

MILES COLLEGE'S HEALTH AND WELLNESS CENTER PRIVACY AND CONFIDENTIALITY STATEMENT

Students receiving health care services at the Health and Wellness Center at Miles College have certain privacy rights granted by Alabama state law and by a federal privacy law protecting the privacy of student education records called the Family Educational Rights and Privacy Act (FERPA). The purpose of this Notice is to assure you of the Health and Wellness Center center's compliance with these laws and to provide information about the confidentiality protections provided to you based on Health and Wellness Center policy.

Policy on Confidentiality

Health and Wellness Center policy is that only **authorized** Health and Wellness Center personnel have the right to access your health information, and no disclosure is permitted to an employee unless it is necessary for that employee to perform his/her assigned Health and Wellness Center duties. In addition, Health and Wellness Center policy is that only **authorized** Health and Wellness Center staff will release information from your health records. Your health information is treated as confidential, and generally may be released to third parties only:

COVID-19 information may be distributed to authorized campus personnel only. This information may be distributed for the safety of the campus to authorized personnel.

- if you sign a written consent/authorization giving the Health and Wellness Center permission to release (but you have the right to revoke that authorization);
- pursuant to a lawfully issued subpoena or judicial order (after reasonable attempts to notify you, provided you maintain with us current contact information);
- if you have certain communicable diseases or have been exposed to certain communicable diseases or where there is a foreseeable, real or probable risk of transmission of a contagious disease;
- in a health and safety emergency, only to those individuals who can assist in resolving the emergency (and who are under a duty to not further disclose);
- if you are under the age of 19 and considered a minor in the state of Alabama, to your parents if you are claimed as a dependent on one of your parent's most recent tax returns (but we will make a reasonable attempt to notify you of such disclosure and will not disclose if parental access to records has been prohibited by court order or state or federal statute);
- if the third party (person/company) is performing a function on Health and Wellness Center's behalf which requires that it/they have access to your health information (but only if that company agrees to not further disclose the information except as permitted by law);
- Health and Wellness Center is directly transferring you to another health care facility, and information is provided to that facility;
- If you are a Medicare/Medicaid patient and information must be released to a third party insurer; and/or
- the law otherwise requires or permits your health information to be released.

Confidentiality Laws

Please be aware of the following Alabama laws regarding confidentiality of medical information:

- Alabama courts have imposed a duty on certain medical professionals not to reveal confidences obtained through their treatment relationship with you, although that duty does not apply to testimony in court. Because of duties parents of minors have regarding their children, the Alabama Attorney General has concluded that parents have a right to access their minor child's psychological and medical records. Ala. AG Opinion No. 1996-199. In Alabama, a minor generally is under the age of 19.
- **Divorced Parents:** Alabama Code § 30-3-154 provides that records (including mental health records) pertaining to a minor whose parents are divorced must be equally available to both parties in all types of custody arrangements. Generally, this means both parents get access unless parental rights have been terminated or the divorce decree states otherwise.
- **HIV Infection:** Alabama Code § 22-11A-54 require facilities like Health and Wellness Center to maintain confidentiality regarding medical test results with respect to the HIV infection or specific sickness or medical condition derived from such infection. That information may be released only as authorized by law.
- **Sexually Transmitted Diseases:** Alabama Code § 22-11A-22 requires that all information, reports, and medical records concerning persons infected with sexually transmitted diseases designated by the Alabama State Board of Health shall be confidential and released on the written consent of the patient.
- **Deceased or Mentally Incompetent Patient:** A patient's legal representative is entitled to access a patient's medical records and sign an authorization for release of the patient's records. Health and Wellness Center will either obtain a written agreement from the next of kin or a copy of the legal document proving that the legal representative is Executor of the Estate (Alabama Code § 43-8-41).

Right to Privacy

Except in limited circumstances, your student health records are also protected student education records under FERPA, and fall within the protections and rights set forth in the College's Policy on Confidentiality of Student Records. The Health and Wellness Center complies with both FERPA and Alabama state laws with respect to your privacy rights; consequently, medical records maintained by The College are afforded higher privacy protections than other types of student education records. For example, while the College may be able under FERPA to disclose your grades to your parent if you are a dependent for income tax purposes, Health and Wellness Center will generally not be able to disclose your medical information to your parents without your consent if you are of majority age, because Alabama law would not give your parents a right to that medical information. In that situation, if your parents are financially supporting your college education, you may want to consider signing an authorization for the Health and Wellness Center to respond to questions from your parents about medical services provided and/or charges imposed on your student account.