**Federal Health Privacy Laws: Basics for School Professionals
(2 Part Series) Case Scenarios**

**Case 1:**

As a community mental health provider at the middle school, you have been meeting with Jasmine for the past month about her anxiety and depression, which are affecting her grades, and also about struggles with her parents.  Since Jasmine is 14 you have kept your visits confidential, but you have been recommending to her it might help her situation improve if you met with her with at least one of her parents to discuss the challenges at home and how Jasmine is doing overall.  She does not want to include them yet and thinks they just won’t understand.  She is also afraid to tell them about her grades dropping but knows they will learn of this situation soon enough if she can’t bring her grades up quickly.

As your last client leaves the office, Bill, one of the school counselors, is at your door and asks if he could speak with you for a minute.   He tells you he has received a call today from the father of one of the middle school students named Jasmine, who was asking about her grades and whether or not she was seeing a counselor at school. Jasmine’s father told Bill that the parent of another student told him Jasmine was secretly seeing a counselor with your name at school and that Jasmine’s dad wants to know what’s going on.  Bill asks if you have been meeting with Jasmine and asks, if so, what you are talking with her about, since the school needs to immediately address any educational or grade issues that might be of concern at this point.

 Clinical Considerations:

* How do you best support Jasmine?
* What first steps would you take?
* What additional information do you need?
* How would you communicate with Bill?

Legal Considerations:

* Which federal privacy law(s) apply(ies)?
	+ FERPA? HIPAA? Part 2?
* Which state laws apply?
* Do any of the applicable laws …
	+ … require you to share the information?
	+ … permit you to share the information?
* Who may access the information in your records without the patient's consent?

**Case 2:**

You are a therapist from a community mental health agency based on-site at the nearby high school mental health clinic.  Daniel, a student you don’t know, knocks on your open door and asks if you have a minute.  They tell you their friend said it would be good to talk with you.  Daniel says they are concerned because they failed two of their 9th grade classes this past semester.  Daniel says they are worried because they think the issue might be related to the fact that they are doing edibles or smoking weed most days after lunch at school so they really have trouble focusing in the afternoon on their school work.  They also aren’t sleeping well.  Daniel goes on to say that, since their mother lost their job during COVID they are doing a small amount of dealing at school to help support their family, so they find themselves getting high more often than they want to.  Daniel is also worried they might now be addicted to marijuana and not sure where and how to best get help. Their friend said you were the person to come to for support.  And Daniel is of the age in your state to give their own informed consent for both mental health and substance use treatment.

Clinical Considerations:

* How do you best support Daniel?
* What first steps would you take?
* What additional information do you need?

Legal Considerations:

* Which federal privacy law(s) apply(ies)?
	+ FERPA? HIPAA? Part 2?
* Which state laws apply?
* Do any of the applicable laws …
	+ … require you to share the information?
	+ … permit you to share the information?
* Who may access the information in your records without the patient's consent?