

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 878
Second Edition Engrossed 5/10/95

Short Title: School Health Services Limited.

(Public)

Sponsors: Representatives Cansler; Aldridge, Buchanan, Capps, Davis, Decker, Eddins, Hayes, McComas, McMahan, Rayfield, Sexton, Watson, C. Wilson, and Wood.

Referred to: Education.

April 12, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE PARENTAL CONSENT FOR SERVICES PROVIDED AT
3 SCHOOL-BASED HEALTH CLINICS AND TO LIMIT THE SCOPE OF THE
4 SERVICES PROVIDED.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-47 is amended by adding a new subdivision to read:

7 "(38) To Adopt Rules Concerning the Operation of School-Based Health
8 Clinics. – As used in this subdivision, 'school-based health clinic'
9 means any arrangement made for the provision of medical or health
10 services in or by a school for students enrolled in that school,
11 regardless of the source of funds for the services, except for services
12 provided in accordance with G.S. 115C-307(c).

13 Local boards of education shall adopt rules concerning the operation
14 of school-based health clinics. These rules shall apply to all school-
15 based health clinics after August 15, 1995. These rules shall provide
16 that school personnel shall not provide any health or medical care to
17 students under the age of 18, except as provided in G.S. 115C-307(c),
18 without the written consent of the students' parents or guardians. The

1 parents or guardians shall be provided a complete written explanation of
2 the scope of services offered by the school-based health clinic and the
3 parental consent options prior to their completion of the consent form.
4 The signatures of parents or guardians on the consent form shall be
5 verified by the school. The consent form shall offer the parent or
6 guardian of a student the following options:

- 7 a. The clinic may provide services, refer the student to another
8 organization or agency for services, or transport the student to
9 another organization or agency for services, as deemed
10 necessary, without further parental consent or notification;
11 b. Notwithstanding any other provision of law, the clinic shall
12 notify the parent or guardian within five days of the clinic (i)
13 providing services to the student of the services and of any
14 physical or psychological problems identified and of any
15 treatment prescribed, (ii) referring the student to another
16 organization or agency for services, or (iii) transporting the
17 student to another organization or agency for services; or
18 c. Notwithstanding any other provision of law, the clinic shall
19 notify and obtain the consent of the parent or guardian each time
20 services are requested or deemed necessary, prior to providing
21 any services to the student and prior to referring or transporting
22 the student to another organization or agency for services.
23 Notwithstanding any other provision of law, the clinic shall also
24 notify the parent or guardian of any physical or psychological
25 problems identified and any treatment prescribed for the student.

26 The consent form shall be maintained in each student's record at the
27 clinic, and the clinic staff shall review the form prior to offering any
28 service to the student. The consent form shall remain in effect as long
29 as the student is enrolled at the school unless it is revoked or modified
30 in writing by the parent or guardian.

31 The rules shall also require the school-based clinic to notify the
32 parents or guardians of students 30 days prior to expanding the scope of
33 services offered by the clinic and to give the parents or guardians an
34 opportunity to modify the consent forms for their children.

35 The rules shall also provide that school-based health clinics shall not
36 provide any services related to contraception, prenatal care, abortion,
37 abortion counseling, or any other reproductive services, and that the
38 clinics shall not refer a student or transport a student to any other
39 organization or agency providing these services without the written
40 consent of the parent or guardian of the student as provided in this
41 subdivision.

42 Nothing in this subdivision shall prohibit the public schools from
43 providing information to students concerning the identification,

1 prevention, or treatment of infectious diseases, provided this
2 information is in accordance with the approved curriculum established
3 for that local school administrative unit."

4 Sec. 2. G.S. 90-21.5(a) reads as rewritten:

5 "(a) Any minor may give effective consent to a physician licensed to practice
6 medicine in North Carolina for medical health services for the prevention, diagnosis and
7 treatment of (i) venereal disease and other diseases reportable under G.S. 130A-135, (ii)
8 pregnancy, (iii) abuse of controlled substances or alcohol, and (iv) emotional disturbance.
9 This section does not authorize the inducing of an abortion, performance of a sterilization
10 operation, or admission to a 24-hour facility licensed under Article 2 of Chapter 122C of
11 the General Statutes except as provided in G.S. 122C-222. This section does not prohibit
12 the admission of a minor to a treatment facility upon his own written application in an
13 emergency situation as authorized by G.S. 122C-222. This section does not apply to
14 services provided at a school-based health clinic in a public school or to services for
15 which a minor is referred by a school-based health clinic in a public school, if the parent
16 or guardian of the minor has requested the right to give prior consent for those services."

17 Sec. 3. This act becomes effective July 1, 1995.