

Feds Update Guidance for Student Health Records

PUBLISHED ON

January 6, 2020

Recently, the U.S. Departments of Education and Health and Human Services issued updated [joint guidance](#) addressing the intersection and application of the Family and Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to records maintained for students. This marks the first updated guidance addressing these issues since 2008.

The guidance includes 27 frequently asked questions and clarifies instances when postsecondary institutions, school districts (and other local educational agencies) and health care professionals may release information from student records regarding a student's health without the written consent of a parent or eligible student.

Some highlights of the FAQs include:

- When can information be shared about someone who presents a serious danger to self or others?
- When can personally identifiable information from a student's education records be shared, without prior written consent, about someone who presents a serious danger to self or others?
- Can an educational agency or institution disclose, without prior written consent, personally identifiable information from a student's education records, including health records, to the educational agency's or institution's law enforcement officials?

"Confusion on when records can be shared should not stand in the way of protecting students while they are in school," U.S. Secretary of Education Betsy DeVos said in a [news release](#).

U.S. Secretary of Health and Human Services Alex Azar said he hopes the updated guidance can end some of the confusion on sharing health information.

"This updated resource empowers school officials, health care providers, and mental health professionals by dispelling the myth that HIPAA prohibits the sharing of health information in emergencies," he said. If you have any questions on the new guidance or any other topic, please contact any member of the [Barley Snyder Education Practice Group](#).