

Federal (FERPA) and State (Rhode Island) Laws Applicable to URI Student Health Care Information

The HIPAA Statute and Regulations, and the URI HIPAA policies, apply to all PHI held by URI Covered Components that relate to individuals other than URI students. Conversely stated, the HIPAA Statute and Regulations, and the URI HIPAA policies, do not legally apply to health care information pertaining to URI students.

Rather, personally identifiable Health Care Information (“HCI”) pertaining to URI students that is held by any URI unit (whether a HIPAA “Covered Component” or not) will need to be maintained, used and disclosed by the unit: (1) in compliance with the applicable provisions of Rhode Island Law (primarily the Rhode Island Confidentiality of Health Care Communication Act, RIGL, c. 5-37.3 available at <http://webserver.rilin.state.ri.us/Statutes/TITLE5/5-37.3/INDEX.HTM>) when the HCI is included in a “treatment record,” and (2) in compliance with both the applicable provisions of Rhode Island Law (primarily the Rhode Island Confidentiality of Health Care Communication Act, RIGL, c. 5-37.3 available at <http://webserver.rilin.state.ri.us/Statutes/TITLE5/5-37.3/INDEX.HTM>) and the federal education record privacy law known as “FERPA” (the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, and the law’s implementing regulations, 34 C.F.R. Part 99, available at <https://www2.ed.gov/policy/gen/reg/ferpa/index.html>) and described and summarized in URI Guidance (at <https://web.uri.edu/enrollment/ferpa/>) when the HCI is included in an “education record.”

“Treatment Records” are records held by any URI unit which are (i) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity; (ii) made, maintained, or used only in connection with treatment of the student; and (iii) disclosed only to individuals providing the treatment.

“Education Records” are all records pertaining to the student maintained by the unit other than “treatment records.” It is important to note, however, that a “treatment record” will become an “education record” once it is disclosed to the student, or to any third person outside of the unit in which the treatment provider works, other than another treatment provider.

Although URI may also, in some cases (voluntarily, in its discretion), extend to URI student HCI any additional privacy protections that are described in the URI HIPAA policies (in the limited number of instances where HIPAA provides more privacy protection than FERPA and/or Rhode Island law), it is never required to do so and may not always do so.