



B. J. Walker, Commissioner

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MEMORANDUM

TO: County Nurse Managers

FROM: Jennifer Parker, RNC

SUBJECT: Family Planning Policy on Sterilization and/or Abortion (#168) Effective February 1, 2007

DATE: February 1, 2007

Attached you will find Policy # 168 regarding sterilization and/or abortion that has been signed by Dr. Westfall. This policy states that staff working in family planning may be subject to prosecution under federal law if they coerce or endeavor to coerce any person to undergo an abortion or sterilization.

This policy is effective February 1, 2007 as a result of the Federal audit in Georgia and is a part of the workplan. The policy was created from the November, 2006 Title X Family Planning Services Manual. Please refer to chapters 6 & 7 for further information.

Please review this with all staff in the Health Department who provides counseling regarding sterilization or abortion. This applies only to the medical staff who actually counsel patients regarding contraceptive options and options for pregnancy. After review, the staff should sign the third page of the document and return the original to Angela Allen by February 28, 2007.

If you have questions, please do not hesitate to call me. Thanks!

C: Dr. Westfall
Angie Hanes
Area Nurse Managers
Women's Health Team
Nurse Practitioners

District 2 Public Health
Family Planning Policy on Sterilization and/or Abortion
Policy #168
Effective February 1, 2007

Section 205 of Public Law 94-63 states: "Any (1) officer of the United States (2) officer or employee of any State, political subdivision of a State, or any other entity, which administers or supervises the administration of any program receiving Federal financial assistance, or (3) person who receives, under any program receiving Federal assistance, compensation for services, who coerces or endeavors to coerce any person to undergo an abortion or sterilization procedure by threatening such person with the loss of, or disqualification for the receipt of, any benefit or service under a program receiving Federal financial assistance shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

STERILIZATION:

Sterilizations paid with funds from the Georgia Family Planning Program must conform to the legal statutes of Georgia and the federal regulations for sterilizations.

The counseling and consent process must assure that the client's decision to undergo sterilization is completely voluntary and made with the full knowledge of the permanence, risks and benefits associated with male and female sterilization procedures.

Requirements for Sterilization-Federal Sterilization Regulations (42 CFR Part 50, Subpart B)

Sterilizations will only be performed or arranged for if the individual applying for sterilization meets the following requirements:

- The individual must be **at least 21 years of age** at the time he/she signs the consent form. Verification of age should be obtained and recorded for an individual whose age is questionable.
- The individual applying for sterilization is not mentally incompetent.
 - A mentally incompetent individual is defined by the Department of Health and Human Services as: "An individual who has been declared mentally incompetent by a federal, state, or local court of competent jurisdiction for any purpose unless he or she has been declared competent for purposes which include the ability to consent for sterilization".
- The individual has voluntarily given his or her informed consent following the informed consent guidelines in the Title X Family Planning Services Manual, November, 2006.
- The sterilization procedure must not be performed prior to the 31st day and no later than 180 days from the date consent was given. Exceptions:
 - Premature delivery
 - Emergency abdominal surgery
 - An individual may consent to be sterilized at the time of premature delivery or emergency abdominal surgery if at least 72 hours have passed after he or she gave informed consent to sterilization. In the case of premature delivery the informed consent must have been given at least 30 days prior to the expected date of delivery.

ABORTION:

Section 1008 of the Public Health Service Act states "**none of the funds appropriated under this title shall be used in program where abortion is a method of family planning**".

"**Grantees MUST provide pregnancy diagnosis and counseling to all clients in need of this service.** Pregnancy testing is one of the most frequent reasons for an initial visit to the family planning facility, particularly by adolescents. It is therefore important to use this occasion as an entry for providing education and counseling about family planning."

Programs **MUST** offer pregnant women the opportunity to be provided information and counseling regarding each of the following options:

- Prenatal care and delivery;
- Infant care, foster care, or adoption;
- Pregnancy termination

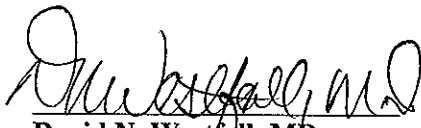
If requested to provide such information and counseling, **provide neutral, factual information and nondirective counseling** on each of the options, upon request, except with the respect to any option(s) about which the pregnant woman indicates she does not wish to receive such information and counseling.

Abortion Facilities: No referrals or recommendations can be made to any one agency or facility. When lists of facilities, agencies and providers are given to patients, the lists should contain as many sources as possible but no fewer than two options when possible.

Lobbying either pro-abortion or anti-abortion is **prohibited** using grant or grant-related income.

No transportation will be provided for abortion services.

In each instance where problem pregnancy counseling is provided, the patient's medical record must contain sufficient documentation to confirm compliance with the above policies.


David N. Westfall, MD

2/7/07

Date

**District 2 Public Health
Sterilization and Abortion Policy
Policy # 168
February 1, 2007**

I have been given a copy of the policy on sterilization and abortion policy (District Policy #168). I have read Section 205 of Public Law 94-63 and have been given the opportunity to ask questions. After reading and discussing it, I understand it fully. I understand that staff working in family planning may be subject to prosecution under Federal law if they coerce or endeavor to coerce any person to undergo an abortion or sterilization.

I understand the complete policy on sterilization services and abortion is in the Title X Family Planning Services Manual, November, 2006 in chapters 6 and 7. There is a manual in each county Health Department that is available to all staff members for review.

Employee Signature

Date