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Title 22@ Social Security

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Division 3@ Health Care Services

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Subdivision 1@ California Medical Assistance Program

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Chapter 3@ Health Care Services

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Article 4@ Scope and Duration of Benefits

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Section 51305.1@ Criteria for the Performance of Sterilization

51305.1 Criteria for the Performance of Sterilization

(a)

A sterilization shall be performed only if the following conditions are met: (1) The individual is at least 21 years old at the time consent is obtained. (2) The individual is not a mentally incompetent individual. (3) The individual is able to understand the content and nature of the informed consent process as specified in 51305.3. (4) The individual is not an institutionalized individual. (5) The individual has voluntarily given informed consent in accordance with all the requirements prescribed in Section 51305.1 through 51305.4. (6) At least 30 days, but not more than 180 days, have passed between the date of written informed consent and the date of the sterilization, except in the following instances: (A) Sterilization may be performed at the time of emergency abdominal surgery if the following requirements are met: 1. The written informed consent to be sterilized was given at least 30 days before the individual intended to be sterilized. 2. At least 72 hours have passed after written informed consent to be sterilized was given. (B) Sterilization may be performed at the time of premature delivery if the following requirements are met: 1. The written informed consent was given at least 30 days before the expected date of the delivery. 2. At least 72 hours have passed after written informed consent to be sterilized was given.

(1)

The individual is at least 21 years old at the time consent is obtained.

(2)

The individual is not a mentally incompetent individual.

(3)

The individual is able to understand the content and nature of the informed consent process as specified in 51305.3.

(4)

The individual is not an institutionalized individual.

(5)

The individual has voluntarily given informed consent in accordance with all the requirements prescribed in Section 51305.1 through 51305.4.

(6)

At least 30 days, but not more than 180 days, have passed between the date of written informed consent and the date of the sterilization, except in the following instances:

(A) Sterilization may be performed at the time of emergency abdominal surgery if the following requirements are met: 1. The written informed consent to be sterilized was given at least 30 days before the individual intended to be sterilized. 2. At least 72 hours have passed after written informed consent to be sterilized was given. (B)

Sterilization may be performed at the time of premature delivery if the following requirements are met: 1. The written informed consent was given at least 30 days before the expected date of the delivery. 2. At least 72 hours have passed after written informed consent to be sterilized was given.

(A)

Sterilization may be performed at the time of emergency abdominal surgery if the following requirements are met: 1. The written informed consent to be sterilized was given at least 30 days before the individual intended to be sterilized. 2. At least 72 hours have passed after written informed consent to be sterilized was given.

1.

The written informed consent to be sterilized was given at least 30 days before the individual intended to be sterilized.

2.

At least 72 hours have passed after written informed consent to be sterilized was given.

(B)

Sterilization may be performed at the time of premature delivery if the following requirements are met: 1. The written informed consent was given at least 30 days before the expected date of the delivery. 2. At least 72 hours have passed after written informed consent to be sterilized was given.

1.

The written informed consent was given at least 30 days before the expected date of the delivery.

2.

At least 72 hours have passed after written informed consent to be sterilized was given.

(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.