



Compliance Community

System Compliance Program
Office of Audits & Analysis

Privacy of Student Medical Records

The Department of Education issued a final "Dear Colleague Letter" on August 24, 2016 providing clarification to institutions of higher education regarding the privacy of student medical records, stating:

Many institutions offer their students on-campus access to medical services, including mental health services. These services can help comprehensively promote campus safety health; improve academic achievement; and assist those who experience sexual violence, other violence, or harassment. These benefits cannot be fully realized in an environment where trust between students and the institution is undermined. Students should not be hesitant to use the institution's medical services out of fear that the information they share with a medical professional will be inappropriately disclosed to others. The Department urges that institutions inform students at the time they receive treatment of the privacy protections afforded to their medical records pursuant to Federal and State law as well as institutional policy.

The Dear Colleague Letter outlines the protections and exceptions applicable to student medical and counseling records. The guidance in the letter does not change the current requirements of applicable law, but rather provides information and examples to help institutions ensure that they are in compliance. The letter outlines background information regarding the Family Educational Rights Protection Act (FERPA), as well as several examples citing what medical information may be shared and under what circumstances. The letter also discusses student medical record privacy during litigation, standards for permitting nonconsensual disclosure of education and medical records to school officials who are determined to have a legitimate educational interest in the information, and exceptions to

consent of disclosure when a health or safety emergency exists.

The letter and additional related information can be found on the federal [Family Policy Compliance Office](#) website.



Community Spotlight

System Ethics Officer: Fernando Gomez, J.D., Ph.D.

Fernando Gomez, J.D., Ph.D., has served as Vice Chancellor and General Counsel to the Texas State University System for over 26 years. He also serves as the System's Ethics Officer. Career highlights include: attaining tenure at Michigan State University; serving as an assistant attorney general and as general counsel to the California State University System; earning his B.A. from the University of New Mexico, a J.D. and Ph.D. in American Culture from the University of Michigan. He conceived and edited *A Texas State of Mind* (2011), a 360-page pictorial history of the Texas State University System and its colleges and universities.

Dr. Gomez is responsible for maintaining the TSUS Ethics Policy for regents and employees, which can be found in Chapter VIII of the [TSUS Rules and Regulations](#). He is often called upon to conduct state-required ethics training presentations by both System institution staff and external organizations. Dr. Gomez is regularly invited to be a panelist at the Texas Higher Education Board's annual higher education leadership conference. His vast knowledge of both ethics and the legal field is a great resource for the TSUS community.

Compliance Hotline

The Texas State University System maintains a reporting hotline through a private contractor, EthicsPoint, to provide a confidential avenue for reporting concerns about potential waste, fraud, and abuse of resources, the lack of compliance with laws and regulations, or violations of the System's Code of Ethics. A detailed description and the opportunity to make a report can be accessed [here](#).

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Please feel free to forward this newsletter to others who may be interested or who may benefit from the information. The goal is to expand readership to offer this ongoing resource to as many members of the TSUS community as possible. New readers can subscribe by using the link below.

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The Texas State University System is committed to complying with all applicable laws, regulations and policies. The System compliance program advises and collaborates with components to develop effective ways to mitigate compliance risks on TSUS campuses. Serving to advance the goals of the System and its institutions, the compliance office offers resources, education, information and guidance while promoting a culture of responsibility and accountability.

Feedback regarding the System compliance program or the Compliance Community newsletter is welcome. Please contact [Kelly Wintemute](#) with suggestions.

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