Student receives healthcare at a postsecondary institution.

The facility is a student health center operated on behalf of a postsecondary institution.*

The records meet the definition of "education records" or "treatment records" under FERPA.

*Note that if the hospital also treats faculty and staff, the records of those non-students would not be subject to FERPA and HIPAA regulations, would likely apply.

The SBHC (1) furnishes, bills or receives payment for healthcare in the normal course of business, and (2) transmits these covered transactions electronically.

HIPAA transaction and code set rules apply, but HIPAA privacy rules do not apply because the information is excluded from definition of PHI.

The SBHC (1) does not furnish, bill or receive payment for healthcare in the normal course of business, and/or (2) does not transmit these covered transactions electronically.

HIPAA does not apply.

The facility is affiliated with a postsecondary institution, meaning it does not provide health care services to students on behalf of the institution. Rather, it provides such services without regard to the person’s status as a student and not on behalf of the institution.

Records maintained by the hospitals will not meet the definition of "education records" or "treatment records," even if the patient is a student. Thus, FERPA does not apply.

If the facility otherwise meets the definition of a HIPAA covered entity, all of the HIPAA regulations will apply.

Healthcare provider is employed by, or contracts with, the SBHC and provides care on or off-site, on behalf of the school.

Healthcare provider is a third-party providing care, either on or off-site, not on behalf of the school (i.e. health agency giving swine flu vaccinations).

If such a provider otherwise meets the "covered entity" definition, HIPAA and not FERPA will apply.

The SBHC (1) furnishes, bills or receives payment for healthcare in the normal course of business, and (2) transmits these covered transactions electronically.

HIPAA transaction and code set rules apply, but HIPAA privacy rules do not apply because the information is excluded from definition of PHI.

The SBHC (1) does not furnish, bill or receive payment for healthcare in the normal course of business, and/or (2) does not transmit these covered transactions electronically.

HIPAA does not apply.

FERPA versus HIPAA in School Based Health Centers