Case Presenter:
Atziri Rodriguez, MPH

Director of School-Based Health Care
Native American Health Center
Speaker Bio

Atziri Rodriguez, MPH is the Director of School-Based Health Care for Native American Health Center. As a public health professional, Atziri has over 10 years of experience in community health education, adolescent health and school-based health center operations. With a focus on health equity and health access, Atziri is driven by empowering youth to become advocates for their own health and for their communities.
Case Presentation

Questions for ECHO consideration:

• Which law, HIPAA or FERPA, do you operate under in your role?

• How well do you understand HIPAA and FERPA?
Case Presentation: Scenario 1

Student is engaged in therapy at the School Based Health Center operated by a community-based organization (CBO) with outside funding on the school campus. The school principal reaches out to the therapist to know what is going on in treatment and asks the therapist to disclose what the student is talking about in therapy, what they are working on, and how it is going?

- Student was referred to services by the school’s Coordination of Services Team
- Student has been engaged in weekly therapy for 2 months
- Student is in treatment for depression

1. What items should the therapist consider before providing information to the principal?

2. How might a therapist navigate the discussion of a student’s information in collaborative team meetings with school health/mental health partners and where school administrators may be involved?
Scenario 1: Example Solution

In order to facilitate collaboration and best support for students, at NAHC, we include discussing minimal case information for coordination of services as part of the consent.

This allows the therapist to say to the principal something like: “I know that you care about this student. Under HIPAA, I am unable to discuss details, but I can assure you that the student is engaged in services and working towards their treatment goals. If there are specifics that would be helpful for their treatment for me to discuss with you, I will discuss having the family sign a release of information (ROI).”
TIPS to Keep in Mind

Both parties want what is best for the student. They are governed by different laws. Under FERPA, a staff person can verbally discuss student information. The school staff is not usually trying to be unethical; they operate under different laws and need training on what can and cannot be communicated. The therapist working for a CBO usually operates under HIPAA and it is against the law for them to discuss client information with anyone. They are not trying to be difficult or hide information, they are doing their job.

Both parties working for the same student in the same space (school campus) operate under different laws. This can create tension where staff working under different laws can feel that people are not “working as a team” or not working in collaboration. It is important to have effective communication pathways in place ahead of these situations to ensure the best possible outcomes for the student and family.
Case Presentation: Scenario 2

A student is engaged in therapy at the School Based Health Center on campus and, during therapy, the therapist discovers that the student is struggling in their science class.

The student reports that they are struggling sitting at the back of the class and, when they are called on without warning, they are experiencing significant anxiety that makes it difficult for them to focus so they often miss the class. The student says they have tried to talk with their teacher about wanting to move seats and not be called on, but it has not improved.

• How can the therapist work with the teacher?
• Given the anxiety of the student in this situation, how might the provider raise (or not) a 504 question or an evaluation under Child Find?
Scenario 2: Sample Solution

The therapist works under HIPAA and the teacher works under FERPA. In this example, it would benefit the student for the therapist to talk with the teacher.

- The therapist can have the student/guardian sign an ROI after explaining why and what information will be discussed with the teacher to the student and guardian.
- This means that the therapist can discuss only information pertinent to the student's treatment and wellbeing, not anything they talk about in therapy.

After the ROI is signed, the therapist can discuss the student’s case with the teacher and ask for supports that would decrease the student's anxiety and increase the likelihood that the student will attend class.
TIPS for HIPAA/FERPA

- Approach all staff with assuming good intentions, understanding we are often working under different laws
- Be prepared early on to explain the laws
- Have paperwork signed early on that allows for collaboration
- Consider learning a little about IDEA and 504 because students have protectable rights in education. Also, educational eligibility for these services is different than a mental health diagnosis.
- Parents may potentially have different access to information under HIPAA vs. FERPA.