

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1029

Short Title: School Health Services Limited.

(Public)

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Sponsors: Senators Page, Ballantine, McDaniel, Shaw, Carrington, Foxx, Kincaid, East, Forrester, Clark, Ledbetter, McKoy, Hartsell, Sawyer, and Horton.

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Referred to: Children and Human Resources

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May 4, 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  
19 parents or guardians shall be provided a complete written explanation of

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

6 a. The clinic may provide services, refer the student to another  
7 organization or agency for services, or transport the student to  
8 another organization or agency for services, as deemed  
9 necessary, without further parental consent or notification;

10 b. Notwithstanding any other provision of law, the clinic shall  
11 notify the parent or guardian within five days of the clinic (i)  
12 providing services to the student of the services and of any  
13 physical or psychological problems identified and of any  
14 treatment prescribed, (ii) referring the student to another  
15 organization or agency for services, or (iii) transporting the  
16 student to another organization or agency for services; or

17 c. Notwithstanding any other provision of law, the clinic shall  
18 notify and obtain the consent of the parent or guardian each time  
19 services are requested or deemed necessary, prior to providing  
20 any services to the student and prior to referring or transporting  
21 the student to another organization or agency for services.  
22 Notwithstanding any other provision of law, the clinic shall also  
23 notify the parent or guardian of any physical or psychological  
24 problems identified and any treatment prescribed for the student.

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

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

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

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

42 "(a) Any minor may give effective consent to a physician licensed to practice  
43 medicine in North Carolina for medical health services for the prevention, diagnosis and

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

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