

CHAPTER 7

GENERAL AND MEDICAL RECORDS

References

5 Code of Federal Regulations (CFR) 293 Subpart E. *Employee Medical File System Records*.

29 CFR 1910.20. *Access to Employee Exposure and Medical Records*.

DODINST 6055.5. *Industrial Hygiene and Occupational Health*. 10 Jan 89.

NAVMED P-117. *Manual of the Medical Department*, Chapter 16, Medical Records.

OPNAVINST 5100.23 series. *Navy Occupational Safety and Health Program Manual*.

SECNAVINST 5212.5C. *Navy and Marine Corps Records Disposition Manual*.
11 July 85

SECNAVINST 5212.10A. *Mandatory Retention of Insulation/Asbestos Related Records*. 15 Sep 86.

Introduction

In this chapter, the term "medical records" refers to health records/ employee medical files and x-rays generated as part of occupational medicine evaluations.

Medical records and their contents are the property of the federal government. Active duty and civilian medical records are the responsibility of the Bureau of Medicine and Surgery.

SECNAVINST 5212.5C, SECNAVINST 5212.10A and DODINST 6055.5 implement Occupational Safety and Health Administration (OSHA) and Office of Personnel Management (OPM) requirements in the Navy community for the handling, maintenance, transfer and retirement of medical records.

Definitions

NAVMED P-117. The Manual of the Medical Department, NAVMED P-117, lists the following definitions:

1. **Medical Record** - an account compiled by physicians and other health care professionals of a patient's medical history, present illness, findings on examination, details of treatment, and progress notes.

2. Primary Records - the original records established to document the continuation of care given to a beneficiary. **A health record**, which is a type of primary record, is a file of continuous care given to an active duty member. The health records of federal civil service employees are known as **employee medical files**.

3. Secondary Records are medical records which are maintained separate from the primary record; these include convenience, temporary and ancillary records. Occupational medical records do not include secondary records.

OSHA. DODINST 6055.5 requires compliance with the Occupational Safety and Health Act. Per 29 CFR 1910.20, the **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, including: (1) medical and employment questionnaires (including job descriptions and occupational exposures) (2) the results of medical examination (pre-employment, pre-assignment, periodic, or episodic) and laboratory tests (including chest and other X-ray examinations taken for the purposes of establishing a baseline or detecting occupational illness).

Civilian Medical Records

Civilian employee medical records are the responsibility of the Navy. They are subject to Navy regulations and also must meet OPM regulations (5 CFR 293, Subpart E).

Civilian occupational medical record requirements are covered in the OPM Employee Medical File System (EMFS). Individual medical records are referred to as the Employee Medical Folder. Medical records are maintained in accordance with Privacy Act regulations.

5 CFR 293 provides the following requirements for civilian medical records:

1. Agencies must provide employees access to their own EMFS records consistent with Office regulations contained in 297.204(c) of that chapter. Disclosure of an employee's occupational medical records to agency officials (both medical and non-medical) will be granted only when the specific information sought is needed for the performance of official duties.

2. Ensure that, if occupational medical records are to be physically located in the same office as the Official Personnel Folder (OPF), the records are maintained physically apart from each other.

3. Set forth a policy that distinguishes, particularly for purposes of records disclosure, records in the nature of physician treatment records (which are generally not appropriate for disclosure to non-medical officials) from other medical reports properly available to officials making management decisions concerning the employee.

Retention of Medical Records

Part III, Chapter 6 (Medicine and Dentistry Records) of SECNAVINST 5212.5C contain the regulations for records which relate to the administration of performance of health and dental functions by the Navy Medical Department. They include records of examination, care and treatment of individuals, physical fitness, environmental, and health care program records accumulated in connection with carrying out medical department functions.

29 CFR 1910.20 requires that employee medical records be maintained for at least the duration of employment plus thirty (30) years except for some types of records. Those exceptions include health insurance claims records, first aid records and records of employees who have worked for less than one year.

