

|-&gt;

Title 22@ Social Security

|-&gt;

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

|-&gt;

Chapter 1@ General Acute Care Hospitals

|-&gt;

Article 7@ Administration

|-&gt;

Section 70707.3@ Informed Consent Process for Sterilization

## **70707.3 Informed Consent Process for Sterilization**

### **(a)**

An individual has given informed consent only if: (1) The person who obtained consent for the sterilization procedure: (A) Offered to answer any questions the individual to be sterilized may have concerning the procedure. (B) Provided the individual with a copy of the consent form and the booklet on sterilization published by the Department. (C) Provided orally all of the following to the individual to be sterilized: 1. Advice that the individual is free to withhold or withdraw consent to the procedure at any time before the sterilization without affecting the right to future care or treatment and without loss or withdrawal of any federally funded program benefits to which the individual might be otherwise entitled. 2. A full description of available alternative methods of family planning and birth control. 3. Advice that the sterilization procedure is considered to be irreversible. 4. A thorough explanation of the specific sterilization procedure to be performed. 5. A full description of the discomforts and risks that may accompany or follow the performing of the procedure, including an explanation of the type and possible effects of any anesthetic to be used. 6. A full description of the benefits or advantages that may be expected as a result of the sterilization. 7. Approximate length of hospital stay. 8. Approximate length of time for recovery. 9. Financial cost to the patient. 10. Information that the procedure is established or new. 11. Advice that the sterilization will not be performed for at least 30 days,

except under the circumstances specified in Section 70707.1. 12. The name of the physician performing the procedure. If another physician is to be substituted, the patient shall be notified, prior to administering pre-anesthetic medication of the physician's name and the reason for the change in physician. (2) Suitable arrangements were made to ensure that the information specified in (a)(1) was effectively communicated to any individual who is blind, deaf, or otherwise handicapped. (3) An interpreter was provided if the individual to be sterilized did not understand the language used on the consent form or the language used by the person obtaining consent. (4) The individual to be sterilized was permitted to have a witness of the individual's choice present when consent was obtained. (5) The sterilization operation was requested without fraud, duress, or undue influence. (6) The consent form requirements of Section 70707.4 were met.

**(1)**

The person who obtained consent for the sterilization procedure: (A) Offered to answer any questions the individual to be sterilized may have concerning the procedure. (B) Provided the individual with a copy of the consent form and the booklet on sterilization published by the Department. (C) Provided orally all of the following to the individual to be sterilized: 1. Advice that the individual is free to withhold or withdraw consent to the procedure at any time before the sterilization without affecting the right to future care or treatment and without loss or withdrawal of any federally funded program benefits to which the individual might be otherwise entitled. 2. A full description of available alternative methods of family planning and birth control. 3. Advice that the sterilization procedure is considered to be irreversible. 4. A thorough explanation of the specific sterilization procedure to be performed. 5. A full description of the discomforts and risks that may accompany or follow the performing of the procedure, including an explanation of the type and possible effects of any anesthetic

to be used. 6. A full description of the benefits or advantages that may be expected as a result of the sterilization. 7. Approximate length of hospital stay. 8. Approximate length of time for recovery. 9. Financial cost to the patient. 10. Information that the procedure is established or new. 11. Advice that the sterilization will not be performed for at least 30 days, except under the circumstances specified in Section 70707.1. 12. The name of the physician performing the procedure. If another physician is to be substituted, the patient shall be notified, prior to administering pre-anesthetic medication of the physician's name and the reason for the change in physician.

**(A)**

Offered to answer any questions the individual to be sterilized may have concerning the procedure.

**(B)**

Provided the individual with a copy of the consent form and the booklet on sterilization published by the Department.

