

# FERPA and HIPAA Practice Test (Sample)

## Study Guide



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**SAMPLE**

## **Questions**

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- 1. Which of the following is NOT covered under HIPAA?**
  - A. Health insurance companies**
  - B. Healthcare clearinghouses**
  - C. School systems**
  - D. Health care providers**
- 2. What must education officials demonstrate to access student records?**
  - A. They must be employed at the institution**
  - B. They must have a legitimate educational interest**
  - C. They must be faculty members**
  - D. They must be authorized by the students' parents**
- 3. What type of information is classified under treatment records?**
  - A. General patient history**
  - B. Records regarding patient treatment from healthcare providers**
  - C. Statistical data about healthcare outcomes**
  - D. Personal notes from patient consultations**
- 4. Is there a statute of limitations for filing a FERPA complaint?**
  - A. No, there is no time limit**
  - B. Yes, it is one year from the incident**
  - C. Yes, complaints must be filed within 180 days**
  - D. Yes, it is two years from the incident**
- 5. Which of the following is a reason a school may disclose personally identifiable information without consent?**
  - A. For administrative record-keeping purposes**
  - B. For emergency purposes, such as potential self-harm**
  - C. For academic performance evaluations**
  - D. For enrollment in educational programs**

- 6. Do students have the right to request amendments to their education records under FERPA?**
- A. No, once records are created they cannot be changed**
  - B. Yes, students can request amendments if they believe their records are inaccurate**
  - C. Only parents can request amendments**
  - D. Yes, but only during the final year of education**
- 7. How has telemedicine been viewed under HIPAA guidelines?**
- A. As a threat to patient confidentiality**
  - B. As an innovative health care delivery method**
  - C. As non-essential health care**
  - D. As a form of digital marketing**
- 8. Which regulation governs the privacy of student education records?**
- A. HIPAA**
  - B. CIPA**
  - C. FERPA**
  - D. SOX**
- 9. Which condition might justify the disclosure of PHI without consent?**
- A. When the information is marketing material**
  - B. When disclosure is needed for public health activities**
  - C. When the patient has not received treatment**
  - D. When the information would cause embarrassment**
- 10. Which of the following is considered personal information under FERPA?**
- A. Health records**
  - B. Student grades**
  - C. Financial aid applications**
  - D. Credit card information**

## **Answers**

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1. C
2. B
3. B
4. C
5. B
6. B
7. B
8. C
9. B
10. B

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## **Explanations**

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**1. Which of the following is NOT covered under HIPAA?**

- A. Health insurance companies**
- B. Healthcare clearinghouses**
- C. School systems**
- D. Health care providers**

The choice indicating that school systems are not covered under HIPAA is correct because HIPAA primarily governs entities associated with healthcare, such as health insurance companies, healthcare clearinghouses, and healthcare providers who transmit any health information in electronic form. While healthcare-related entities are obligated to comply with HIPAA's privacy and security rules, educational institutions, including school systems, often fall under the regulations of FERPA (Family Educational Rights and Privacy Act) when it comes to the management of student education records, which can include health information but are governed by different standards than those set forth in HIPAA. Therefore, school systems are not considered covered entities under HIPAA, highlighting the distinct roles that FERPA and HIPAA play in protecting individuals' privacy in their respective contexts. This distinction is crucial when understanding the regulations applicable to various organizations and the management of sensitive information they handle.

**2. What must education officials demonstrate to access student records?**

- A. They must be employed at the institution**
- B. They must have a legitimate educational interest**
- C. They must be faculty members**
- D. They must be authorized by the students' parents**

Education officials must demonstrate a legitimate educational interest to access student records under the Family Educational Rights and Privacy Act (FERPA). This means that their role requires them to access the information in order to perform their responsibilities related to the student's education. Legitimate educational interest ensures that access to sensitive student information is granted only to those who need it for educational purposes, thus protecting students' privacy rights. This requirement balances the need for educational officials to perform their duties effectively while safeguarding the confidentiality of student records. It ensures that information is not accessed frivolously or for purposes unrelated to the student's academic experience. The concept of legitimate educational interest is a fundamental principle in maintaining the integrity and privacy of student records under FERPA.

