

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40207-MG-73A

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

Sponsors: Representatives Fisher and Dobson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING UNACCOMPANIED HOMELESS MINORS TO CONSENT TO
3 CERTAIN ESSENTIAL HEALTH SERVICES; ESTABLISHING RESPONSIBILITY,
4 LIABILITY, AND IMMUNITY FOR HEALTH CARE PROVIDERS WHO RENDER
5 CERTAIN ESSENTIAL HEALTH SERVICES TO CONSENTING UNACCOMPANIED
6 HOMELESS MINORS; AND EXPANDING ACCESS TO CHILD CARE SERVICES FOR
7 MINORS WITH CHILDREN.

8 The General Assembly of North Carolina enacts:

9
10 **PART I. EFFECTIVE CONSENT BY UNACCOMPANIED HOMELESS MINORS FOR**
11 **CERTAIN HEALTH SERVICES**

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

14 **"§ 90-21.5A. Unaccompanied homeless minor's consent sufficient for certain health**
15 **services.**

16 (a) The following definitions apply in this section:

- 17 (1) Health screening. – As defined in G.S. 122C-3(16a).
18 (2) Mental illness. – As defined in G.S. 122C-3(21).
19 (3) Outpatient treatment. – As defined in G.S. 122C-3(27).
20 (4) Qualified professional. – As defined in G.S. 122C-3(21).
21 (5) Substance abuse. – As defined in G.S. 122C-3(36).
22 (6) Unaccompanied homeless minor. – A minor who meets the definition of an
23 "unaccompanied youth" under 42 U.S.C. § 11434a(6).

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

- 27 (1) To a physician, physician assistant, or nurse practitioner licensed to practice
28 in this State under Article 1 of this Chapter for a physical examination that is
29 required for the youth's participation in a school activity, including an
30 extracurricular activity.
31 (2) To a dentist licensed to practice in this State under Article 2 of this Chapter
32 for any service that constitutes the practice of dentistry, as defined in
33 G.S. 90-29(b).
34 (3) To an optometrist licensed to practice in this State under Article 6 of this
35 Chapter for any service that constitutes the practice of optometry, as defined
36 in G.S. 90-114.



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

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

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

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

12 (3) A school social worker.

13 (4) A school counselor.

14 (5) An attorney representing the unaccompanied homeless minor in any legal
 15 matter.

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

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

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

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

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

28 (3) Enlarge the scope of practice of any qualified health professional."
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30 **PART II. MINOR'S ACCESS TO CHILD CARE SERVICES**

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

32 "**§ 143B-153. Social Services Commission – creation, powers and duties.**

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

41 ...

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

45 a. Establish homelessness as a need for care.

46 b. Prioritize children experiencing homelessness on waiting lists.

47 c. Allow parents of children experiencing homelessness to substitute
 48 school attendance for work requirements.

49 d. Limit work requirements to 20 hours per week for the parents of
 50 children experiencing homelessness.

1 e. Allow parents of children experiencing homelessness to receive child
2 care for up to 90 days while those parents are seeking employment."

3 **SECTION 2.1.(b)** This section is effective when it becomes law.
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5 **PART III. EFFECTIVE DATE**

6 **SECTION 3.1.** Except as otherwise provided, this act becomes effective October 1,
7 2019.