



ARTICLES

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College Kids and HIPAA

What happens if your child is in an accident while away at college? Must the college notify you of the accident? Can it give you medical information about your child? Some colleges have refused to provide such information, citing HIPAA.

Both the HIPAA Privacy Rule and FERPA (the Family Educational Rights and Privacy Act) protect college students' medical information. Generally the college will not be permitted to disclose medical information concerning your child, unless your child has signed a proper authorization form (if HIPAA applies) or consent form (if FERPA applies).

While both HIPAA and FERPA permit certain disclosures of information in emergency situations, colleges may not be aware of this, and in any event the permitted disclosure is quite limited.

So, what should parents do to ensure that they are notified if their child is in an accident or becomes seriously ill?

First, parents should make sure that the college knows to contact them in the event of an emergency.

Second, before the start of the school year, parents should obtain the college's authorization and/or consent forms, and encourage their children to complete them so as to permit the college (and its on-site clinic) to release medical information to the parents, at least in the event of emergencies. Signed copies should be provided to the college and also kept in the parents' own files.

Note that different rules may apply under applicable state law, or if your child is a minor.

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