

October 29, 1998

Dottie Sorg, RN
Assistant Administrator
Oregon Eye Surgery Center
1550 Oak Street
Eugene, OR 97401-7701

Dear Ms. Sorg:

This is in response to your fax of October 22, 1998, requesting clarification on the employers' requirements to maintain employee medical records.

1910.1020, Access to Employee Exposure & Medical Records, requires that employers must assure that all employee medical records are preserved and maintained for the duration of their employment plus 30 years. This does not mean that the employer is responsible for keeping them; the employer must simply assure that they are preserved and maintained. How this is done is up to the employer and the medical providers.

Also, it is important to note that, with the exception of x-rays, medical records can be stored in any manner, including electronic means and microfiche, as long as all of the information in the record is maintained and retrievable for the duration of storage. This also means that if records are stored electronically, the employer would be responsible for assuring that the data cannot be lost, and if the technology used to retrieve the data becomes obsolete, the employer would be responsible to ensure that the data is transferred into a non-obsolete format.

If you have any questions or if we can be of further assistance, please contact David McLaughlin in our Technical Section at (503) 947-7457.

Sincerely,

Marilyn K. Schuster, Manager
Standards and Technical Resources Section
Oregon Occupational Safety and Health Division