

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 613

Short Title: Essential Services For Homeless Youth. (Public)

Sponsors: Representatives Fisher and Dobson (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Homelessness, Foster Care, and Dependency, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House

April 8, 2019

A BILL TO BE ENTITLED

AN ACT ALLOWING UNACCOMPANIED HOMELESS MINORS TO CONSENT TO CERTAIN ESSENTIAL HEALTH SERVICES; ESTABLISHING RESPONSIBILITY, LIABILITY, AND IMMUNITY FOR HEALTH CARE PROVIDERS WHO RENDER CERTAIN ESSENTIAL HEALTH SERVICES TO CONSENTING UNACCOMPANIED HOMELESS MINORS; AND EXPANDING ACCESS TO CHILD CARE SERVICES FOR MINORS WITH CHILDREN.

The General Assembly of North Carolina enacts:

PART I. EFFECTIVE CONSENT BY UNACCOMPANIED HOMELESS MINORS FOR CERTAIN HEALTH SERVICES

SECTION 1.1. Part 1 of Article 1A of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-21.5A. Unaccompanied homeless minor's consent sufficient for certain health services.

(a) The following definitions apply in this section:

(1) Health screening. – As defined in G.S. 122C-3(16a).

(2) Mental illness. – As defined in G.S. 122C-3(21).

(3) Outpatient treatment. – As defined in G.S. 122C-3(27).

(4) Qualified professional. – As defined in G.S. 122C-3(21).

(5) Substance abuse. – As defined in G.S. 122C-3(36).

(6) Unaccompanied homeless minor. – A minor who meets the definition of an "unaccompanied youth" under 42 U.S.C. § 11434a(6).

(b) Subject to the requirements of subsection (c) of this section, an unaccompanied homeless minor may give effective consent to the following health care providers for the following health services:

(1) To a physician, physician assistant, or nurse practitioner licensed to practice in this State under Article 1 of this Chapter for a physical examination that is required for the youth's participation in a school activity, including an extracurricular activity.

(2) To a dentist licensed to practice in this State under Article 2 of this Chapter for any service that constitutes the practice of dentistry, as defined in G.S. 90-29(b).



1 (3) To an optometrist licensed to practice in this State under Article 6 of this
 2 Chapter for any service that constitutes the practice of optometry, as defined
 3 in G.S. 90-114.

4 (4) To a qualified professional for health screening, outpatient treatment, or a
 5 combination of these, for the prevention, diagnosis, and treatment of mental
 6 illness, substance abuse, or both.

7 (c) In order to give effective consent under this section, an unaccompanied homeless
 8 minor shall provide to the health care provider acceptable documentation that he or she is an
 9 unaccompanied homeless minor. Acceptable documentation includes a statement documenting
 10 such status, signed by any of the following:

11 (1) A director or designee of a governmental or nonprofit agency that receives
 12 public or private funds to provide services to individuals who are homeless.

13 (2) A person designated as a local education agency liaison for homeless children
 14 and youth pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii).

15 (3) A school social worker.

16 (4) A school counselor.

17 (5) An attorney representing the unaccompanied homeless minor in any legal
 18 matter.

19 (6) The unaccompanied homeless minor and two adults with knowledge of the
 20 minor's actual circumstances.

21 (d) The responsibility, liability, and immunity prescribed by G.S. 90-21.4 apply to
 22 qualified health professionals in the provision of services to unaccompanied homeless minors in
 23 the same manner as they apply to licensed physicians providing health services to minors.

24 (e) This section shall not be construed to do any of the following:

25 (1) Authorize the admission of an unaccompanied homeless minor to a 24-hour
 26 facility licensed under Article 2 of this Chapter, except as provided in
 27 G.S. 122C-223.

28 (2) Prohibit the admission of an unaccompanied homeless minor to a 24-hour
 29 facility upon the minor's own written application in an emergency situation,
 30 as authorized by G.S. 122C-223.

31 (3) Enlarge the scope of practice of any qualified health professional."

32 **PART II. MINOR'S ACCESS TO CHILD CARE SERVICES**

33 **SECTION 2.1.(a)** G.S. 143B-153 reads as rewritten:

34 "**§ 143B-153. Social Services Commission – creation, powers and duties.**

35 There is hereby created the Social Services Commission of the Department of Health and
 36 Human Services with the power and duty to adopt rules and regulations to be followed in the
 37 conduct of the State's social service programs with the power and duty to adopt, amend, and
 38 rescind rules and regulations under and not inconsistent with the laws of the State necessary to
 39 carry out the provisions and purposes of this Article. Provided, however, the Department of
 40 Health and Human Services shall have the power and duty to adopt rules and regulations to be
 41 followed in the conduct of the State's medical assistance program. ~~{The Commission has the~~
 42 ~~following powers and duties:}~~The Commission has the following powers and duties:

43 ...
 44 ...

45 (10) The Commission shall adopt rules facilitating access to child care for children
 46 experiencing homelessness, as defined by 45 C.F.R. § 98.2, including, but not
 47 limited to, rules that do any of the following:

48 a. Establish homelessness as a need for care.

49 b. Prioritize children experiencing homelessness on waiting lists.

50 c. Allow parents of children experiencing homelessness to substitute
 51 school attendance for work requirements.

- 1 d. Limit work requirements to 20 hours per week for the parents of
- 2 children experiencing homelessness.
- 3 e. Allow parents of children experiencing homelessness to receive child
- 4 care for up to 90 days while those parents are seeking employment."

5 **SECTION 2.1.(b)** This section is effective when it becomes law.

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7 **PART III. EFFECTIVE DATE**

8 **SECTION 3.1.** Except as otherwise provided, this act becomes effective October 1,

9 2019.