

The California State Auditor released the following report today:

## Sterilization of Female Inmates

*Some Inmates Were Sterilized Unlawfully, and Safeguards Designed to Limit Occurrences of the Procedure Failed*

### BACKGROUND

Multiple entities are involved in providing medical care to inmates or overseeing their medical services, including the California Department of Corrections and Rehabilitation (Corrections), the California Correctional Health Care Services (Receiver's Office), and community-based medical providers. From 2006 through 2013, the female inmate population in the State ranged from a high of 11,888 to a low of 5,919 and also during that time, records from the Receiver's Office show that 794 female inmates had various procedures that could have resulted in sterilization and 144 of those inmates underwent a bilateral tubal ligation or similar procedure for the sole purpose of sterilization. Procedures for the sole purpose of sterilization must meet certain requirements before they are performed.

### KEY FINDINGS

During our review of the female inmate sterilizations performed in fiscal years 2005–06 through 2012–13, we noted the following:

- Of the 144 inmates that underwent tubal ligation, 39 (or almost 30 percent) were performed without lawful consent.
  - ✓ For 27 cases, the inmate's physician—the person who would perform the procedure in a hospital or an alternate physician—did not sign the required consent form asserting that the patient appeared mentally competent, understood the lasting effects of the procedure, and that the required waiting period had been satisfied.
  - ✓ For 18 cases, we noted potential violations of the required waiting period between when the inmate consented to the procedure and when the sterilization surgery actually took place.
  - ✓ In some cases, physicians signed the consent forms indicating the proper waiting period—at least 30 days but no more than 180 days—had passed when it had clearly not passed. In one case, the sterilization occurred only 22 days after consent and in another case, 196 days had passed.
- Neither Corrections nor the Receiver's Office ensured that the informed consent requirements were followed in those instances when their employees obtained the inmates' consent, which was the case for at least 19 of the 39 inmates.
- Despite a Receiver's Office policy that prison medical staff use progress notes to summarize discussions with inmates, in no instance did we see progress notes that prison medical staff adequately counseled the female inmates undergoing bilateral tubal ligations about their decisions to be sterilized.
- The Receiver's Office failed to ensure that its prison medical staff obtain necessary approvals—including approvals from two committees made up of high-ranking prison medical staff and medical executives from its office—to sterilize inmates.

### KEY RECOMMENDATIONS

We made many recommendations to the Receiver's Office including that it refer the 39 cases in which sterilizations were performed without lawful consent to the Medical Board of California and the California Department of Public Health to investigate physician and hospital practices, respectively. We further recommended to the Receiver's Office various detailed procedures so that it can better monitor its medical staff and contractors to ensure lawful consent is obtained and the required waiting period is observed before a procedure resulting in sterilization is performed on female inmates. Other recommendations were geared toward improving the quality of the information prison medical staff document in inmate medical records. Finally, we recommended that the Receiver's Office develop and implement processes to ensure inmates receive only medical services that are properly authorized, and that it train its staff to verify that procedures are properly approved before scheduling them.