SECNAVINST 5212.10A requires the Navy to hold asbestos related documents indefinitely. Additionally, 29 CFR 1910.20 specifies "chest X-ray films shall be preserved in their original state"; this includes PA chest x-rays taken as part of the asbestos medical surveillance program (which are OSHA mandated).

Access to Medical Records

Medical records and their contents must be retained by the medical department and be accessible to the medical staff without compromising the security of the records.

Access to medical records must follow Privacy Act protocols, and include making the records available to the employee or the employee's representative when that representative has the employee's written permission. If the physician believes direct access by the employee to information in the medical record may be detrimental to the employee's health, the employer may deny direct access for that information only while providing access to the employee's designated representative. A copy of the medical record must be provided to the employee upon the employee's request. When additional copies of information previously provided are requested, a charge may be applied for the copies. Refer to NAVMED P-117, 5 CFR 293, 29 CFR 1910.20 and OPNAVINST 5100.23 series for specific Privacy Act issues.

Disclosure of an employee's medical records to agency officials is limited to the specific information necessary for the performance of official duties. (See 5 CFR 293).

Maintenance of Medical Records

NAVMED P-117 describes some of the routine forms in the medical records and the order in which forms are to be filed. 29 CFR 1910.20 provides guidance on all OH records. While in Navy custody, medical records are maintained under the guidance of NAVMED P-117. OPNAVINST 5100.23 series describes information to be

maintained in military and civilian employee medical records in compliance with OSHA.

Civilian employees who are retired military members or military dependents must have medical records established just as other civilian employees. The military records of those individuals must be treated as a separate system of records. Both the civilian employee record and the military record must reference each other. The general beneficiary medical record must be kept separate from the official civilian employee medical record.

Transfer of Medical Records

Military medical records. Transfer these records in accordance with NAVMED P-117. For a routine transfer to another Navy command, the military medical record transfers with the service member. X-rays of military personnel remain at the location where the x-ray was taken.

Civilian Medical Records. Transfer these records in accordance with NAVMED P-117. Transfer may be facilitated if the receiving personnel office notifies the employee's previous MTF of the need to transfer the medical records. Human Resources Offices should notify MTFs when personnel leave employment, and should request records of new employees from the previous MTF. In many locations, this may not work smoothly without assistance of the MTF. MTFs may need to expedite the record transfer.

Civilian employee medical records must additionally comply with OPM regulations. When a civilian employee makes an inter- or intra-agency transfer within the federal government, the medical record (including x-rays) transfers to the receiving MTF. When the employee transfers outside the Navy community to another federal job, 29 CFR 1910.20 must be followed, including placing the medical record data in the SF 66D folder.

Asbestos x-rays. Because SECNAVINST 5212.10 prohibits the destruction of asbestos related documents, asbestos chest x-rays are not to be transferred outside the Navy community. Civilian asbestos X-rays should be retained by the last MTF holding the x-rays and a note placed in the medical record identifying the location of the x-rays. Each clinic holding x-rays must maintain the x-rays with mechanisms for retrieval as needed. On-site review of these x-rays is described in 29 CFR 1910.20 - "In the case of an original x-ray, the employer may restrict access to on-site examination or make other suitable arrangement for the temporary loan of the X-ray."

Storage of Records

When storing records, whether general or medical, the detailed procedures contained in SECNAVINST 5212.5C, Appendix C **must** be followed. No Navy command or activity is exempt. If correct transfer procedures are not followed or proper record transfer

documents are not provided, the entire records shipment can be returned to the transferring command or the immediate superior in command for correction.

Medical Records. When the individual retires, transfers outside Navy community or leaves Navy employment, the medical record is stored in compliance with SECNAVINST 5212.10A, NAVMED P-117, 5 CFR 293 and 29 CFR 1910.20. Military and civilian employee records are kept at separate locations and must be handled separately.

Military

Department of Veterans Affairs
Service Medical Records Center
P.O. Box 150950
St. Louis, MO 63115-8950

Civilian

Civilian Personnel Records
111 Winnebago Street
St Louis, MO 63118
(312) 425-5760

The Navy medical records forwarded to St. Louis remain accessible to the Navy and can be returned to the Navy upon request. Additionally, individuals can request copies of their records directly from St. Louis.

