



Notice of Privacy Practices:

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 Tennessee Student Health Center. 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 Tennessee 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 the University of Tennessee have a policy that describes how it complies with FERPA?

Yes, the University of Tennessee's FERPA policy can be found at the following webpage: <http://ferpa.utk.edu/policy/>.

How does FERPA apply to my records at the Student Health Center?

Under FERPA, the records maintained by the Student Health Center are either "treatment records" or "education records." The majority of records maintained at the Student Health Center are considered to be "treatment records" under FERPA, including the records created by your healthcare provider 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 treatment; and are only available to treatment providers.

How does Student Health Center use my Treatment Records?

The Student Health Center 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 without your consent. In general, however, we will ask you to sign a written consent form before we provide your information to another healthcare provider that is outside of this facility. If there is an emergency situation, we may provide this information to other providers for your treatment without having you sign a written consent.

Can my Student Health Center treatment records be shared with people other than healthcare providers without my consent?

Under most circumstances, you will need to sign a written consent before we disclose your treatment records, but the FERPA regulations also list some circumstances under which your records may be disclosed without your prior written consent. In the following circumstances, as permitted by FERPA regulations and the University of Tennessee policy, we may disclose your Student Health Center 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 Student Health Center records without your prior written consent.

Can I make a request to see my Student Health Center records?

Yes, you may make a written request to see your Student Health Center treatment 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 treatment 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 University of Tennessee Student Health Center records?

Student Health Center records are covered by FERPA 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 the University of Tennessee Student Health Center must follow in protecting the privacy of a student's medical records. If you receive health care from another medical facility, then the HIPAA regulations may apply to the records maintained by those facilities. Of course, the University of Tennessee, including the Student Health Center, will also comply with any applicable state laws and University policies regarding the privacy and confidentiality of healthcare records.

What about counseling or mental health records?

In addition to FERPA, there are other Tennessee state laws that place additional privacy protections and disclosure restrictions on mental health and counseling records. You may view a copy of the Student Counseling Center's privacy rules at: <http://counselingcenter.utk.edu/about-us/confidentiality/>.

Where may I direct any other questions I may have about the privacy protections for my University of Tennessee Student Health Center records?

You may contact the Business Manager of the University of Tennessee Student Health Center at (865) 974-3135.

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