

DEPARTMENT OF ~~LICENSING AND REGULATORY AFFAIRS~~ **LABOR AND
ECONOMIC OPPORTUNITY**

DIRECTOR'S OFFICE

~~OCCUPATIONAL HEALTH~~ **GENERAL INDUSTRY SAFETY AND HEALTH
STANDARDS**

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of ~~licensing and regulatory affairs~~ **labor and economic opportunity** by sections 14 and 24 of **the Michigan occupational safety and health act**, 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-1, ~~and~~ 1996-2, 2003-1, 2008-4, ~~and~~ 2011-4, **and 2019-3**, MCL 330.3101, 445.2001, 445.2011, 445.2025 ~~and~~, 445.2030, **and 125.1998**)

R 325.70001 and R 325.70015 of the Michigan Administrative Code are amended, and R 325.70001a is rescinded, as follows:

PART 554. BLOODBORNE INFECTIOUS DISEASES

R 325.70001 Scope, **application, and referenced standards.**

Rule 1. (1) These rules apply to all employers that have employees with occupational exposure to blood and other potentially infectious material.

(2) **The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.**

(a) **General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets," R 325.3451 to R 325.3476.**

(b) **MIOSHA Safety and Health Standard Part 11. "Recording and Reporting of Occupational Injuries and Illnesses," R 408.22101 to R 408.22162.**

(3) **The appendices to these rules are informational only and are not intended to create any additional obligations or requirements not otherwise imposed by these rules or to detract from any established obligations or requirements.**

R 325.70001a ~~Referenced standards~~ **Rescinded.**

~~Rule 1a. (1) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Regulatory Services Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.~~

~~(a) Occupational Health Standard Part 470 “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.~~

~~(b) MIOSHA Standard Part 11. “Recording and Reporting of Occupational Injuries and Illnesses,” R 408.22101 to R 408.22162.~~

~~(2) The appendices to these rules are informational only and are not intended to create any additional obligations or requirements not otherwise imposed by these rules or to detract from any established obligations or requirements.~~

R 325.70015 Recordkeeping.

Rule 15. (1) An employer shall establish and maintain medical records for each category A employee in accordance with ~~Occupational~~ **General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,”** as referenced in R 325.70001a.

(2) An employer shall ensure that medical records contain, at a minimum, all of the following information:

~~(a) The name and social security number of the employee.~~

~~(b)~~ **(a)** A copy of the employee’s hepatitis B vaccination status, including the dates administered and medical records relating to the employee’s ability to receive a vaccination as required by R 325.70013.

~~(c)~~ **(b)** A copy of all results of examinations, medical testing, and follow-up procedures as required by R 325.70013.

~~(d)~~ **(c)** The employer’s copy of the physician’s written opinion.

~~(e)~~ **(d)** A copy of the information provided to the physician as required by R 325.70013(6).

(3) An employer shall assure that employee medical records that are required by this rule are kept confidential and are not disclosed or reported without the employee’s express written consent to any person within or outside the workplace, except as required by this rule or as may be required or permitted by law.

(4) An employer shall maintain employee medical records for not less than the duration of employment plus 30 years in accordance with ~~Occupational~~ **General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,”** as referenced in R 325.70001a.

(5) An employer shall develop and maintain training records for each category A employee. Training records shall be maintained for 3 years beyond the date that the training occurred.

(6) Training records shall include all of the following information:

- (a) The dates of the training sessions.
- (b) The contents or a summary of the training sessions.
- (c) The names and qualifications of persons who conduct the training.
- (d) The names and job titles of all persons who attend the training sessions.

(7) An employer shall ~~assure~~**ensure** that all records that are required to be maintained by these rules ~~shall be~~**are** made available, upon request, to representatives of the department or the director for examination and copying.

(8) An employer shall ensure that employee training records are provided, upon request, for examination and copying to employees, employee representatives, and the director in accordance with ~~Occupational~~**General Industry and Construction Safety and Health** Standard Part 470. "Employee Medical Records and Trade Secrets," as referenced in R 325.70001a.

(9) An employer shall ensure that employee medical records are provided, upon request, for examination and copying to the subject employee, to anyone who has the written consent of the subject employee, and to the director in accordance with ~~Occupational~~**General Industry and Construction Safety and Health** Standard Part 470. "Employee Medical Records and Trade Secrets," as referenced in R 325.70001a.

(10) An employer shall comply with the requirements that involve the transfer of records in ~~Occupational~~**General Industry and Construction Safety and Health** Standard Part 470. "Employee Medical Records and Trade Secrets," as referenced in R 325.70001a.

(11) All of the following provisions apply to a sharps injury log:

(a) An employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in a manner that protects the confidentiality of the injured employee. At a minimum, a sharps injury log shall contain all of the following information:

- (i) The type and brand of device involved in the incident.
- (ii) The work unit or work area where the exposure incident occurred.
- (iii) An explanation of how the incident occurred.

(b) The requirement to establish and maintain a sharps injury log applies to any employer who is required to maintain a log of occupational injuries and illnesses as prescribed in MIOSHA Safety and Health Standard Part 11. "Recording and Reporting of Occupational Injuries and Illnesses," as referenced in R 325.70001a.

(c) A sharps injury log shall be maintained for the period required as prescribed in MIOSHA Safety and Health Standard Part 11. "Recording and Reporting of Occupational Injuries and Illnesses," as referenced in R 325.70001a.