

Operations Policy #926
The Health Insurance Portability and Accountability Act (HIPAA)

Purpose:

The SusQ-Cyber Charter School (“Charter School”) abides by the HIPAA regulations, which safeguard the private, health information supplied by students and staff.

Definitions: Pursuant to 45 C.F.R. § 160.103, Protected Health Information means all individually identifiable health information that is:

- Transmitted by electronic media,
- Maintained in any medium described in the definition of electronic media at §162.103 of this subchapter, and
- Transmitted or maintained in any other form or medium.

Protected health information excludes individually identifiable health information maintained only in “education records” covered by the Family Educational Rights and Privacy Act (“FERPA”), as amended, 20 U.S.C. 1232g. Because student health information maintained only in educational records is protected by FERPA, such information is specifically excluded from HIPAA coverage.

Guidelines:

- The release of certain private information regarding an individual’s health is strictly regulated. Generally, the release of an individual’s health information is not permitted without permission from that individual.
- The CEO shall serve as the Charter School HIPAA Officer who is responsible for the adherence to the HIPAA laws and regulations.
- The Charter School will not release information regarding students or staff covered by HIPAA without a signed release to enable the Charter School to release such information.
- Students and staff are reminded that releasing information to the Charter School is releasing it to a protected site. If a student or staff member releases health information covered by HIPAA to the Charter School it will only be released to other individuals if agreed to by the individual in writing.
- Any individual who releases HIPAA-protected information without permission violates this HIPAA policy and makes themselves subject to disciplinary action.
- All staff must sign the Terms and Conditions Statement in the student or staff handbook that signifies agreement with this procedure.

Delegation of Responsibility:

The CEO is the Charter School HIPAA Officer and is responsible for the adherence to this HIPAA Policy. Only the CEO may give permission for the release of a student’s health information pursuant to an Authorization by the student, parent/guardian and/or his/her legal representative.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS CONTROL. THIS POLICY IS NOT INTENDED TO CONFLICT WITH CHARTER REQUIREMENT.