



SCHOOL WELLNESS PROGRAM POLICY & PROCEDURE ESSENTIAL ELEMENTS: CONSENT

THIS DOCUMENT IS TO BE USED AS A GUIDANCE TOOL IN DEVELOPING CONSENT POLICIES AND PROCEDURES FOR SCHOOL WELLNESS PROGRAMS.

Definition: Consent policies describe the range of health services provided to clients in the School Wellness Program (SWP) and how the appropriate consent for confidential and non-confidential services are obtained.

Purpose: The consent form explains the nursing and mental health services provided in the SWP within all applicable laws and is reviewed and approved by the school administration, school board and local community advisory committee. The consent policy also describes the events and procedures when a consent is not required.

Definitions

Minor: Person 17 years or younger

Emancipated Minor: Occurs by court order via a petition filed by a minor with the family division of the circuit court. Emancipation also occurs when a minor is validly married, reaches the age of 18 years and during the period when the minor is on active duty with the armed forces of the U.S.

Age of Majority: A student may consent for his/her/their own care once they meet the age of majority, or 18 years of age, or meet the requirements of an emancipated minor. In Michigan, this includes: a) being a member of the armed forces on active duty, b) having a court order for emancipation, c) being the parent of a minor child, d) having a valid marriage, e) when the minor is in the custody of a law enforcement agency and the minor's parent or guardian cannot be promptly located; f) when the minor is a prisoner committed to the jurisdiction of the department of corrections and is housed in a state correctional facility; or the period when the minor is a probationer residing in a special alternative incarceration unit.

Procedures for consent include:

Description of policy for each type of consent needed in the SWP: parent/guardian consent, minor consent, emancipated minor, self-consent (see definitions in table above).

Description of the length of time a consent form is valid.

Definitions of guardianship/parental status, minor consent/self-consent and emancipated minor.

Description of how a parent/guardian, minor, emancipated minor can withdraw a parent/guardian consent form in writing.

Description of how parent/guardians, minors, emancipated minors are provided with the opportunity to review, ask questions and sign the SWP consent forms.

Description of services provided by the SWP requiring consent (e.g. administration of OTC medications, physician-directed standing orders, immunizations, POC testing, other per medical director/fiduciary). Note: Risk assessments may be part of the consent for routine care. If a situation arises with a minor who does not have parent/guardian consent and a confidential visit is initiated, then a risk assessment would be appropriate to complete.

Description of services that are inclusive of minor consent/self-consent and ages at which minor consent is available by Michigan law (pregnancy testing and referrals; STI screening, treatment and referral; HIV screening, counseling and referral; mental health services; substance abuse, counseling and referral).

Description of events and procedures when a parent/guardian consent is not required (emergency care, first aid, crisis intervention, referral for suspected child abuse/neglect).

Information that is included in the consent form:

Exchange of information with primary care provider and other health care providers for continuity of care.

Collaboration and exchange of information with school officials and need to know school staff.

Disclosure of protected health information for internal peer review audit.

Exchange of information complies with all applicable laws e.g. HIPAA, FERPA and Michigan Statutes for governing minor's rights to access consent for care.

Explicit explanation that birth control devices and prescriptions, abortions and abortion referrals are restricted services and not provided.

Self-consent or emancipated minor.

Procedures for Minor Consent Include:

Ensure the minor has the capacity or ability to make the decision (i.e. competency).

Ensure the medical provider discloses information on the treatment, test, or procedure in question, including the expected benefits and risks, and the likelihood (or probability) that the benefits and risks will occur.

Ensure the minor understands the information provided to them.

Ensure the minor voluntarily consents to the service(s) without coercion or duress.

Ensure the provider documents in the health record that the risks and benefits of the healthcare services or procedures were discussed with the minor. As an alternative, the SWP may add a statement of declaration that the minor was given the opportunity to discuss the possible risk and benefits of the health care services or procedure on the minor consent form.

Ensure an opportunity to ask questions and information about what cannot be kept confidential is included.

Information that is included on the minor consent form:

The services to which the minor is consenting.

A statement of declaration that they understand the services to which they are consenting.

A statement of declaration that they voluntarily consent to the services to which they are consenting.

A signature of the minor or documentation of refusal or delay in care in the health record.

How a consent is withdrawn.

How information may be shared (written authorization required).

Michigan Law and Minor Consent

Minors (usually age 12 – 17) may receive the following confidential services:

- Referrals, screening, counseling and treatment for sexually transmitted diseases including HIV under physician standing order per fiduciary.
- Referrals and counseling for family planning under physician standing order per fiduciary.
- Pregnancy testing and referrals under physician standing order per fiduciary.
- Substance abuse counseling and referral.

Minors 14 years of age or older can receive limited outpatient mental health services not to exceed 12 visits over four months and not to include any medications or pregnancy termination.

Discuss and review the SWP's policy on confidentiality with the student prior to collecting any confidential information from them.

Reporting Abuse and Neglect

Pregnancy of a child under the age of 14 or the presence of venereal disease in a child who is under the age of 12 is reasonable cause to suspect child abuse and neglect have occurred and must be reported.

References

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https://www.michigan.gov/documents/dhs/Pub-112_179456_7.pdf

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330.1264 Authorization of services; consent by minor; informing spouse, parent, guardian, or person in loco parentis; legal responsibility for services. Retrieved from:

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722.4 Emancipation by operation of law or pursuant to petition filed by minor with family division of circuit court. Retrieved from:

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333.9132 Consent of minor to provision of health care; notice; permission to contact parents for additional medical information; giving or withholding information without consent of minor; "health care" defined. Sec. 9132. Retrieved from:

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333.5127 Minor infected with sexually transmitted infection or HIV; consent to treatment; informing spouse, parent, guardian, or person in loco parentis; financial responsibility.

Retrieved from:

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[U.S. Department of Health and Human Services and U.S. Department of Education \(2019\). Joint Guidance on the Application of the Family Educational Rights and Privacy Act \(FERPA\) And the Health Insurance Portability and Accountability Act of 1996 \(HIPAA\) To Student Health Records. Retrieved from:](#)

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