



Oklahoma State Department of Health
Creating a State of Health

MEMORANDUM

DATE: October 18, 2006

TO: Administrators, County Health Departments

THROUGH: Stephen W. Ronck, MPH *SWR/DS*
Deputy Commissioner for Community Health Services

FROM: James M. Crutcher, MD, MPH *JMC*
Commissioner of Health and State Health Officer

SUBJECT: Authorization of Medical Care for Minors
Relative Caregiver's Authorization Affidavit

State statutes strictly limit the conditions under which a person other than a child's parent may authorize medical care. Instead of allowing *any* adult claiming responsibility for a child to have the right to authorize medical care, 10 O.S. § 21.6 mandates that only certain persons having permanent care and custody of the child as defined by law have that right. The statutes state that any relative related to a child within the third degree (spouse of the relative, parent, grandparent, great-grandparent, brother, sister, half-brother, half-sister, uncle, aunt, niece or nephew) who has permanent care and custody of a child has the same rights to authorize medical care and dental care for the minor and to consent to school-related medical care on behalf of the child. In order to obtain authorization rights, however, three conditions must be met:

1. The relative must complete a Relative Caregiver's Authorization Affidavit
2. The child must be living full-time with the relative, who must provide the child's major degree of support
3. Through acts, omissions or communications the parents must have indicated a willful intent not to return for the child, and the relative must either be unable to contact the parent or must have given the parent a written request that the parent regain physical custody, which the parent refused to do.

Attached is the Relative Caregiver's Authorization Affidavit (ODH No. 302), instructions, and a question and answer sheet. The form is now available in Public Folders/HIPAA/Forms. The form will be printed and available from Shipping and Receiving within the next couple of weeks. If you should have any questions, please contact your Records Consultant.

Commissioner of Health
and State Health Officer
James M Crutcher, MD, MPH
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