**3. What type of information is classified under treatment records?**

- A. General patient history**
- B. Records regarding patient treatment from healthcare providers**
- C. Statistical data about healthcare outcomes**
- D. Personal notes from patient consultations**

The classification of treatment records specifically refers to documentation that includes all information directly related to the care and management of a patient's health. This encompasses records maintained by healthcare providers that detail the clinical interventions, therapeutic procedures, medications administered, and other forms of patient treatment received. This type of information is essential for providing ongoing care, ensuring continuity among different caregivers, and guiding clinical decision-making. Treatment records serve as a comprehensive account of the patient's journey through the healthcare system and are crucial for follow-up care and in evaluating the effectiveness of treatments. The other options highlight different aspects of patient information but do not fit the specific definition of treatment records. General patient history might include background information but lacks the direct clinical action associated with treatment. Statistical data about healthcare outcomes is used for analysis and research purposes, rather than detailing individual treatment processes. Personal notes from patient consultations may contain valuable insights but are not formal treatment records that guide clinical care. Thus, the information classified under treatment records is specifically focused on the actions taken by healthcare providers in the context of patient care.

**4. Is there a statute of limitations for filing a FERPA complaint?**

- A. No, there is no time limit**
- B. Yes, it is one year from the incident**
- C. Yes, complaints must be filed within 180 days**
- D. Yes, it is two years from the incident**

The correct answer to the question regarding the statute of limitations for filing a FERPA complaint is that complaints must be filed within 180 days. Under FERPA (Family Educational Rights and Privacy Act), any individual who believes that an educational institution has violated their rights has a limited timeframe to initiate a complaint. Specifically, the regulation stipulates that individuals must file their complaint within 180 days of the alleged violation. This timeframe is essential as it encourages prompt reporting and resolution of potential violations, ensuring that institutions can address and rectify issues swiftly. The 180-day period helps maintain the integrity and importance of the educational records in question, protecting students' rights more effectively.

**5. Which of the following is a reason a school may disclose personally identifiable information without consent?**

- A. For administrative record-keeping purposes**
- B. For emergency purposes, such as potential self-harm**
- C. For academic performance evaluations**
- D. For enrollment in educational programs**

Disclosing personally identifiable information without consent for emergency purposes, such as potential self-harm, is justified under certain circumstances as it falls under the exceptions provided by FERPA. When there is a legitimate threat to a student's immediate health or safety, schools are permitted to share relevant information with necessary parties to protect the student or others. This aligns with the principle of prioritizing student well-being in crisis situations, allowing school officials to act swiftly to provide the necessary support or intervention. In contrast, the other choices involve routine administrative practices or evaluations that generally do not qualify for the same emergency exemptions under FERPA. Administrative record-keeping, academic performance evaluations, and enrollment in educational programs typically require consent from the individual and do not arise from a direct threat, thus not permitting disclosure without prior consent in the same manner as matters concerning safety and emergency situations do.

**6. Do students have the right to request amendments to their education records under FERPA?**

- A. No, once records are created they cannot be changed**
- B. Yes, students can request amendments if they believe their records are inaccurate**
- C. Only parents can request amendments**
- D. Yes, but only during the final year of education**

Students do have the right to request amendments to their education records under FERPA if they believe that the records are inaccurate, misleading, or in violation of their privacy rights. This provision is a key component of FERPA, which aims to protect students' rights regarding their educational records. If a student believes that information in their record is incorrect, they can formally request that the educational institution amend the record. The institution must then review the request and respond appropriately, which may include making the amendment or informing the student of the reasons for not making the change. This process empowers students by giving them control over their educational information and ensuring the accuracy and integrity of their records.

