POLICY

Federal and state laws govern the use, disclosure, collection and maintenance of employee medical records. Among other things, the California Confidentiality of Medical Information Act limits an employer’s use and disclosure of employee medical information and the Americans With Disabilities Act requires that employee and applicant medical information and history be collected on separate forms and maintained in files separate from his/her personnel file.

The Human Resources Office at each campus has established procedures to ensure the confidentiality of employee medical information and its protection from unauthorized use and disclosure. Those procedures include providing instructions regarding confidentiality to individuals handling files containing medical information and maintaining security systems restricting access to such files. The use and disclosure of employee medical information is prohibited unless the employee has signed an authorization permitting use or disclosure, or unless otherwise compelled or permitted by law.

In certain limited circumstances, the University may release employee medical information to third parties without a written authorization from the employee. These circumstances include, but are not limited to, the following:

- the information is required by a judicial or administrative process, e.g., a subpoena;
- the information is relevant to a legal claim or challenge to which LMU and the employee are parties and in which the employee has placed in issue his/her medical history, medical condition, or treatment;
- administering employee benefit plans and medical leave policies;
- if disclosure to a health care provider will aid the diagnosis or treatment of the employee where the employee is unable to authorize the disclosure.

PROCEDURE

Official employee medical records are maintained at the Westchester campus and the Benefits Manager is the custodian for employee medical records.

An authorization for disclosure of medical information must meet certain criteria in order to be valid. For this reason, a representative from Human Resources must request the authorization from the employee, provide a signed copy of the authorization to the employee, and explain to the requester the limitations on the use of the medical information.