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School Nursing and Telehealth V.6

FREQUENTLY ASKED QUESTIONS



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Introduction

The Oregon Department of Education, in consultation with the Oregon State Board of Nursing, is providing this FAQ in response to questions from school districts related to nurse service provision via telehealth. The scope of practice for the Oregon-licensed nurse in any setting, including the school setting, is established by the Oregon State Board of Nursing (OSBN). Nothing in this document should be interpreted as direction that a nurse is permitted to operate outside of OSBN’s established legal standards and scope of practice appropriate to the nurse’s license type.

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School Nurse Telehealth FAQs

The Provision of a Free Appropriate Public Education (FAPE)

The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 require that school districts and programs provide health services if needed by a student to access their education. The requirement for school districts and programs to ensure every student access to a free appropriate education (FAPE) provides a guarantee that every student can learn regardless of ability or health need. The services listed in a child's Individualized Family Service Plan (IFSP), Individual Education Program (IEP), or Section 504 plan must be provided, and teams should work with students and families to determine the methodology for delivering the services. The provision of health services via Telehealth is one methodology that may be utilized to help ensure a FAPE.

The Provision of Telehealth

Can School Nurses provide telehealth services in a school setting?

Yes. OSBN has defined telehealth nursing practice as *the practice of nursing occurring over distance using a communication technology device or application*. What the individual school nurse needs to know is that the exact same nursing scope and standards of practice apply regardless of whether nursing services are provided face-to-face or through the use of telecommunications technology.

OSBN has published an Interpretive Statement titled [Telehealth Nursing](#). The focus of the document is to define the term **telehealth nursing practice** and to communicate the need for adherence to Oregon's Nurse Practice Act (NPA) when engaging in telehealth nursing practice with a resident of Oregon. To access the Board's Telehealth Nursing interpretive statement, visit the [Board's Practice Statements and FAQs webpage](#).

Additional Information/Considerations Related to Nursing Practice:

- The individual nurse has the legal responsibility to accept or to decline a client assignment based on the assessment of the student and the type of services required; and whether they possess the knowledge, skills, abilities, and competencies to complete the assignment safely. This would include possessing the knowledge, skills, abilities, and competencies necessary to properly utilize a specific telecommunications technology in the provision of nursing services. Nurses should work with school district leadership to ensure they can complete their assigned duties wherever possible, including through the receipt of additional training as needed.
- Based on the assessment of the student, the individual nurse must determine that the delivery of nursing services to a student via telehealth is appropriate.
- There is nothing in the NPA that expressly prohibits the Registered Nurse's (RN) use of telecommunications technology to complete a scheduled ongoing safety evaluation of an existing delegation. This means that the RN may assess their client and evaluate the assistive person's continued ability to perform the delegated procedure on the client safely electronically. The RN must continue to generate thorough, clear, accurate and timely documentation of these processes and outcomes.

- The NPA standards do not address *client consent*. However, based on current literature, the application of professional practice standards and application of nursing Code of Ethics (American Nurses Association), the prudent nurse would obtain verbal consent for nursing services and the provision of those services through telehealth technology and document such in the client health record.
- Division 45 conduct derogatory standards identify that it is conduct derogatory to the practice of nursing to engage in unsecured transmission of protected client data and to use social media to communicate, post, or otherwise distribute protected client data, including client image and client identifiers.

Privacy Concerns and Virtual Platforms

Are records created by medically licensed staff providing health related services to students pursuant to an IEP/IFSP or Section 504 plan considered education records and thus, subject to FERPA privacy protections? Is this any different with Telehealth?

Family Education Rights and Privacy Act (FERPA) requirements apply to the information contained in student education records. FERPA does not specifically address online settings. It is important to note that records created during the provision of school health services, whether provided in-person or via Telehealth, are considered education records as defined by FERPA at 34 CFR § 99.2.

See [Student Privacy Considerations and Remote/Online Education Platforms, Joint Guidance on the Application of the Family Educational Rights and Privacy Act \(FERPA\) and the Health Insurance Portability Act of 1996 \(HIPAA\) To Student Records \(December 2019 Update\), and Guidance for School Officials on Student Health Records, and FERPA Protections for Student Health Records](#) for more information about FERPA, HIPAA, and digital privacy.

Can I use Skype, Zoom, or Google to provide nursing telehealth services?

It depends. There are multiple factors to consider when using telehealth technology. The Office for Civil Rights (OCR) at the Department of Health and Human Services (HHS) is responsible for enforcing certain regulations issued under the Health Insurance Portability and Accountability Act (HIPAA). Telehealth services provided by “covered entities” are subject to HIPAA requirements for security, transmission, and confidentiality. Compliance with HIPAA requires that covered entities have appropriate administrative, physical, and technical safeguards in place and that they have reasonably implemented those safeguards. See the [HIPAA Security Series 101](#) and the Oregon State Board of Nursing’s Interpretive Statement: [Use of Telehealth Technologies in the Practice of Nursing](#) for more information.

School Based Health Services (SBHS) Medicaid Billing

Can school districts bill Medicaid for school health services (SLP, OT, RN, PT) provided via telehealth?

Yes. An education agency may bill SBHS Medicaid for covered health services provided by a SBHS-recognized provider to a Medicaid-enrolled child or young aged birth through 21. The SBHS Medicaid rules for Telehealth can be found at [OAR 410-133-0070](#).

Future Updates

This document will continue to be updated based on:

- Input from educators, students, families, and community partners
- Updates to state and federal rules and regulations
- An ongoing review of equity impacts

Resources for Implementation of Telehealth

- [Northwest Regional Telehealth Resource Center](#)
- [Roadmap for Action Advancing the Adoption of Telehealth in Child Care Centers and Schools to Promote Children's Health and Well-Being](#)
- [The National Consortium of Telehealth Resource Centers](#)

Additional Resources

- [Joint Guidance on the Application of the Family Educational Rights and Privacy Act \(FERPA\) and the Health Insurance Portability Act of 1996 \(HIPAA\) To Student Records \(December 2019 Update\)](#)
- [Guidance for School Officials on Student Health Records, and FERPA Protections for Student Health Records](#)
- [Oregon State Board of Nursing](#)
- [National Association of School Nurses \(NASN\)](#)

Contact Information

Oregon State Board of Nursing

- Gretchen Koch, Oregon State Board of Nursing, gretchen.koch@osbn.oregon.gov

Oregon Department of Education – School Health

- Ely Sanders, School Health Specialist, ely.sanders@ode.oregon.gov

Oregon Department of Education – School Medicaid

- Jennifer Dundon, Operations & Policy Analyst, jennifer.dundon@ode.oregon.gov

Oregon Health Authority

- Corinna Brower, State School Nurse Consultant, corinna.e.brower@dhsosha.state.or.us