

Memo

To: House Committee on Health Care

From: Doug Riggs, NGrC

Re: Notification Requirements for SBHCs

Date: May 20, 2015

Two issues were raised during the Committee consideration of SB902.

- 1) ***Whether SBHCs are required to notify parents of treatment for children under the age of consent.*** HB2445, passed by the 2013 Legislative Assembly, required the Oregon Health Authority to update certification standards for all SBHCs. These new OARs require a notification policy to be adopted by the districts. Reference to these requirements can be found in OARs 333-028-0200 through 333-028-0250, as well as in the local county health department contracts under *Program Element 44: School-Based Health Centers*. Below is a sample policy, although each district may adopt slight modifications:

ORS 677.097 explains the meaning of consent. <http://www.oregonlaws.org/ors/677.097> When a minor is seeking services not exempted by minor consent laws then it is the parents that must consent.

The following paragraphs detail Multnomah County's Parent Consent Laws. It demonstrates that although they receive a consent form from the parents at the beginning of the year, they still obtain consent from parents for services provided to children. A sample (page 3):

K-5th grade clients: The SOA will contact guardians prior to scheduling all appointments even if there is a written consent.

6th-8th grade clients:

- i. The SOA will document in the snapshot using this phase "P/G contact prior to appt" (Y or N).***
- ii. A free text patient message will be added if P/G contact is required before each appointment using this statement "P/G consent required before each appointment. This information will be elicited from a staff member with initial contact to the parent/guardian.***
- iii. If the parent/guardian desires contact prior to all appts, the CHN/LPN may initially triage the client when they desire to self-appt to assess for confidential service needs.***

They have adopted this policy first and foremost because it is best for the child, and it is also within the boundaries of the law. Additionally, SBHC best practices recommend parent, guardian, and family engagement where possible and all SBHCs must have parent/family engagement policies. These policies are developed at the local level, and must adhere to consent laws.

Again, each district may be slightly different, but notification is a standard practice, and is required by state regulations. The consent form signed by parents at the beginning of the year does not override the detailed policies required for individual appointments.

- 2) ***Whether HB2758 overrides any SBHC parental notification policies.*** HB2758 governs the *Explanation of Benefits* and who receives the EOBs under certain circumstances. It does not overrule underlying parental notification requirements. Existing state and federal laws allow for certain exemptions to notification requirements (i.e. in suspected cases of abuse). Except for these limited cases, notification takes place in advance of the services provided.