



McKinney-Vento Homeless Unaccompanied Youth & Medical Consent

Definitions

Federal Definition Unaccompanied Homeless Youth:

To be eligible for services under the McKinney- Vento Act as an unaccompanied homeless youth, the student must lack a fixed, regular, and adequate nighttime residence, and not be in the physical custody of a parent or guardian.

Federal Definition of Homelessness:

According to section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), the term “homeless children and youths”—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence...; and

(B) includes—

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

Children and youth are considered homeless if they fit both part A and any one of the subparts of part B of the definition above.

RCW 28A.320.147

"Homeless child or youth"—Informed consent for health care for patient under the age of majority—Exemption from liability.

(1) As allowed by RCW 7.70.065(2)(b)(i) a school nurse, school counselor, or homeless student liaison is authorized to provide informed consent for health care for a patient under the age of majority when:

(A) Consent is necessary for nonemergency outpatient primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations, and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, (115 Stat. 2005); and

(C) The patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

Liability--- under RCW 7.70.065 (2)(b):

(ii) A person authorized to consent to care under this subsection (2)(b) and the person's employing school or school district are not subject to administrative sanctions or civil damages resulting from the consent or non-consent for care, any care, or payment for care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2)(b).

(iii) Upon request by a health care facility or a health care provider, a person authorized to consent to care under this subsection (2)(b) must provide to the person rendering care a declaration signed and dated under penalty of perjury pursuant to RCW 9A.72.085 stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b)(i) of this subsection. The declaration must also include written notice of exemption from liability.

(d) A health care facility or health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

(e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for health care of the minor patient under (a)(v) of this subsection, or a person claiming to be authorized to consent of the health care of the minor patient under (b) of this subsection.

Process for UHY Medical Service Referral:

1. Student health need/concern sent to Building Nurse.
 - a. Student examined by District Nurse.
2. Student referred to Community Health Service Provider
 - a. Student provided a completed Consent Form to be received by Community Health Service Provider.
3. Copy of completed Consent Form sent to McKinney-Vento District Liaison
 - a. Building Counselor/Contact informed if deemed necessary to benefit student health, safety and academic achievement.
 - b. Student is informed of their rights and responsibilities in respect to payment, after-care and District role.
 - i. District Liaison ensure that student is assisted in acquiring health insurance.
 - ii. District Liaison ensures that student is assisted in locating primary care if none already established.
4. Community Health Service Provider discusses health concern and follow-up care as necessary with student.
 - a. At the discretion and approval of Student, if necessary, medical conditions/follow-up care may be shared with District.
 - b. Exchange of Information form required.