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Title 22@ Social Security

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Division 5@ Licensing and Certification of Health Facilities, Home Health Agencies, Clinics, and Referral Agencies

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Chapter 1@ General Acute Care Hospitals

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Article 7@ Administration

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Section 70707.6@ The Additional Requirements for Informed Consent Process when Specified Federal Funds Are Used

70707.6 The Additional Requirements for Informed Consent Process when Specified Federal Funds Are Used

Pursuant to Title 22, California Administrative Code Sections 51163 and 51305.1 through 51305.7 the following Additional Requirements for Informed Consent Process shall be met When Specified Federal Funds are Used:

(a)

When Medi-Cal funds are used: (1) Sterilization shall be performed only if the following conditions are met: (A) The individual is at least twenty-one years old at the time consent is obtained. (B) The individual is not a mentally incompetent individual. (C) The individual is not an institutionalized individual. (2) A hysterectomy shall not be covered if: (A) Performed solely for the purpose of rendering an individual permanently sterile. (B) There is more than one purpose to the procedure, and the hysterectomy would not be performed except for the purpose of rendering the individual permanently sterile. (3) The hospital may not honor any request that the sterilization be performed earlier than 30 days as may non-Medi-Cal patients under Sections 70707.1(4)(C) and 70707.4(4)(C).

(1)

Sterilization shall be performed only if the following conditions are met: (A) The individual is at least twenty-one years old at the time consent is obtained. (B) The individual is not a mentally incompetent individual. (C) The individual is not an institutionalized individual.

(A)

The individual is at least twenty-one years old at the time consent is obtained.

(B)

The individual is not a mentally incompetent individual.

(C)

The individual is not an institutionalized individual.

(2)

A hysterectomy shall not be covered if: (A) Performed solely for the purpose of rendering an individual permanently sterile. (B) There is more than one purpose to the procedure, and the hysterectomy would not be performed except for the purpose of rendering the individual permanently sterile.

(A)

Performed solely for the purpose of rendering an individual permanently sterile.

(B)

There is more than one purpose to the procedure, and the hysterectomy would not be performed except for the purpose of rendering the individual permanently sterile.

(3)

The hospital may not honor any request that the sterilization be performed earlier than 30 days as may non-Medi-Cal patients under Sections 70707.1(4)(C) and 70707.4(4)(C).

(b)

For the purposes of this section the following definitions apply: (1) Mentally incompetent individual means an individual who has been declared mentally incompetent by a Federal, State, or local court of competent jurisdiction for any purpose, unless the individual has been declared competent for purposes which include the ability to consent to sterilization. (2) Institutionalized individual means

an individual who is: (A) Involuntarily confined or detained, under a civil or criminal statute, in a correctional or rehabilitative facility, including a mental hospital or other facility for the care and treatment of mental illness. (B) Confined, under a voluntary commitment, in a mental hospital or other facility for the care and treatment of mental illness.

(1)

Mentally incompetent individual means an individual who has been declared mentally incompetent by a Federal, State, or local court of competent jurisdiction for any purpose, unless the individual has been declared competent for purposes which include the ability to consent to sterilization.

(2)

Institutionalized individual means an individual who is: (A) Involuntarily confined or detained, under a civil or criminal statute, in a correctional or rehabilitative facility, including a mental hospital or other facility for the care and treatment of mental illness. (B) Confined, under a voluntary commitment, in a mental hospital or other facility for the care and treatment of mental illness.

(A)

Involuntarily confined or detained, under a civil or criminal statute, in a correctional or rehabilitative facility, including a mental hospital or other facility for the care and treatment of mental illness.

(B)

Confined, under a voluntary commitment, in a mental hospital or other facility for the care and treatment of mental illness.