

51305.4 Certification of Informed Consent for Sterilization

(a)

The Consent Form, provided by the Department in English and Spanish, shall be the only approved form and shall be signed and dated by the:(1) Individual to be sterilized. (2) Interpreter, if one is provided. (3) Person who obtained the consent. (4) Physician who performed the sterilization procedure.

(1)

Individual to be sterilized.

(2)

Interpreter, if one is provided.

(3)

Person who obtained the consent.

(4)

Physician who performed the sterilization procedure.

(b)

The person securing consent shall certify, by signing the Consent Form, to have personally: (1) Advised the individual to be sterilized, before the individual to be sterilized signed the Consent Form, that no federal benefits may be withdrawn because of the decision not to be sterilized. (2) Explained orally the requirements for informed consent to the individual to be sterilized as set forth on the Consent Form and in Section 51305.3. (3) Determined, to the best of his or her knowledge

and belief, that the individual to be sterilized appeared mentally competent and knowingly and voluntarily consented to be sterilized.

(1)

Advised the individual to be sterilized, before the individual to be sterilized signed the Consent Form, that no federal benefits may be withdrawn because of the decision not to be sterilized.

(2)

Explained orally the requirements for informed consent to the individual to be sterilized as set forth on the Consent Form and in Section 51305.3.

(3)

Determined, to the best of his or her knowledge and belief, that the individual to be sterilized appeared mentally competent and knowingly and voluntarily consented to be sterilized.

(c)

The physician performing the sterilization shall certify, by signing the Consent Form, that: (1) The physician, shortly before the performance of the sterilization, advised the individual to be sterilized that federal benefits shall not be withheld or withdrawn because of a decision not to be sterilized. (2) The physician explained orally the requirements for informed consent as set forth on the Consent Form. (3) To the best of the physician's knowledge and belief, the individual to be sterilized appeared mentally competent and knowingly and voluntarily consented to be sterilized. (4) At least 30 days have passed between the date of the individual's signature on the Consent Form and the date upon which the sterilization was performed, except in the following instances: (A) Sterilization may be performed at the time of emergency abdominal surgery if the physician: 1. Certifies that the written informed consent to be sterilized was given at least 30 days before the

individual intended to be sterilized. 2. Certifies that at least 72 hours have passed after written informed consent to be sterilized was given. 3. Describes the emergency on the Consent Form. (B) Sterilization may be performed at the time of premature delivery if the physician certifies that: 1. The written informed consent was given at least 30 days before the expected date of the delivery. The physician shall state the expected date of delivery on the Consent Form. 2. At least 72 hours have passed after written informed consent to be sterilized was given.

(1)

The physician, shortly before the performance of the sterilization, advised the individual to be sterilized that federal benefits shall not be withheld or withdrawn because of a decision not to be sterilized.

(2)

The physician explained orally the requirements for informed consent as set forth on the Consent Form.

(3)

To the best of the physician's knowledge and belief, the individual to be sterilized appeared mentally competent and knowingly and voluntarily consented to be sterilized.

(4)

At least 30 days have passed between the date of the individual's signature on the Consent Form and the date upon which the sterilization was performed, except in the following instances: (A) Sterilization may be performed at the time of emergency abdominal surgery if the physician: 1. Certifies that the written informed consent to be sterilized was given at least 30 days before the individual intended to be sterilized. 2. Certifies that at least 72 hours have passed after written informed consent to be sterilized was given. 3. Describes the emergency on the Consent Form. (B) Sterilization may be performed at the time of premature delivery if the physician certifies that: 1.

The written informed consent was given at least 30 days before the expected date of the delivery. The physician shall state the expected date of delivery on the Consent Form. 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 physician:

1. Certifies that the written informed consent to be sterilized was given at least 30 days before the individual intended to be sterilized.
2. Certifies that at least 72 hours have passed after written informed consent to be sterilized was given.
3. Describes the emergency on the Consent Form.

1.

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

2.

Certifies that at least 72 hours have passed after written informed consent to be sterilized was given.

3.

Describes the emergency on the Consent Form.

(B)

Sterilization may be performed at the time of premature delivery if the physician certifies that: 1. The written informed consent was given at least 30 days before the expected date of the delivery. The physician shall state the expected date of delivery on the Consent Form. 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.
The physician shall state the expected date of delivery on the Consent Form.

2.

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

(d)

The interpreter, if one is provided, shall certify that the interpreter: (1)

Transmitted the information and advice presented orally to the individual to be sterilized. (2) Read the Consent Form and explained its contents to the individual to be sterilized. (3) Determined, to the best of the interpreter's knowledge and belief, that the individual to be sterilized understood what the interpreter told the individual.

(1)

Transmitted the information and advice presented orally to the individual to be sterilized.

(2)

Read the Consent Form and explained its contents to the individual to be sterilized.

(3)

Determined, to the best of the interpreter's knowledge and belief, that the individual to be sterilized understood what the interpreter told the individual.

(e)

The person who obtains consent shall provide the individual to be sterilized with a copy of the booklet on sterilization, provided by the Department in English and Spanish, before obtaining consent.

(f)

For the purposes of this section, shortly before means a period within 72 hours prior to the time the patient receives any preoperative medication.