



EMORY
UNIVERSITY

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

The privacy of your health information is important to all of us at Emory University. 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." Emory University follows FERPA regulations because it receives funds that are administered by the U.S. 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 Emory have a policy that describes how it complies with FERPA?

Yes, Emory's FERPA policy can be found at the following webpage:

<http://registrar.emory.edu/Students/FERPA/index.html>. 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 health records retained by Emory University?

Under FERPA, the student records maintained by Emory University are either "Treatment Records" or "Education Records." The majority of student records maintained at Emory units that provide health services (e.g., Emory Student Health Services, Counseling and Psychological Services, Emergency Medical Services, and Oxford Student Health Service and Counseling and Career Services, etc.) 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 Emory University my Treatment Records?

Emory uses your Treatment Records to provide you with health care 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 records be shared with people other than health care providers without my consent?

In general, we will ask you to sign a written consent before we disclose your student health records to anyone for a purpose other than treatment. In the following circumstances, as permitted by FERPA regulations and Emory University policy, we may disclose your health 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. The FERPA regulations also list other situations in which we may disclose your health records without your prior written consent.

Can I make a request to see my health records?

Yes, you may make a written request to see your health 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 health care 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 health records at Emory University?

Emory University is covered by both FERPA and HIPAA regulations. Federal regulations now make clear that university 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 Emory University must follow in protecting the privacy of a student's medical and counseling records. If you receive health care from an Emory Healthcare facility such as Emory Hospital or the Emory Clinic, then the HIPAA regulations will apply to the records maintained by those facilities. Of course, all Emory facilities also comply with any applicable state laws and Emory policies, as well as applicable ethical and professional rules pertaining to particular practices regarding the privacy and confidentiality of healthcare records.

What about counseling or mental health records? In addition to FERPA, there are other Georgia state laws that place additional privacy protections and disclosure restrictions on mental health and counseling records, including records held by Emory University.

Where may I direct any other questions I may have about the privacy protections for my student health records?

You may directly contact the relevant Emory unit providing healthcare to you, or the Emory University Privacy Officer at (404) 727-2398 or compliance@emory.edu.