

## **Information about HIPAA and FERPA**

- **Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule HIPAA**
  - The Health Insurance Portability and Accountability Act (HIPAA) provides federal protections for individually identifiable health information held by covered entities such as community mental health centers.
  - HIPAA gives patients an array of rights regarding their individually identifiable health information.
  - For more information, visit:
    - <http://www.hhs.gov/ocr/privacy/index.html>
- **Family Educational Rights and Privacy Act (FERPA)**
  - A federal law that protects the privacy of students' education records.
  - FERPA gives parents certain rights related to their child's education records. These rights transfer to students when they turn 18.
  - For more information, visit:
    - <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- **HIPAA and FERPA**
  - Both HIPAA and FERPA are designed to protect confidentiality and privacy.
  - School-employed staff must abide by FERPA.
  - Hospitals and outpatient mental health programs abide by HIPAA.
  - The school mental health records of school-based community providers are protected by HIPAA.
  - Provisions relate to sharing information during crises and emergency situations.
  - For more information on the intersection between HIPAA and FERPA, visit:
    - [http://www.hhs.gov/ocr/privacy/hipaa/faq/ferpa and hipaa/index.html](http://www.hhs.gov/ocr/privacy/hipaa/faq/ferpa%20and%20hipaa/index.html)
- **Helpful Hints**
  - Neither HIPAA nor FERPA should be seen as an insurmountable obstacle for your program.
  - Be clear about what information can and cannot be shared with whom.
  - Strike a balance.
  - Have parents/guardians sign a release-of-information form.
  - Create a policy for how your district will share information and documents with your community mental health partner(s).