

Sterilization of Minors

POLICY: Parents or legally authorized surrogates may not consent to the sterilization of a mentally incompetent person, including any minor. Only a mentally competent adult patient may provide informed consent for a medical procedure that would result in sterilization. If the patient cannot give informed consent, because the patient is either a minor or lacks mental capacity, then a court order authorization must be obtained before scheduling the procedure. This policy applies to all medical or surgical procedures that remove or alter reproductive organs in such a way to eliminate the organ's function or usefulness, where any desired or intended effect of the procedure is to render the patient incapable of reproduction, regardless of whether it is the primary purpose of the procedure.

Definitions (from Stedman's Medical Dictionary):
Sterilization: the act or process by which an individual is rendered incapable of fertilization or reproduction.
Female sterility: the inability of the female to conceive, due to inadequacy in structure or function of the genital organs.

PURPOSE: Establishment of guidelines for consent to sterilization of minors

PROCEDURE: The **ADDENDUM below** describes the current standards and procedures

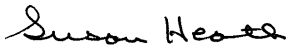
Originated by: Jeff Sconyers, Senior Vice-President and General Counsel

Reviewed by:

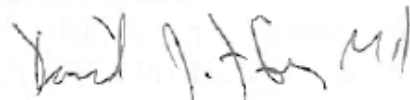
Revised by:

Approved by Medical Executive Committee: 11/15/07

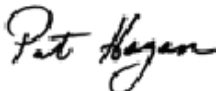
APPROVED BY:



Susan Heath, RN, MN, CNAA
Senior Vice President
Chief Nursing Officer



David Fisher, MD
Senior Vice President
Chief Medical Officer



Pat Hagan
President
Chief Operating Officer

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Additional Key Words: Informed Consent; Surrogate Decisionmaker; Surrogate: Decisionmaking; Decisions; Consent; HIPAA; Sterilization; Hysterectomy; Incompetent; Competent; Capacity; Court Order; Legally Authorized; Reproduction; Sterility; Declaration of Emancipation; Emancipation; WPAS; Washington Protection and Advocacy System; Disability Rights Washington; Disability; Developmental Disability; Ethics

ADDENDUM:

- I. Requirement for Court Order for Minors and Adults Lacking Mental Capacity to Consent
 - A. No surgical procedure for sterilization may be scheduled or performed except in the following circumstances:
 1. A competent adult patient provides informed consent in writing for the adult patient's own procedure; **or**
 2. A court order specifically authorizing the planned surgical procedure for any adult patient who lacks mental capacity to consent, or for any minor patient, has been placed in the patient's medical record, along with an opinion of Children's General Counsel or Associate General Counsel that the court order is valid and that all applicable appeals or appeals periods have concluded.
 3. A minor patient who has obtained a Declaration of Emancipation should be treated as a competent adult patient, unless at the time there appears to be any doubt regarding the patient's current mental capacity.
- II. Notification to Washington Protection and Advocacy System
 - A. The provisions of this Section II apply during the term, including any extension term, of any "Agreement Between Children's Hospital And Regional Medical Center And The Washington Protection And Advocacy System (Disability Rights Washington) Promoting Protection Of Individuals With Developmental Disabilities" or successor or replacement agreement. Children's General Counsel shall determine whether any such agreement continues in effect.
 - B. During any such term, and to the extent permitted under federal and state laws regarding the privacy of health information, **Children's, acting through its General Counsel, will inform Washington Protection and Advocacy System (WPAS)**, when Children's receives notice that a court order permitting sterilization for an individual with a developmental disability has been entered.
- III. Additional Required Consultations
 - A. In addition, except in the case of a medical emergency any surgical procedure for sterilization must be reviewed with and approved by all of the following:
 1. Medical Director
 2. Ethics Committee
 3. Children's General Counsel

IV. Parents or Guardians Bring Petition

- A. A petition for a court order authorizing sterilization should usually be brought by the parents or legal guardian of the patient for whom the procedure is proposed.
- B. Parents or legal guardians should consult with their own counsel in preparing and pursuing the petition.
- C. Parents or legal guardians may, in addition, consult with the Ethics Committee or the ethicist on call regarding any such petition.

V. Exceptions to Policy

- A. An exception to the procedures set forth above may be allowed for a surgical or medical procedure where the fact that a patient is rendered unable to reproduce is an unavoidable, unintended and undesired effect of a medically-indicated procedure that is within the standard of care for the patient's condition.
- B. Examples include a hysterectomy in the case of a true hermaphrodite, a hysterectomy to control acute hemorrhage, resection of malignant tissue, or chemotherapy or radiation treatment of cancer that causes loss of the ability to reproduce.
- C. Any exception to the procedures set forth above must be reviewed and approved by the Medical Director, in consultation with the Ethics Committee and Children's General Counsel.

VI. Forcing Functions

- A. Children's will implement appropriate forcing functions using its applicable computer systems to prevent scheduling any sterilization procedure unless the requirements of this policy have been met.

VII. Educational Activities

- A. Following adoption of this policy, Children's will educate its employees and members of its Medical Staff about the provisions of this policy and the legal requirements in the state of Washington for court review and order before sterilization of an individual with a developmental disability.