**7. How has telemedicine been viewed under HIPAA guidelines?**

- A. As a threat to patient confidentiality**
- B. As an innovative health care delivery method**
- C. As non-essential health care**
- D. As a form of digital marketing**

Telemedicine has been viewed under HIPAA guidelines as an innovative health care delivery method. This perspective acknowledges the significant advancements in technology that facilitate remote patient monitoring, consultations, and care through digital platforms. HIPAA recognizes the potential of telemedicine to improve access to healthcare, especially for individuals in remote or underserved areas. Under HIPAA, there are strict regulations regarding the privacy and security of health information, which apply to telemedicine just as they do to traditional healthcare services. Providers offering telemedicine services are required to implement safeguards to protect patient information during virtual consultations, ensuring compliance with HIPAA's privacy and security rules. This alignment with HIPAA standards demonstrates a commitment to maintaining patient confidentiality and security, thus supporting the notion that telemedicine is not only a practical solution but also one that fits within existing regulatory frameworks. This innovative approach leverages technology to enhance patient care, making health services more accessible while still adhering to critical privacy regulations, positioning telemedicine as a forward-thinking method in the healthcare landscape.

**8. Which regulation governs the privacy of student education records?**

- A. HIPAA**
- B. CIPA**
- C. FERPA**
- D. SOX**

FERPA, the Family Educational Rights and Privacy Act, specifically governs the privacy of student education records. It ensures that students and their parents have the right to access and review these records, as well as control over the disclosure of personally identifiable information contained within them. FERPA applies to educational institutions that receive federal funding and sets clear guidelines on how such records should be maintained, shared, and protected. In contrast, HIPAA (Health Insurance Portability and Accountability Act) primarily addresses the privacy and security of health information, not education records. CIPA (Children's Internet Protection Act) focuses on internet safety for students, particularly in the context of libraries and schools; it does not pertain to the broader scope of educational records privacy. SOX (Sarbanes-Oxley Act) is related to financial practices in businesses and does not have relevance to education records or student privacy.

**9. Which condition might justify the disclosure of PHI without consent?**

- A. When the information is marketing material**
- B. When disclosure is needed for public health activities**
- C. When the patient has not received treatment**
- D. When the information would cause embarrassment**

The condition that justifies the disclosure of Protected Health Information (PHI) without consent is when disclosure is needed for public health activities. Under the Health Insurance Portability and Accountability Act (HIPAA), healthcare providers and organizations are allowed to share PHI without patient consent in circumstances where it is necessary to prevent or control disease, injury, or disability. This includes reporting diseases, vital statistics, and providing information for public health surveillance. Public health activities are vital for the protection of the community and involve coordination with public health authorities. Thus, sharing PHI in these contexts is considered essential for public interest and safety, allowing authorities to respond effectively to health threats or outbreaks. This legal framework is designed to balance individual privacy with the need to protect and promote public health. Other conditions mentioned do not align with HIPAA's provisions for disclosure without consent. For instance, marketing material does not constitute a public health emergency, and the patient's treatment status or potential embarrassment does not excuse the need for patient consent prior to the release of their PHI.

**10. Which of the following is considered personal information under FERPA?**

- A. Health records**
- B. Student grades**
- C. Financial aid applications**
- D. Credit card information**

Under the Family Educational Rights and Privacy Act (FERPA), personal information is defined as information that can be used to identify a student and is maintained by an educational institution. This includes details that are directly related to a student's educational experience. Student grades are specifically covered under FERPA because they are considered part of the educational records maintained by an institution. FERPA protects the privacy of these educational records and gives students the right to access them as well as control who else has access to that information. Other options, such as health records, financial aid applications, and credit card information, may contain sensitive data but are not specifically classified as educational records under FERPA. Health records are typically governed by HIPAA, while financial aid applications may be considered separately under different regulations regarding financial privacy. Therefore, student grades directly relate to an individual's academic performance and are rightfully identified as personal information under FERPA.