
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1555 Session of 2001

INTRODUCED BY SAYLOR, DAILEY, ROHRER, YUDICHAK, BARRAR,
CALTAGIRONE, CAPPABIANCA, CAPPELLI, CREIGHTON, CURRY, DeLUCA,
FEESE, FRANKEL, FREEMAN, GEORGE, HALUSKA, HARHAI, HARPER,
HERMAN, HORSEY, KIRKLAND, LEH, MACKERETH, MARKOSEK,
R. MILLER, RAYMOND, RUBLEY, SOLOBAY, STEELMAN, STERN,
E. Z. TAYLOR, TIGUE AND C. WILLIAMS, MAY 8, 2001

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, MAY 8, 2001

AN ACT

1 Amending the act of November 26, 1978 (P.L.1212, No.286),
2 entitled "An act authorizing an employee to inspect certain
3 personnel files of his employer," providing for medical
4 records.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 1 of the act of November 26, 1978
8 (P.L.1212, No.286), referred to as the Inspection of Employment
9 Records Law, is amended to read:

10 Section 1. Definitions.

11 The following words and phrases when used in this act shall
12 have, unless the context clearly indicates otherwise, the
13 meanings given to them in this section:

14 "Employee." Any person currently employed, laid off with
15 reemployment rights or on leave of absence. The term "employee"
16 shall not include applicants for employment or any other person.

17 "Employer." Any individual, person, partnership,

1 association, corporation, the Commonwealth, any of its political
2 subdivisions or any agency, authority, board or commission
3 created by them.

4 "Personnel director." The person in charge of an employer's
5 personnel files, including medical records.

6 "Personnel file." If maintained by the employer, any
7 application for employment, wage or salary information, notices
8 of commendations, warning or discipline, authorization for a
9 deduction or withholding of pay, fringe benefit information,
10 leave records, employment history with the employer, including
11 salary information, job title, dates of changes, retirement
12 record, attendance records, medical records and performance
13 evaluations. The term "personnel file" shall not include records
14 of an employee relating to the investigation of a possible
15 criminal offense, letters of reference, documents which are
16 being developed or prepared for use in civil, criminal or
17 grievance procedures[, medical records] or materials which are
18 used by the employer to plan for future operations or
19 information available to the employee under the Fair Credit
20 Reporting Act (84 Stat. 1127-1136, 15 U.S.C. § 1681 et. seq.).

21 Section 2. The act is amended by adding a section to read:

22 Section 2.2. Medical records.

23 The following apply to medical records:

24 (1) Copies of medical records shall be separately
25 enclosed and sealed in an inner envelope or wrapper labeled
26 "Medical Records."

27 (2) The envelope or wrapper shall indicate the full name
28 of the employee, the number of pages of medical records and a
29 signed statement that the medical records are true and
30 complete reproductions of the originals.

1 (3) Medical records are accessible only by the personnel
2 director or employer, the employee or the designated agent
3 under section 2.1

4 (4) The personnel director or employer shall maintain a
5 written record, including signatures, of persons who accessed
6 the medical records.

7 (5) Upon written request, the personnel director or
8 employer shall make available to an employee a copy of the
9 employee's medical records:

10 (i) following an employer-requested medical
11 examination, test or procedure; and

12 (ii) no more than annually, even if there was no
13 employer-requested medical examination, test or
14 procedure.

15 Section 3. This act shall take effect immediately.