

## **5125.11      HEALTH/MEDICAL RECORDS**

When applicable, Salisbury Central School (the District) will comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to maintain the privacy of protected health information that it receives, obtains, transmits or sends. The Board of Education designates the SCS school nurse as its HIPAA Privacy Officer.

Student education records, including personally identifiable health information, maintained by the District are subject to and protected by the Family Educational Rights and Privacy Act (FERPA). Both the United States Department of Health and Human Services and the United States Department of Education Family Policy Compliance Office have stated that student records under FERPA are not subject to HIPAA. Therefore, District schools will comply with FERPA's confidentiality provisions rather than HIPAA's.

The District will seek Medicaid eligibility information to determine if services to a student may be billed. Bills will be processed electronically for Medicaid reimbursement for qualified services to eligible special education students. The District will comply with HIPAA's electronic transactions requirements. Procedures and safeguards will be developed to protect the privacy of health information and prevent wrongful use and disclosure. At a minimum, the policy and procedure for student records will comply with the Family Educational Rights and Privacy Act of 1974 (FERPA) with assurances that the District has obtained authorization from the parent or adult student prior to the release of protected health information for the purpose of Medicaid billing. Individuals involved in the Medicaid billing process for the District shall be trained on the privacy procedures. Discipline shall be imposed, up to and including discharge, for staff that wrongfully use or disclose protected health information.

(cf. 3231 - Medical Reimbursement for Special Education Students)

(cf. 5125 - Student Records; Confidentiality)

Legal Reference: Connecticut General Statutes

1- 19(b)(11) Access to public records. Exempt records.

10- 15b Access of parent or guardians to student's records.

10- 154a Professional communications between teacher or nurse & student.

10- 209 Records not to be public

46b-56 (e) Access to Records of Minors.

Connecticut Public Records Administration Schedule V Disposition of Education Records (Revised 1983).

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93 568, codified at 20 U.S.C.1232g.).

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

USA Patriot Act of 2001, PL 107-56, 115 Stat. 272, Sec 507, 18 U.S.C.  
§2332b(g)(5)(B) and 2331  
42 U.S.C. 1320d-1320d-8, P.L. 104-191, Health Insurance Portability and  
Accountability Act of 1996 (HIPAA)  
65 Fed. Reg. 50312-50372  
65 Fed. Reg. 92462-82829  
63 Fed. Reg. 43242-43280  
67 Fed. Reg. 53182-53273

Approved by the Salisbury Board of Education: April 25, 2022