

WAC 296-802-40005 Provide access to employee medical records, exposure records, and analyses. (1) You must provide employees and their designated representatives access to requested records and analyses as follows:

(a) In a reasonable time, place, and manner.

(b) Within fifteen working days.

(c) If there is a delay, inform the requesting party of the reason and the earliest date the record will be made available.

Exemption: You do not have to provide analyses that are currently being worked on or have not been reported to you.

(2) You must provide a copy of the record, when requested, to the employee or designated representative without cost. This may be done by one of the following methods:

(a) Make a copy for the requestor.

(b) Make the record and a copier available.

(c) Loan the record to the employee or designated representative for a reasonable time, so a copy can be made.

Note:

- Access to employee medical records will be provided to designated representatives only when the employee provides specific written authorization. See WAC 296-802-40010.
- To locate or identify the records being requested, you may request, from employees or their designated representatives, only known and necessary information. For example, you may request dates and location of where the employee worked during the time period in question.
- You are not required to perform an analysis of medical or exposure records at the request of an employee or designated representative.
- When there is an original X-ray you may restrict access to an on-site examination or make other arrangements for a temporary loan.
- When a record has been provided without cost to an employee or designated representative, and they request additional copies, you may charge a reasonable, nondiscriminatory administrative cost. For example, you may charge search and copying expenses but not overhead expenses.

– A reasonable fee for copying, as defined in chapter 70.02 RCW, should not exceed sixty-five cents per page for the first thirty pages and fifteen cents per page for all additional pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 18-22-116, § 296-802-40005, filed 11/6/18, effective 12/7/18; WSR 04-10-026, § 296-802-40005, filed 4/27/04, effective 8/1/04.]