



DIVISION OF DEVELOPMENTAL DISABILITIES  
Olympia, Washington

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TITLE: CONSENT FOR MEDICAL TREATMENT POLICY 9.08  
AFFECTING REPRODUCTIVE FUNCTIONS

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Authority: 42 CFR 440.150, 483.420  
RCW 7.70.065  
RCW 71A.20.050

**BACKGROUND**

Proper medical or surgical treatments for some diseases and/or health conditions cause sterility or reduced ability to produce children. Medical or surgical procedures that result in permanent sterilization require permission from a court to protect the individual's civil rights.

**PURPOSE**

This policy specifies the responsibilities of Division of Developmental Disabilities (DDD) staff to assist individuals in obtaining informed consent prior to treatment, and describes which treatments and procedures require court authorization.

**SCOPE**

This policy applies to all individuals with developmental disabilities served by DDD.

**DEFINITIONS**

**Informed consent** means consent given by a person to receive treatment with an understanding of the risks and benefits involved. If a person is not competent to give informed consent for health care, other persons as defined in RCW 7.70.065 may provide informed consent on the individual's behalf.

**POLICY**

DDD staff shall assist clients through the consent process before sterilization procedures are performed.

A. Intentional Sterilization Procedures

1. Individuals with developmental disabilities who are capable of providing informed consent may give consent for intentional sterilization procedures such as tubal ligations and vasectomies.
2. Guardians, family members, and/or other substitute decision-makers **cannot** give consent for intentional sterilization procedures.
3. Informed consent must be obtained thirty (30) days prior to any surgical procedure.
3. When treatment as described above has been prescribed for an individual, DDD staff will assist the person in completing and providing the necessary consent. If the person is not capable of providing informed consent, DDD staff will assist, in consultation with the Office of the Attorney General, the guardian or family members to petition the Superior Court for consent.

B. Secondary Sterilization Procedures

1. Certain medical or surgical treatments and procedures necessary to save the person's life or to treat a condition, which if left untreated would become life-threatening, may result in secondary sterilization. This includes, but is not limited to:
  - a. Treatment for malignancy of the reproductive system, including breast cancer;
  - b. Treatment for disease of the reproductive system that cures or prevents the spread of disease from the reproductive system, including ionizing radiation;
  - c. Treatment for benign lesions of the reproductive system; and
  - d. Treatment for trauma to the reproductive system.
2. Guardians **can** give consent for the procedures described above. If there is no guardian, other family members may give consent according to the consent hierarchy defined in RCW 7.70.065. When there is no guardian or family member able to provide the necessary informed consent, DDD staff will, in

consultation with the Office of the Attorney General, petition the Superior Court for consent.

C. Other Treatments Affecting Reproductive Functions

Guardians **can** give consent for the following procedures:

1. Administration of contraceptive medications and contraceptive devices; and
2. Administration of medications that diminish sexual desire. In this case, an Exception to Policy (ETP) is required per DDD Policy 5.15, *Use of Restrictive Procedures*.

D. Documenting Need for Treatment

All medical or surgical treatments that result, or may result, in sterilization must be preceded by:

1. Specific medical diagnosis;
2. Description of:
  - a. The planned medical procedure;
  - b. Possible effects of the procedure;
  - c. Alternative treatments, including non-treatment; and
  - d. The risks and benefits of each treatment alternative;
3. Documentation of the medical necessity of the procedure by at least two (2) physicians. In addition, for females, at least one of the physicians must be a fellow of the American College of Obstetricians and Gynecologists (ACOG) or certified by the American Board of Obstetrics and Gynecology (ABOG); and
4. Documentation of necessary laboratory studies, including X-rays, CAT scans, ultrasound results, and any other examination results.

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**EXCEPTION**

No exceptions to this policy are allowed. This policy does not apply to emergency medical or surgical procedures necessary to save the person's life.

**SUPERSESSSION**

DDD Policy 9.08  
Issued November 20, 1995

Approved:     /s/ Timothy R. Brown      
Director, Division of Developmental Disabilities

Date:   10/26/99