**(C)**

Provided orally all of the following to the individual to be sterilized: 1. Advice that the individual is free to withhold or withdraw consent to the procedure at any time before the sterilization without affecting the right to future care or treatment and without loss or withdrawal of any federally funded program benefits to which the individual might be otherwise entitled. 2. A full description of available alternative methods of family planning and birth control. 3. Advice that the sterilization procedure is considered to be irreversible. 4. A thorough explanation of the specific sterilization procedure to be performed. 5. A full description of the discomforts and risks that may accompany or follow the performing of the procedure, including an explanation of the type and possible effects of any anesthetic to be used. 6. A full description of the benefits or advantages that may be expected as a result of the sterilization. 7. Approximate length of hospital stay. 8. Approximate length of time for

recovery. 9. Financial cost to the patient. 10. Information that the procedure is established or new. 11. Advice that the sterilization will not be performed for at least 30 days, except under the circumstances specified in Section 70707.1. 12. The name of the physician performing the procedure. If another physician is to be substituted, the patient shall be notified, prior to administering pre-anesthetic medication of the physician's name and the reason for the change in physician.

**1.**

Advice that the individual is free to withhold or withdraw consent to the procedure at any time before the sterilization without affecting the right to future care or treatment and without loss or withdrawal of any federally funded program benefits to which the individual might be otherwise entitled.

**2.**

A full description of available alternative methods of family planning and birth control.

**3.**

Advice that the sterilization procedure is considered to be irreversible.

**4.**

A thorough explanation of the specific sterilization procedure to be performed.

**5.**

A full description of the discomforts and risks that may accompany or follow the performing of the procedure, including an explanation of the type and possible effects of any anesthetic to be used.

**6.**

A full description of the benefits or advantages that may be expected as a result of the sterilization.

**7.**

Approximate length of hospital stay.

**8.**

Approximate length of time for recovery.

**9.**

Financial cost to the patient.

**10.**

Information that the procedure is established or new.

**11.**

Advice that the sterilization will not be performed for at least 30 days, except under the circumstances specified in Section 70707.1.

**12.**

The name of the physician performing the procedure. If another physician is to be substituted, the patient shall be notified, prior to administering pre-anesthetic medication of the physician's name and the reason for the change in physician.

**(2)**

Suitable arrangements were made to ensure that the information specified in (a)(1) was effectively communicated to any individual who is blind, deaf, or otherwise handicapped.

**(3)**

An interpreter was provided if the individual to be sterilized did not understand the language used on the consent form or the language used by the person obtaining consent.

**(4)**

The individual to be sterilized was permitted to have a witness of the individual's choice present when consent was obtained.

**(5)**

The sterilization operation was requested without fraud, duress, or undue influence.

**(6)**

The consent form requirements of Section 70707.4 were met.

**(b)**

Informed consent may not be obtained while the individual to be sterilized is: (1) In labor or within 24 hours postpartum or postabortion. (2) Seeking to obtain or obtaining an abortion. (A) Seeking to obtain means that period of time during which the abortion decision and the arrangement for the abortion are being made. (B) Obtaining an abortion means that period of time during which the individual is undergoing the abortion procedure, including any period during which preoperative medication is administered. (3) Under the influence of alcohol or other substances that affect the individual's state of awareness.

**(1)**

In labor or within 24 hours postpartum or postabortion.

**(2)**

Seeking to obtain or obtaining an abortion. (A) Seeking to obtain means that period of time during which the abortion decision and the arrangement for the abortion are being made. (B) Obtaining an abortion means that period of time during which the individual is undergoing the abortion procedure, including any period during which preoperative medication is administered.

**(A)**

Seeking to obtain means that period of time during which the abortion decision and the arrangement for the abortion are being made.

**(B)**

Obtaining an abortion means that period of time during which the individual is undergoing the abortion procedure, including any period during which preoperative medication is administered.

**(3)**

Under the influence of alcohol or other substances that affect the individual's state of

awareness.

**(c)**

The informed consent process may be conducted either by a physician or by the physician's designee.

**(d)**

A copy of the signed consent form shall be: (1) Provided to the patient. (2) Retained by the physician and the hospital in the patient's medical records.

**(1)**

Provided to the patient.

**(2)**

Retained by the physician and the hospital in the patient's medical records.

**(e)**

No person shall by reason of mental retardation alone be prevented from consenting to sterilization under this section.