



# New York State Association of School Nurses

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"Caring for New York's Future"

## Position Statement

### Electronic Medical Records & Confidentiality

#### HISTORY

One of the most challenging responsibilities of the school nurse is the protection, disclosure and destruction of students' health records (NASN). School nurses must account for confidentiality and remain within the boundaries of consent laws when working with students. Communication of electronic health records can be via email, fax, database, PDA's and telephone. Electronic health information must be kept confidential, secure and safeguarded from destruction. Student medical information that is communicated electronically has the potential to be intercepted and perused by recipients it was unintended for.

#### RATIONALE:

##### **Electronic Records:**

Electronic records are a convenient, efficient means of maintaining health information on students. School nurses must ensure the security and privacy of electronic medical records.

##### **Computer Databases:**

Computer databases containing specific student medical information offer many advantages to the school nurse. Computer databases generally provide comprehensive student medical records and can be a means of maintaining health office logs. In addition, computer databases can provide the school nurse with instant student medical information. The following guidelines should be followed when using electronic records and computer databases in the Health Office:

- ✓ Be aware of federal & state laws, regulations and guidelines concerning school health record maintenance, protection, disclosure and destruction of student health records.
- ✓ School nurses should involve their district technology team to provide input on the need for privacy and restrict access to nursing personnel only.
- ✓ Security measures should be in place by the school district to protect student confidentiality.
- ✓ Databases containing student medical information should remain separate from school administrative databases.
- ✓ Secure programs should be used to avoid "hacking".
- ✓ Secure passwords and screen savers should be used at all times.

- ✓ School districts should have written policies on protecting students confidentiality.
- ✓ Computers should never be unattended when student health information is viewable.
- ✓ No sharing of passwords.
- ✓ Software used for school databases and electronic health records should contain:
  - *An encryption technique.*
  - *An additional level of security for highly sensitive information (pregnancy, abuse, HIV).*
  - *An audit log to track changes and become part of the student's permanent record attaching to the record itself in the event the student transfers schools.*
  - *A date/time stamp to note when the original information was entered.*

### **E-mail:**

In the school setting, email has become the typical form of communication among staff. The following guidelines should be followed in regard to email in the school setting:

- ✓ "Delete" does not erase an email from a computer.
- ✓ Confidentiality statements should be written on all e-mail correspondence involving students.
- ✓ Signed parental consent should be obtained when discussing student's health needs with staff. Copies of signed parental consents should be retained in student's health file.
- ✓ Computers should contain password-protected screen savers.
- ✓ Emails in regard to students should not be forwarded without signed parental permission.
- ✓ Health office email accounts and/or passwords should not be revealed.
- ✓ School districts should have written policy on the type of information that may be generated via e-mail.
- ✓ Use caution and avoid writing information in an email you would not want disclosed.

### **Fax:**

Fax machines are commonly used for communicating health information. School Health Offices often use fax machines to access immunization records and student medication orders. The following guidelines should be adhered to in regard to email:

- ✓ Cover pages should be included that states the confidentiality of student health information.
- ✓ Faxing should only be used when standard mail will not suffice.
- ✓ Keep faxes simple.
- ✓ Obtain signed parental consent to release or obtain student medical information prior to faxing.
- ✓ Abide by state laws determining if a fax may be used in place of the signed original document.

- ✓ Do not fax more information than requested.

### **PDA's:**

PDA's augment computers by communication information with the Health Office main computer. PDA's should follow the same guidelines applied to computer databases.

### **Issues with Student Health Records:**

- ✓ School health records are considered education records.
- ✓ Conflicts between Education Law vs. Medical Law and Federal vs. State Law.
- ✓ Schools are in need of concise policies in relation to disclosure of information in respect to a student's physical and/or mental health.

The Family Educational Rights and Privacy Act (FERPA), is a 1974 amendment to the Elementary and Secondary Education Act of 1965 (ESEA; Jacob-Timm & Hartshorne, 1995).

### **Facts about FERPA:**

- ✓ The purpose of FERPA is to ensure that parents and eligible students have access to education records of the student, to give parents and eligible students (students who are at least 18 years old or are attending school beyond the level of high school) the right to challenge the accuracy of the content of the education records of the student at a hearing, and to limit disclosure of the student's education records to others for unauthorized purposes (Rosenfeld, 1989).
- ✓ FERPA applies to public schools that receive federal funding.
- ✓ Prior to FERPA many schools were denied parent access to their child's educational records.
- ✓ Under FERPA parents and students have four basic rights: the right to examine the education records of the student; the right to consent disclosure of personally identifiable information in the education records of the student; the right to challenge the content of the education records of the student at a hearing; and the right to know their rights under FERPA (Rosenfeld, 1989).

## **CONCLUSION**

It is the position of the New York State Association of School Nurses to support and maintain the confidentiality of Electronic Medical Records. School districts should remain within the guidelines of FERPA and their individual district policies in preserving students' health, safety and confidentiality.

## REFERENCES:

- Bergren, M.D. (2001a). The facts about e-mail. *Journal of School Nursing*. 17(5). 274-277.
- Bergren, M.D. (2001b). The facts about faxing. *Journal of School Nursing*. 17(4).210-212
- Jacob-Timm, S., & Hartshorne, T. (1995). Ethics and law for school psychologists. Brandon, VT: Clinical Psychology Publishing.
- Rosenfeld, S. (1989). EHA and FERPA confidentiality. Washington, DC: EDLAW.
- Wigler, D. L. (2001). Act now to ensure the confidentiality of school health data. *ESchool News*.

*The mission of the New York State Association of School Nurses is to advance the practice of school nursing and enhance the educational success of students by promoting quality health services*