

## **Notice Regarding Confidentiality of Health Records Under the Family Educational Rights & Privacy Act (FERPA)**

The privacy of your health information is important to all of us at the University of Arizona Campus Health Service (CHS). This Notice will tell you about the way we protect that privacy by complying with the Family Educational Rights and Privacy Act (FERPA).

### **What is FERPA?**

FERPA is a federal law that protects the privacy of students' "education records." The University of Arizona follows FERPA regulations because it receives funds that are administered by the United States Department of Education. Under FERPA, "Education Records" are very broadly defined as records that are directly related to a student and are kept by an educational agency or institution, or someone acting for the agency or institution.

### **Does the University of Arizona have a policy that describes how it complies with FERPA?**

Yes, the UA Registrar manages UA's FERPA Program. For more information, visit the following webpage: <https://www.registrar.arizona.edu/personal-information/family-educational-rights-and-privacy-act-1974-ferpa> . Under most circumstances, you will need to sign a written consent before we disclose your Education Records, but the FERPA regulations also list some circumstances under which your Education Records may be disclosed without your prior written consent.

### **How does FERPA apply to my records at Campus Health Service (CHS)?**

Under FERPA, the records maintained by CHS are either "Treatment Records" or "Education Records." The majority of records maintained at CHS are considered to be Treatment Records under FERPA, including the records created by your healthcare provider or counselor while providing you with care. Treatment records are records that are made or maintained by a health care professional; are used only for your medical or psychological treatment; and are available only to treatment providers.

### **How does CHS use my Treatment Records?**

CHS uses your Treatment Records to provide you with healthcare services. We may disclose your records to other healthcare providers who are also providing you with treatment. In general, we will ask you to sign a written consent form before we provide your information to another healthcare provider for treatment. If there is an emergency situation, however, we may provide

this information to other providers for your treatment without having you sign a written consent. At your request, we will also provide your Treatment Records to a physician or other appropriate professional for review.

**Can my CHS Treatment Records be shared with people other than healthcare providers without my consent?**

In general, we will ask you to sign a written consent before we disclose your CHS records to anyone for a purpose other than treatment. In the following circumstances, as permitted by FERPA regulations and UA policy, we may disclose your CHS records without your written consent: (a) to comply with a judicial order or lawful subpoena; (b) disclosure to the court in connection with a legal proceeding involving the University and you or your parents; and (c) disclosure in connection with a health or safety emergency if knowledge of the information is necessary to protect the health and safety of you or other persons. Additionally, the FERPA regulations also list other situations in which we may disclose your CHS records without your prior written consent.

**Can I make a request to see my CHS records?**

Yes, you may make a written request to see your CHS records. We may provide you with copies of the records or arrange for a healthcare provider to be with you when you review them in order to explain the records and/or answer your questions. However, when your records are disclosed to you in this manner, they are considered Education Records (and no longer Treatment Records) and are covered by FERPA regulations governing Education Records.

**At other healthcare providers, I've been told that the Health Insurance Portability and Accountability Act (HIPAA) applies to my health records. Why doesn't HIPAA apply to my UA CHS records?**

UA CHS covered by both FERPA and HIPAA regulations. Federal regulations now make clear that Education Records and Treatment Records are excluded from coverage under the HIPAA Privacy and Security Rules. Accordingly, the FERPA regulations prescribe the federal rules that UA Campus Health Service must follow in protecting the privacy of a student's medical and counseling records. If you receive health care from a Banner University Medical Center or a Banner Clinic, then the HIPAA regulations *will* apply to the records maintained by those facilities. Of course, all UA facilities also comply with any applicable state laws and University policies regarding the privacy and confidentiality of healthcare records, including CHS. When non-UA students (e.g., dependents,



UA faculty, staff) are seen at CHS, HIPAA regulations apply to all of the non-UA student's health records.

**What about counseling or mental health records?**

In addition to FERPA, there are other state laws that place additional privacy protections and disclosure restrictions on mental health and counseling records, including records held at CHS.

**Where may I direct any other questions I may have about the privacy protections for my UA CHS records?**

You may contact CHS Medical Records at (520) 621-4068 for student records inquiries or the UA Privacy Officer at (520) 621-1465 or [privacyoffice@email.arizona.edu](mailto:privacyoffice@email.arizona.edu) for non-UA student privacy incidents.

March 2017