Civilian medical records. FRC SF 66C ("blue folder") is the required folder for retiring medical records when the civilian has worked for one agency only. If the employee has worked outside the DOD agency, SF 66D ("orange folder") is required. The order of the medical record must be in compliance with 5 CFR 293.

X-rays. Currently, neither St. Louis facility accepts radiographs larger than 8.5" X 11" (these do not fit in the medical records). Since OSHA requires chest x-rays (which are larger than 8.5" X 11") to be retained in their original state, chest x-rays of military personnel remain in the MTF that took the x-ray, while chest x-rays of civilian personnel remain in the last MTF that provided occupational health services.

Asbestos related documents. When medical records containing asbestos related information are retired to St. Louis, (1) they must be packed separately and labeled ASBESTOS RELATED DOCUMENTS; (2) in accordance with SECNAVINST 5212.10A: "submit the original and two copies of SF 135 to the FRC, identifying all asbestos records by filling in item 6f, "Series Description" on the SF 135 with the statement, "ASBESTOS RELATED DOCUMENTS."

Records other than Personal Medical Records. SECNAVINST 5212.5C, Appendix C-9, contains a list and areas of responsibility for regional FRCs where records other than personnel medical records are to be forwarded. Commands are encouraged to contact the appropriate FRC for information and specific guidance to facilitate smooth record transfers.

Follow normal records retirement procedures by submitting a properly completed SF 135, Records Transmittal and Receipt, to the

appropriate Federal Record Centers (FRC). Records must be properly identified, packed in the required boxes and accompanied by the SF 135. State the length of time the files must be maintained and identify the command authorized to release the material for destruction. **If the length of time is not specified, the FRC cannot accept the records.**

Closing Facilities

General. When a medical treatment facility (MTF) or supported line command is scheduled to close, SECNAVINST 5212.5C should be reviewed carefully, following the directions for archiving records. All commands are encouraged to contact their regional FRCs, participate in their training programs and invite FRC personnel to visit. Key personnel should be identified and trained in preparation for base/facility closing to facilitate a smooth record transfer. The appropriate FRC must be contacted to request retirement of records earlier than routinely permitted by SECNAVINST 5212.5C. FRCs have been cooperative in accepting records early when notified of a command or base closing. Records forwarded to FRCs must be trackable and retrievable when queries are received.

Bases. When bases are "cleaned up" and/or turned over to other commands, agencies, or the private sector, regulations may require that survey data be available to determine the status of the facility. Because of the importance of these records, consideration must be given to maintaining industrial hygiene (IH) records with the responsible MTF until the Navy is no longer responsible and inquiries are not being received relating to the data available in IH surveys.

Line Command. When the line command closes, and the supporting MTF remains open, medical and IH environmental data which are no longer active may be retired as specified in SECNAVINST 5212.5C. Medical records and IH environmental documents of employees with workers compensation claims are considered active and must be retained by the responsible MTF.

Medical Treatment Facilities. When a MTF closes, and the supported line command remains open, data and records must be transferred to the appropriate MTF responsible for the medical support of the line command. Follow routine procedures for transferring medical records as the employee/service members are transferred, or forward them to the NPRCs in St. Louis.

Chests x-rays (14" X 17") are not accepted in the medical records for archiving. These x-rays must be transferred to the MTF responsible for the geographic area where the closing MTF is located, and must be accessible to employees or former employees in compliance with the Privacy Act. A notice must be placed in the medical record indicating where and how these x-rays can be obtained.

In special situations, x-rays are forwarded to the regional FRCs for archiving. When this is done, care must be taken to have the x-rays retained in compliance with federal regulations. A tracking system for retrieval of the x-rays is needed. Asbestos x-rays must be forwarded separately from non-asbestos-related x-rays, and labeled ASBESTOS RELATED DOCUMENTS so that the FRC staff can retain those x-rays indefinitely in accordance with regulations.