

(C) WHEN A PARENT HAS BEEN CONTACTED AND REQUESTED TO CONSENT TO THE IMMUNIZATION OF THE MINOR, THE DEPARTMENT OF JUVENILE SERVICES MAY CONSENT TO THE IMMUNIZATION OF A MINOR IN ITS CARE AND CUSTODY IF THE PARENT:

(1) HAS NOT ACTED ON THE REQUEST; AND

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

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

(1) THE LOCATION OF THE PARENT IS UNKNOWN;

(2) (I) A REASONABLE EFFORT MADE BY A PERSON LISTED IN SUBSECTION (A) OF THIS SECTION TO LOCATE AND COMMUNICATE WITH THE 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 PERSON LISTED IN SUBSECTION (A) OF THIS SECTION AND REQUESTED TO CONSENT TO THE IMMUNIZATION OF THE MINOR, AND THE PARENT:

(I) HAS NOT ACTED ON THE REQUEST; AND

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

(E) A PERSON AUTHORIZED TO CONSENT TO THE IMMUNIZATION OF A MINOR UNDER THIS SECTION SHALL CONFIRM THAT THE PARENT IS NOT REASONABLY AVAILABLE IN 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 CONSENT TO THE IMMUNIZATION OF A MINOR UNDER § 18-4A-02 OR § 18-4A-03 OF THIS SUBTITLE IS NOT LIABLE FOR AN ADVERSE REACTION RELATED TO AN