



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF STUDENT SUPPORT SERVICES

April 13, 2020

Ms. Margo Lalich
Executive Director
Hawaii Keiki: Ready to Learn
School of Nursing and Dental Hygiene
University of Hawaii at Manoa
2528 McCarthy Mall, Webster Hall 402
Honolulu, HI 96822

Dear Ms. Lalich:

During this unprecedented time caused by the COVID-19 pandemic, the Hawaii Keiki (HK) program is planning to implement a “hotline” health care system, which will allow the Hawaii State Department of Education (HIDOE) students to call and engage in a virtual/telehealth experience with an HK nurse to address any health concern(s). I am writing to summarize my understanding of this additional service, which will be integrated into the existing Memorandum of Agreement (MOA) between the HIDOE and University Clinical Education and Research Associates dba University Health Partners of Hawaii (UHP). I understand that in addition to the services provided under this agreement, the HK nurses who have been providing these services will operate a “hotline” phone triage while operating telehealth during the COVID-19 pandemic.

Currently, all HIDOE school campuses are closed to students due to the COVID-19 pandemic. Prior to the pandemic and school campus closures, the health rooms of certain HIDOE schools were staffed by HK nurses. Students at these schools could avail themselves to the services of these nurses simply by going to the Health Room to seek service. However, since HIDOE school campuses are closed, students do not have access to these HK nurses. To address this new challenge, HK nurses will operate a hotline phone triage. All HIDOE students and their parents are eligible to use this hotline until in-school classes resume or until the end of the 2019-2020 school year, whichever is later.

As you are aware, the Family Educational Rights and Privacy Act (FERPA) has a general consent rule that requires prior written consent before Personally Identifiable Information (PII) from education records can be disclosed. However, FERPA permits access to PII to appropriate officials in cases of health and safety emergencies. If there is an emergency health and safety threat, no approval is required. If there is a health and safety threat that is not an emergency situation, verbal authorization would be appropriate.

With this in mind, please ensure that all HK nurses who answer the hotline follow the same protocols and script which incorporate the following:

- At the initial intake, the HK nurse should ask questions, making an assessment to determine if general information satisfies the request and if so, respond without accessing the student's records.
- If the HK nurse determines that there is an emergency health or safety threat, and accessing education records is necessary to properly respond to the caller, then accessing the education records is appropriate without the need for consent, verbal or written. The HK nurse should document the disclosure, noting to whom the information was disclosed, the caller's relationship to the student, what was disclosed, and the purpose for the disclosure.
- If the HK nurse determines that there is a health or safety threat, that is not an emergency situation, the HK nurse should explain the protections afforded under FERPA and request verbal authorization from a parent or eligible student. The HK nurse should document the verbal authorization, including the caller's name and relationship to the student, and scope of the verbal authorization.

I understand that HK nurses will use ClearTriage (app or software) to aid in diagnosis and assessment. I also understand that ClearTriage will not retain any student data. Although the use of ClearTriage is not noted in the current MOA, I expect that the company will comply with regulations under FERPA and the Health Insurance Portability and Accountability Act (HIPAA).

I also expect that the HK nurses who answer the hotline will continue to abide by all the expectations in the current MOA, including continuing to comply with FERPA and HIPAA.

If I have misstated or misunderstood anything, please let me know so we can resolve any discrepancies.

Sincerely,

Heidi Armstrong
Assistant Superintendent

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c: Superintendent