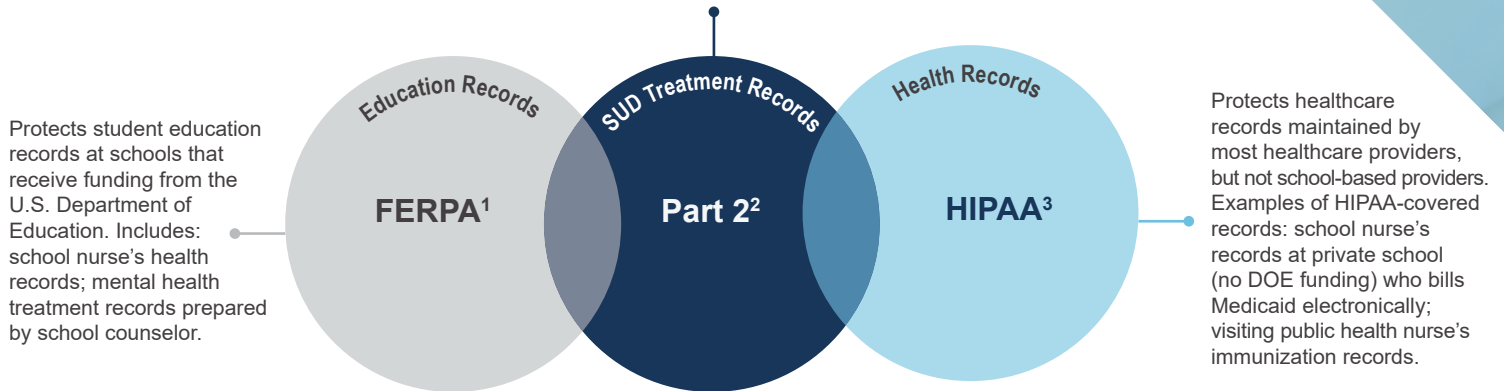


UNDERSTANDING STUDENT Privacy Protections

As more schools offer on-site treatment and referrals to community-based mental health and substance use disorder treatment services, **it is important to understand the interplay between federal privacy laws.**

Protects student substance use disorder treatment records provided by school and community-based substance use disorder treatment providers. Includes treatment records from community-based substance use disorder treatment programs.



Key point #1: Protecting Student Privacy Is Important.

Many students hit bumps along the path. Protecting the confidentiality of your students' mental health or SUD treatment helps to give them and their families the space they need to recover and regain their footing in life.

Key point #2: When Multiple Privacy Laws Overlap, the Most Protective Law Applies.

Part 2 overlaps with both FERPA and HIPAA, but FERPA and HIPAA do NOT overlap.

Key Point #3: State Law and Other Privacy Protections Must be Considered.

State-specific laws governing how schools and their service providers collect, use, and protect student data can impact how federal privacy laws are implemented in any given state.

Key point #4: Information Can Save Lives.

In some circumstances, you can share necessary information to prevent harm if you suspect or know that a student needs help. Health professionals, school administrators and educators may share PHI to prevent a serious or imminent threat of harm, including with law enforcement, family members of the patient, or other individuals in a position to intervene, like school administrators and security.

Determining whether 42 CFR Part 2 ("Part 2") applies to student records depends on the services you/your program provides. CoE-PHI has resources and tools available to assist schools/community SUD providers in determining if they are a Part 2 program, and can provide individualized Technical Assistance to assist with this process.

Confused About the Overlap Between FERPA, HIPAA, & Part 2 Privacy Protections for Students & Families?

You're Not Alone. *These rules can help protect students and school staff and improve treatment outcomes. But you have to understand them first.*

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