**Questions:**

* If an entity performs an evaluation that is funded by Medicaid or insurance, would the evaluation results be exempt from FERPA but still protected under HIPAA?
	+ Education data would not be permitted to be used without parental consent for an evaluation associated with Medicaid or insurance. Under the Audit/Evaluation exception to consent under FERPA, PII from education records must be used to audit or evaluate a Federal- or State-supported education program, or to enforce or comply with Federal legal requirements that relate to those education programs (audit, evaluation, or enforcement or compliance activity). The entity disclosing the PII from education records is specifically required to use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.
	+ Further, the FERPA compliant consent to participate in this evaluation of a medicaid program would need to follow the consent requirements in FERPA (34 CFR § 99.30).
* Are Community Centered Boards also CE (covered entities) or just CDHS?
	+ CCBs are also considered covered entities, as they are the local extension of CDHS’ EI program.
* Would you talk about school health care plans and sharing that information with school staff?
	+ If the information is related to the health and safety of students, then it most likely should be shared with school staff, who meet the criteria of “School Officials” with a “legitimate educational interest” in gaining access in that information, and further, their role in the school should also require they have access to that information. This question makes me think of children with severe peanut allergies, if the teachers in the building all know Tommy has a peanut allergy, and see him slumped over in the hallway., They may be able to identify an anaphylactic reaction and alert the appropriate officials to administer aid more quickly.
	+ <https://studentprivacy.ed.gov/sites/default/files/resource_document/file/ferpa-hipaa-guidance.pdf>
* What databases are HIPAA/FERPA compliant? Is Google Drive?
	+ This question is a slight misnomer, “FERPA Compliant” doesn't necessarily have to do with a stamp of approval, or a prescribed set of network security rules. You could use Google Drive, with appropriate security, but share a document with the wrong person, leading to a FERPA violation. So system architecture is important, but system use is just as critical.
	+ <https://studentprivacy.ed.gov/resources/joint-guidance-application-ferpa-and-hipaa-student-health-records>
* Can you have a single release that lists who information is required from or released to or do you need a form for each entity for the parent to sign?
	+ As long as the consent form complies with the consent requirements set forth in FERPA (34 CFR § 99.30), then you could share the appropriate education records for that student.
	+ <https://studentprivacy.ed.gov/ferpa-regulations#0.1_sp34.1.99.d>
* Do rules change in crisis/emergency situations? What are caveats?
	+ In some situations, school administrators may determine that it is necessary to disclose personally identifiable information (PII) from a student’s education records to appropriate parties in order to address a health or safety emergency. FERPA’s health or safety emergency provision permits such disclosures when the disclosure is necessary to protect the health or safety of the student or other individuals. See 34 CFR §§ 99.31(a)(10) and 99.36. This exception to FERPA’s general consent requirement is limited to the period of the emergency and generally does not allow for a blanket release of PII from a student’s education records. Rather, these disclosures must be related to an actual, impending, or imminent emergency, such as a natural disaster, a terrorist attack, a campus shooting, or the outbreak of an epidemic disease.
* <https://studentprivacy.ed.gov/faq/when-it-permissible-utilize-ferpa%E2%80%99s-health-or-safety-emergency-exception-disclosures>
* I am an occupational therapist who contracts with our local Part C agency to provide OT services. Should the CCB get permission from the parents to share information with me since I am contract / not an employee? I also am a Medicaid provider. Should I receive parent permission to share information with the CCB that the Medicaid program paid for?
	+ From the FERPA side of things, transparency would be best. The program should notify parents that outside contractors are used for specialized services, such as OT. Further IDEA has consent requirements that are dependent on the services being delivered.
	+ <https://sites.ed.gov/idea/files/Final_Regulations_Part_C_Guidance.pdf>

**Comments**:

Amanda Fitzsimons : Hello - It is important to note that disclosures for treatment purposes may ONLY be made to a healthcare provider.

12:33:12 From Amanda Fitzsimons : It may only go to a CE that is not a healthcare provider for the purposes of payment or health care operations

That data flow needs to be updated.

12:35:48 From Amanda Fitzsimons : It's incomplete. See 164.506(c)(2) and (c)(4) for the clarifications of allowable disclosures to providers and CEs