

(1) THE PARENT REFUSES CONSENT OR FAILS TO CARRY OUT CONSENT FOR THE MINOR OR REFUSES DELEGATION OR FAILS TO CARRY OUT DELEGATION UNDER § 18-4A-02 OF THIS SUBTITLE HAS NOT ACTED ON THE REQUEST; AND

(2) DOES HAS NOT EXPRESSLY DENY DENIED TO THE DEPARTMENT OF JUVENILE SERVICES THE AUTHORITY TO CONSENT TO THE IMMUNIZATION OF THE MINOR.

(D) FOR PURPOSES OF THIS SECTION, A PERSON IS NOT REASONABLY AVAILABLE IF:

(1) THE LOCATION OF THE PERSON IS UNKNOWN;

(2) (I) A REASONABLE EFFORT MADE BY A GRANDPARENT OR OTHER PERSON LISTED IN SUBSECTION (A) OF THIS SECTION TO LOCATE AND COMMUNICATION COMMUNICATE WITH THE PERSON PARENT FOR THE PURPOSE OF OBTAINING CONSENT HAS FAILED; ; AND

(II) NOT MORE THAN 90 DAYS HAVE PASSED SINCE THE DATE THAT THE EFFORT WAS MADE; OR

(3) THE PARENT HAS BEEN CONTACTED BY A GRANDPARENT OR OTHER PERSON LISTED IN SUBSECTION (A) OF THIS SECTION AND REQUESTED TO CONSENT TO THE IMMUNIZATION OF THE MINOR, AND THE PARENT:

(I) REFUSES TO CONSENT OR FAILS TO CARRY OUT CONSENT FOR THE MINOR OR REFUSES DELEGATION OR FAILS TO CARRY OUT A DELEGATION UNDER § 18-4A-02 OF THIS SUBTITLE; AND

(I) HAS NOT ACTED ON THE REQUEST; AND

(II) DOES HAS NOT EXPRESSLY DENY DENIED AUTHORITY TO THE GRANDPARENT OR OTHER PERSON LISTED IN SUBSECTION (A) OF THIS SECTION TO CONSENT TO IMMUNIZATION OF THE MINOR.

(E) A PERSON LISTED IN SUBSECTION (A) OF AUTHORIZED TO CONSENT TO THE IMMUNIZATION OF A MINOR UNDER THIS SECTION MAY SHALL CONFIRM THAT THE PARENT IS NOT REASONABLY AVAILABLE IN THE MANNER PROVIDED BY REGULATIONS ADOPTED BY THE DEPARTMENT WRITING AND THE WRITTEN CONFIRMATION SHALL BE INCLUDED IN THE MINOR'S MEDICAL RECORD.

18-4A-04.

THE RESPONSIBILITY OF A HEALTH CARE PROVIDER TO PROVIDE INFORMATION TO A PERSON CONSENTING TO THE IMMUNIZATION OF A MINOR UNDER § 18-4A-02 OR § 18-4A-03 OF THIS SUBTITLE IS THE SAME AS THE HEALTH CARE PROVIDER'S RESPONSIBILITY TO A PARENT.

18-4A-05.

(A) IN THE ABSENCE OF WILLFUL MISCONDUCT OR GROSS NEGLIGENCE, A HEALTH CARE PROVIDER WHO ACCEPTS THE HEALTH HISTORY AND OTHER INFORMATION GIVEN BY A PERSON WHO IS DELEGATED THE AUTHORITY TO