

## **HIPAA and Its Application to the School Setting**

HIPAA (the Health Information Portability and Accountability Act) is a federal law that imposes new standards for the protection of individual health information. It is important to distinguish between HIPAA and FERPA (the Family Educational Rights and Privacy Act). Educational records that are subject to FERPA are expressly exempted from HIPAA's coverage. Therefore, the confidentiality and privacy of school health records that are part of the student's educational record are governed solely by FERPA. The passage of HIPAA does NOT change that in any way. HIPAA does, however, affect the nature of the exchange of information from the student's health care provider TO the school. Previous informal exchanges between health providers and school health staff are no longer permitted; explicit written authorization is required from the parent or guardian in order for information to flow to the school. For example, immunization records require such authorization.

Within the school setting, FERPA continues to govern the exchange of health care information that is contained in the student's educational record. It is not necessary to obtain a release of information from a parent or guardian in order to share such information with school staff for the purposes of insuring the best and most appropriate care for a student.

For additional information, please contact the New York State School Health Services Center at (585) 349-7630 or e-mail: [sschoess@monroe2boces.org](mailto:sschoess@monroe2boces.org) or Karen Hollowood at (518) 486-6090; e-mail: [khollowo@mail.nysed.gov](mailto:khollowo@mail.nysed.gov).