

Parents Losing Legal Rights to Direct the Health Care of Their Children

As more and more school-based health centers are funded by the legislature, parents are losing their ability to safely monitor and direct the health care of their children. Many school districts are under the illusion that they can tailor their proposed clinic to reflect the community's wishes. It is true, the establishment of a school-based health centers (SBHC) is totally voluntary, although evidence reveals a serious lack of transparency and parental involvement in the process. However, if the district wishes to be funded by the Oregon Health Authority (OHA), the clinic must meet the minimum required standards for certification as set forth by the SBHC State Program Office (OAR 333-028-0220). Funding is the carrot and funding is the club to force communities and school districts into standardized school-based health care as defined by the state. Many of these "minimum requirements" usurp parents and infringe on their legal rights.

The purpose of a SBHC is to provide primary health care, preventive health, behavioral health, oral health and health education services (ORS 413.225). The standards for certification are specific and detailed. While there can be variability between the numerous clinics, all SBHCs must meet a minimum required standard to receive funding. For example, there are specific billing requirements. A SBHC provider (M.D., D.O., N.P., N.D., P.A., R.N., and D.M.D.) must be eligible for reimbursement from Medicaid. Also, procedures must be in place to maintain student confidentiality when billing parents' insurance carrier for services accessed by the student at the clinic. During the recent 2015 legislative session, House Bill 2758 passed guaranteeing your child's confidentiality in any insurance communication with your health insurance provider; in other words, you would pay for the service, but not know what was injected, inserted, prescribed or procedure done on your minor child. Electronic health records would be maintained on your child, however legal guardians would not be allowed to view them.

Other requirements include: facility requirements, hours of operation, staffing, services, policies and procedures, lab and diagnostic services, equipment, comprehensive services, electronic data collection, data reporting, billing, and more. When certified SBHC's are established on school premises, school boards and communities would now have additional government bureaucracy with which to deal.

What kinds of services will your child be receiving at his/her SBHC? Many of the services provided at SBHCs can be accessed without parental knowledge or consent. We highly recommend that parents, superintendents, school board members, private community health care entities and legislators take a few moments and read the standards for certification. In order for parents and guardians to give "informed consent" there needs to be full disclosure of the fact that within SBHCs, many health care decisions will be allowed to be made by minors and kept from parents due to confidentiality laws.

It is important to remember that the process of removing parents and guardians from making health care decisions for their children is being achieved through organizations such as Planned Parenthood, ACLU, Basic Rights Oregon, Cascade Aids Project who have aggressively lobbied Salem to pass laws such as House Bill 2758.