not to use the trade secret information for the purpose of commercial gain and not to permit misuse of the trade secret information by a competitor, potential competitor or the Company.

7.0 EMPLOYEE INFORMATION

- A. Upon an employee's first entering into employment, and at least annually thereafter, Peak NDT Solutions shall inform employees exposed to toxic substances or harmful physical agents of the following:
 - 1. The existence, location and availability of any records covered by this section:
 - 2. The person responsible for maintaining and providing access to records; and
 - 3. Each employee's rights of access to these records.
- B. Peak NDT Solutions shall make readily available to employees a copy of this standard and its appendices and shall distribute to employees any informational materials concerning this standard, which are made available to Peak NDT Solutions by the Assistant Secretary of Labor for Occupational Safety and Health.

8.0 TRANSFER OF RECORDS

- A. Whenever an employee is ceasing to do business, Peak NDT Solutions shall transfer all records subject to this section to the successor Company. The successor Company shall receive and maintain these records.
- B. Whenever Peak NDT Solutions is ceasing to do business and there is no successor Company to receive and maintain the records subject to this standard, Peak NDT Solutions shall notify affected employees of their rights of access to records at least three (3) months prior to the cessation of Peak NDT Solutions business.

	Access to Medical Records				
Control number:	HSE-P-2	Revision date:	8/26/2024	Rev #:	0
Approved by:	Derrick Landry	Revised by:	Madison Myers	MOC#:	N/A

C. Whenever Peak NDT Solutions either ceases to do business and there is no successor Company to receive and/or maintain the records, Peak NDT Solutions shall ensure that records are preserved for at least thirty (30) years by:

1. Transferring the records to the Director of the National Institute for Occupational Safety and Health (NIOSH) if so, required by a specific occupational safety and health standard; or
2. Notifying the Director of NIOSH in writing of the impending disposal of records at least three (3) months prior to the disposal of the records.

REVISION INFORMATION

This is applicable to changes made to the current version of the preceding document.

Revision Number	Description