

Institutional Handbook of Operating Procedures Policy 09.03.21	
Section: Clinical	Responsible Vice President: Senior Vice President, Legal and Regulatory Affairs
Subject: Patient Rights	Responsible Entity: Department of Legal Affairs

I. Title

Consent for Sterilization

II. Policy

Informed consent must be obtained from an adult patient with decision-making capacity before an elective sterilization may be performed. Neither a parent nor legal guardian may provide consent unless the procedure is life-saving and the adult patient is unable to consent.

Minors may neither consent to nor receive elective sterilization procedures. The Centers for Medicare and Medicaid Services (CMS) require that special guidelines are followed for sterilization patients who intend to claim reimbursement for the procedure under the Medicaid program.

III. General Guidelines for Sterilization

- A. Male patients must sign UTMB’s Consent for Sterilization forms available from the Department of Urology or the Department of Family Medicine.
- B. Female patients must sign UTMB’s Consent for Sterilization forms available from the Department of Obstetrics & Gynecology.
- C. At a minimum, the Consent for Sterilization form must state the following:
 - 1. As a result of the procedure, the patient may or may not be rendered sterile and therefore unable to reproduce children; and
 - 2. Sterilization is not a guaranteed result of the procedure.
- D. Surgical sterilization procedures are performed on a second visit, with no specified time period between visits.
- E. At least 24 hours prior to the procedure, a Disclosure and Consent for Medical and Surgical Procedures form must be signed on UTMB premises.

IV. Additional U.S. Department of Health and Human Services (HHS) Requirements for Medicaid Patients

- A. In conformity with CMS regulations, patients seeking reimbursement under the Medicaid program must:

1. Be at least 21 years old at the time of consent;
2. Possess decision-making capacity; and
3. Complete the appropriate HHS Consent for Sterilization ([English](#)) ([Spanish](#)) form (in addition to the applicable UTMB consent form).

- B.** The HHS Consent for Sterilization form must be completed and signed by the patient at least thirty (30) days, but not more than 180 days, prior to the procedure or treatment. However, the patient may consent to elective sterilization at the time of a premature delivery or emergency abdominal surgery if at least seventy-two (72) hours have passed since he or she gave informed consent for the sterilization. In the case of premature delivery, the informed consent must have been given at least thirty (30) days before the expected date of delivery. The patient must be given a copy of the form.
- C.** If an interpreter is used in the informed consent process of a Medicaid and/or Medicare patient, the interpreter’s statement on the HHS consent form must be completed and signed as well.

V. Relevant Federal and State Statutes

[Texas Health and Safety Code § 551.041](#)

VI. Related UTMB Policies and Procedures

[IHOP - 09.03.17 - Patient Consent - Overview and Basic Requirements](#)

[IHOP - 09.03.18 - Consent-- Treatment of a Minor](#)

[IHOP - 09.03.16 - Refusal of Consent/Treatment](#)

VII. Dates Approved or Amended

<i>Originated: 4/01/1994</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
12/21/2007	08/16/2018
07/06/2015	

VIII. Contact Information

Department of Legal Affairs
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