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Sterilizations

In accordance with Federal regulations, Medicaid payment for sterilization requires:

- The individual is at least 21 years of age at the time the consent is obtained.
- The individual is not a mentally incompetent individual,
- The individual has voluntarily given informed consent in accordance with all federal requirements, and
- At least 30 days, but no more than 180 days, have passed between the date of the informed consent and the date of sterilization, except in the case of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of a premature delivery or emergency abdominal surgery, if at least 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 30 days before the expected date of delivery.

Sterilization Consent Form Requirements

Providers must use the current sterilization consent forms (HHS 687 available in English and HHS 687-1 available in Spanish) from the Health and Human Services website. (See Appendix B for information on obtaining and completing these forms)

The consent form must be signed and dated by:

- The individual to be sterilized,
- The interpreter, if one was provided,
- The person who obtained the consent, and
- The physician performing the sterilization procedure.

NOTE: If the physician who performed the sterilization procedure is the one who obtained the consent, he/she must sign both statements.

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Consent Forms and Name Changes

When billing for services requiring a sterilization consent form, the recipient's name on the Medicaid file for the date of service should be the same as the name signed at the time of consent. If the recipient's name is different, the provider must attach a letter from the provider's office from which the consent was obtained. The letter should be signed by the physician and should state the recipient's name has changed and should include the recipient's social security number and date of birth. This letter should be attached to all claims requiring consent upon submission for claims processing.

Correcting the Sterilization Consent Form

The informed consent must be obtained and documented **prior** to the performance of the sterilization.

Errors in the following sections can be corrected, but **only by the person over whose signature they appear**:

- "Consent to Sterilization,"
- "Interpreter's Statement,"
- "Statement of Person Obtaining Consent," and
- "Physician's Statement".

If either the recipient, the interpreter, or the person obtaining consent returns to the office to make a correction to his/her portion of the consent form, the medical record must reflect his/her presence in the office on the day of the correction.

To make an allowable correction to the form, the individual making the correction should line through the mistake once, write the corrected information above or to the side of the mistake, and initial and date the correction. Erasures, "write-overs," or use of correction fluid in making corrections are unacceptable.

Only the recipient can correct the date to the right of her signature. The same applies to the interpreter, to the person obtaining consent, and to the doctor. The corrections of the recipient, the interpreter, and the person obtaining consent must be made **before** the claim is submitted.

The date of the sterilization may be corrected either before or after submission by the doctor over whose signature it appears. However, the operative report must support the corrected date.

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An invalid consent form will result in **denial of all claims** associated with the sterilization.

Consent forms will be considered invalid if:

- Errors have been made in correctable sections, but have not been corrected,
- Errors have been made in blanks that cannot be corrected, or
- The consent form shows evidence of erasures, “write-overs,” or use of correction fluid.