



National Association of State School Nurse Consultants

School Nurse Issues Regarding Confidentiality of Health Information

Position

The National Association of State School Nurse Consultants (NASSNC) supports the rights of students to be respected and have personal health issues and information dealt with in a private manner. NASSNC believes all health information must be treated as confidential in accordance with federal and state law, the **standards** of school nursing practice and the code of professional ethics. In education settings, school nurses share confidential information only when it is educationally relevant for a student's academic progress, necessary to address a student's potential emergency and health care needs, essential to ensure the safety of the student, other students and school personnel, and other situations specific by law. The provisions of the federal Family Educational Rights and Privacy Act (FERPA) guides school nurses making decisions on when to divulge student health information.

Rationale

All students have health issues that must be handled in a confidential manner. Students are entitled, by federal and state law, to attend public school and may require nursing and health services in order to maximize their learning potential and remain safe in school. Breach of confidentiality violates trust, is unethical, and may be subject to legal sanctions or civil remedies.

Generally, **student health information** may not be shared with parties outside the school without informed consent of the student's parent or guardian or if the student is 18 years old, as governed by federal and state law. However, FERPA "permits the disclosure of education records, without consent, to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals." FERPA also permits sharing student health information in schools with school staff who have a *legitimate educational interest*. The school nurse uses professional judgment to determine which health conditions pertain to a student's learning and safety. The school nurse must balance the privacy rights of the student and family with need to share information.

Definitions

Standards are a set of criteria with expected behaviors or course of action. Practice standards are applied to a specific profession, such as school nursing. Standards are substantiated by a body of knowledge, legal authority and/or code of ethics. There can be social or legal consequences for infractions.

Student Health Information may include: a health history, recent injuries, immunizations, records of routine screenings, medical and behavioral diagnoses and interventions, health care provider orders

including medications and treatments, nursing assessments, diagnoses and intervention plans, and/or documentation of emergency situations.

Summary

The National Association of State School Nurse Consultants believes student health information must be treated in a confidential manner protecting the privacy rights of individuals. NASSNC believes this information should be shared only when educationally relevant to a student's academic progress, necessary for providing health services including emergency care, or essential to ensure the safety of students and school personnel.

References

American Nurses Association and National Association of School Nurses. (2005). *School nursing: Scope and standards of practice*. Silver Spring, MD: Author.

American School Health Association. (2000). *Guidelines for protecting confidential student health information: National Task Force on Confidential Student Health Information*. Kent, Ohio: Author.

American School Health Association. (2005). *Protecting and disclosing student health information: How to develop school district policies and procedures*. Kent, Ohio: Author.

Schwab, N. & Gelfman, M. (Eds.) (2001). *Legal issues in school health services: A resource for school administration, school attorneys, and school nurses*. North Branch, MN: Sunrise River Press.

United States Department of Health and Human Services & United States Department of Education. (2008). *Joint guidance on the application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to student health records*. Retrieved March 22, 2010, from <http://www.ed.gov/policy/gen/guid/fpco/doc/ferpa-hipaa-guidance.pdf>

Federal Requirements:

United States Department of Education Office for Civil Rights. (2010). Disability Discrimination: Overview of the Laws. Retrieved March 22, 2010 from <http://www2.ed.gov/about/offices/list/ocr/disabilityoverview.html>

United States Department of Education. (2010). *Individuals with Disabilities Education Act of 1975 (IDEA) (P.L. 94-142)*, as amended by the *Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108-446) (20 USC 1400)*. Retrieved March 22, 2010 from <http://idea.ed.gov/>

United States Department of Education. (2010). The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99). Retrieved March 22, 2010, from <http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t17t20+4065+23++%28Family%20>

History: Approved: February 1989 // Revised: April 1993, September 1998, April 2000, March 2010.

Please note: The objective of this paper is to provide a broad position of national best practice guidance which can then be implemented within the confines of each state nurse practice act and other laws affecting the practice of nursing.