

**STUDENT HEALTH/MEDICAL RECORDS**

When applicable, district schools 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 Valliant Board of Education designates the Superintendent as its HIPAA Privacy Officer.

Student education records, including personally identifiable health information, maintained by the district is 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 user 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 wrongful uses or discloses protected health information.

**REFERENCE: 34 CFR 99.1****18 USC §§2331 AND 2332 (g)(5)(B), U.S. Patriot Act of 1001****20 USC 1232, Federal Family Educational Rights and Privacy Act of 1974****42 USC 1320d-1320d-8, P.L. 104-191, Health Insurance Portability and Accountability Act of 1996****P.L. 107-110, No Child Left Behind Act of 2001****63 Fed. Reg. 43242-43280****65 Fed. Reg. 50312-50372****65 Fed. Reg. 92462-82829****67 Fed. Reg. 53182-53273****CROSS-REFERENCE: Policy FL, Student Records****Policy FLE, Transfer and Release of Confidential Information**