



**Nebraska Department of Health and Human Services  
Health Plan Advisory No. 17-01**

DATE: January 30, 2017  
TO: Nebraska Heritage Health Plans  
FROM: Calder Lynch, Director  
Division of Medicaid & Long-Term Care  
BY: Heather Leschinsky, Deputy Director  
Delivery Systems  
RE: Coverage of sterilization services

This bulletin is intended to address the process which must be followed to ensure compliance with Medicaid reimbursement requirements per 42 CFR, Part 441, Subpart F and 471 NAC 18-004.06. When a non-therapeutic sterilization is requested, the provider must submit a legally effective informed consent from the client on whom the sterilization is to be performed. Sterilizations are NOT covered for individuals who are under the age of 21 on the date the client signs the consent form or are legally incapable of consenting to sterilization. The sterilization cannot be performed for at least 30 days after the date the informed consent was signed. The consent is effective for 180 days from the date the client signs the form. 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 the informed consent for sterilization was signed. For a premature delivery, the client must have signed the informed consent at least 72 hours before the surgery is performed and at least 30 days before the expected date of delivery.

Informed consent means the voluntary, knowing assent of the client who is to be sterilized after the following information has been provided

- 1) A clear explanation of the procedures to be followed;
- 2) A description of the attendant discomforts and risks;
- 3) A description of the benefits to be expected is provided;
- 4) Counseling concerning appropriate alternative methods, and the effect and impact of the proposed sterilization including the fact that it must be considered an irreversible procedure;
- 5) an offer to answer any questions concerning the procedures; and
- 6) Instruction that the individual is free to withhold or withdraw consent to the sterilization at any time before the sterilization without prejudicing future care and without loss of other project or program benefits to which the client might otherwise be entitled.

For hysterectomies, the informed consent form must state the member was informed prior to the surgery being performed that this surgical procedure will result in permanent sterility, it must be properly signed and dated by the client. Please note, a hysterectomy will not be covered if it is performed solely to make a woman sterile.

Informed consent is not necessary in the following situations:

- 1) if the individual was already sterile before a hysterectomy, and the physician who performs the hysterectomy certifies in writing that the individual was already sterile before the hysterectomy and states the cause of the sterility; or
- 2) the individual requires a hysterectomy because of a life-threatening emergency situation in which the physician determines that prior acknowledgement is not possible; and the physician who performs the hysterectomy certifies in writing that the hysterectomy was performed under a life-threatening emergency situation in which she/he determined prior acknowledgement was not possible. The physician must also include a description of the emergency in the medical record.

If you have any questions about this advisory, please contact Ellen McMillan at [ellen.mcmillan@nebraska.gov](mailto:ellen.mcmillan@nebraska.gov).