HIPAA/FERPA Confidentiality Policy

Purpose:

To ensure that all data relating to patient/student health care, counseling, psychiatry, psychological, and financial information are maintained in a confident manner and will be discussed with authorized personnel only. According to Federal and State laws, an individual’s medical record is considered to be the property of the health care facility where a patient is treated; the medical information in the patient record remains the property of the patient. Medical information can only be released following the patient’s, request or legal representative’s completion of authorization to release medical information and this written authorization should be in compliance with all laws.

Policies:

1. All patients/students are guaranteed the right to confidentiality of their health care information. No health information will be released to anyone outside the Wellness Center without permission of the patient/student through completion of a "Release of Information" form. The following HIPAA and FERPA Regulations will be complied by at all times.

2. To improve the efficiency and effectiveness of the health care system, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, privacy rule provides federal protections for personal health information held by covered entities and gives patients an array of rights with respect to that information. At the same time, the Privacy Rule is balanced so that it permits the disclosure of personal health information needed for patient/student care and other important purposes.

3. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children’s education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level.

4. Maintenance of confidentiality of mental health records as outlined and protected under the regulations in Code 42 of the Federal Regulations, Part 2 and mental
health records excluding psychotherapy notes, records pertaining to HIV infection, acquired immunodeficiency syndrome or acquired immunodeficiency syndrome related to complex or a test for any such disease including records protected under Act 488, Public Acts of Michigan, 1988 shall be followed.

5. Social Services records and psychologist records shall be released only if specifically authorized, i.e., through the use of a Release of Information form.

6. All Wellness Center personnel shall be informed of the confidentiality of medical/counseling information, uphold the patient/student right to privacy, and understand the consequences of violating such rights.

Procedures:

1. Patient/Student information is all data regarding an individual awaiting, undergoing, or having had care within the institution, including, but not limited to:
   - The individual will be/is/was a patient
   - Individual demographics (ht, wt, age, sex, gender)
   - Personal information (name, address, phone number, etc)
   - Procedures or services rendered
   - Patients/Students condition or diagnosis
   - Data generated within the institution (online information)
   - Reports generated within the institution (printed information)

2. Any observed breaks in confidentiality will be reported to the Wellness Center Director.

3. When a patient/student requests that medical information be given to himself/herself or designated other a “Patient/Student Release of Information Authorization” will be completed and signed by the patient/student and a witness. The form will be reviewed with the patient verbally to promote patient/student understanding of the use and purpose of the form whenever possible. Every effort will be made to limit the information released to only what is necessary to fulfill the stated purpose of the request.

4. When patients/students contact the Wellness Center by telephone for information (test results, outcome of care, etc) they must be asked to identify their student ID number and birth date. Wellness Center staff will ask patients/students to identify the specifics of the information being requested. Attempts to have patients/students come to the Wellness Center for discussion of information requested, unless the request can be answered simply: for example “Your test
results are negative". There is no need for follow-up at this time". The amount of information given over the phone should be limited.

5. When the Wellness Center staff contacts a patient/student by phone or request the patient/student to identify their student ID number and birth date; then relay simple, direct information. Do not leave a detailed message or text message on answering machines or cell phones with friends or relatives. Simply request that the patient/student call or come into the Wellness Center. When contacting a patient/student by email be sure to keep the message simple as well.

6. No information will be given to friends or family members. Patient/student visits to the Wellness Center cannot be acknowledged. Explain the confidentiality policy, take information from the concerned party, offer assistance as appropriate without giving specific patient information, ex; if we see your friend/son/daughter we will tell them of your concern.

7. Kettering staff calling or presenting at the Wellness Center for verified of student absences, Wellness Center visits, or details re: health status are to be informed of the Wellness Center confidential policy. Advise staff to inform students that it is their responsibility to come to the Wellness Center personally to discuss their health concerns and how they relate to their academic standings or counseling relationships.

8. Information relayed to patients/students instructors, parents, guardians, primary care physician or outside referrals, require completion of the Information Release Authorization.

9. Completed Release of Information Authorizations received by fax must provide either a patient/student social security number, student ID number, and birth date. A blank Release of Information Authorization may be faxed to patients of campus requesting health information.

10. All counseling and medical records in the Wellness Center are stored in a locked file cabinet behind locked doors. These doors will be locked when the Wellness Center staff is not in the clinic. Medical or counseling records that have to been filed (due to the need for continued care) are also locked in the file room.

11. All lists of patient/student visits. Diagnosis, etc. and other information re: patient/student care will be protected from being viewed by other according to HIPAA and FERPA rules and regulations.
12. Any paper being disposed of containing health or personal patient/student information will be shredded and thrown away in the general trash.

All medical and counseling records will be protected under HIPAA and FERPA Rules. Please see http://www.hhs.gov/ocr/privacy/hipaa/faq/ferpa_and_hipaa/) for more information.
Release of Information Policy

Before a student is seen by a mental health professional in Counseling Services, they must sign a Release of Information.

- All communication between a client and a counselor, psychologist, or psychiatrist is confidential and will not, except under the circumstances explained below, be disclosed to anyone outside of Counseling Services unless a written Authorization to Release Information is given.
- A Release of Information will need to be signed for counseling services to communicate information to anyone outside of the Wellness Center. If there is evidence of imminent danger of harm to the client or other(s), we must take action. If a client describes abuse to another individual the information will be reported to the appropriate agency. It is possible a court order may require release of privileged communication.
- Counseling information cannot be released to the following without the client’s consent:
  1. parents or guardians, spouse, siblings, or significant other
  2. another doctor, lawyer, or health organization
  3. insurance company, disability payment source, or state agency

Procedure:

- A client may review his counseling record in the confines of the Counseling Services office with a counselor and only by appointment.
- A client wishing to grant release of information to another party must complete the Release of Information form.
- Records may be faxed or mailed. A cover sheet or letter must be affixed to accompany all documents.
- The legal counsel of Kettering may wish to review cases involving probable legal action before the information is released. In a legal case, the whole chart is copied at the written request of the legal counsel. Counseling Services will not release any medical information obtained from another clinic, hospital, or private physician if marked “not for secondary disclosure”.
- Counseling Services will not release records pertaining to alcohol/drug use, mental health, HIV/AIDS, abortion, and sexual assault unless the written consent is signed.
- In cases of immediate transfer by ambulance or police of a client to any emergency facility or hospital, appropriate information can be sent with the client, including photocopies of clinical notes and identification information. This material should be provided for continuity of care. Also in these cases, all attempts will be made to contact the emergency contact person(s) supplied by the client on his/her Client Intake Questionnaire form or at the client’s verbal request to contact such persons as so designated.