

FERPA/ HIPPA policy

The MY Health-e-Schools program and staff supports the rights of students to be respected and have personal health issues and information dealt with in a private manner. MY Health-e-Schools is committed to the belief that all health information must be treated as confidential in accordance with federal and state law, the standards of school nursing practice, and the code of professional ethics.

The provisions of the federal Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) guides MY Health-e-Schools staff when making decisions on when to share student health information.

MY Health-e-Schools staff will share confidential information only in the following situations:

- when it is educationally relevant for a student's academic progress,
- when necessary to address a student's potential health care needs,
- to ensure the safety of the student, other students and school personnel
- other situations specified by law.

All students have health issues that must be handled in a confidential manner. Students are entitled, by federal and state law, to attend public school and may require nursing and health services in order to maximize their learning potential and remain safe in school. Breach of confidentiality violates trust, is unethical, and may be subject to legal sanctions or civil remedies.

Generally, student health information may not be shared with parties outside the school without informed consent of the student's parent or guardian or the student, if the student is 18 years old, as governed by federal and state law. However, FERPA "permits the disclosure of education records, without consent, to appropriate parties in connection with an emergency, if knowledge

of the information is necessary to protect the health or safety of the student or other individuals.” FERPA also permits sharing student health information in schools with school staff who have a *legitimate educational interest*. The HIPAA Privacy Rule allows covered health care providers, such as the telemedicine facilitator, to disclose private health information about students to school nurses, physicians, or other health care providers for treatment purposes, without the authorization of the student or student’s parent. For example, the MY Health-e-Schools staff may discuss the student’s medication and other health care needs with the appropriate staff members who will administer the student’s medication and provide care to the student while the student is at school.

The MY Health-e-Schools program and staff believes student health information must be treated in a confidential manner protecting the privacy rights of individuals. MY Health-e-Schools staff will use professional judgment to determine which health conditions pertain to a student’s learning and safety.

Reference

The U.S. Department of Health and Human Services and The U.S. Department of Education. (2008). Joint guidance on the application of Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to student health records. Washington, DC. Government Printing Office.