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Circular Letter: DHCQ 06-6-462

TO: Chief Executive Officers
Acute Care Hospitals

FROM: Paul I. Dreyer, Ph.D.
Associate Commissioner

DATE: July 1, 2006

RE: Emergency Contraception Update

The purpose of this memo is to update you on the implementation of certain sections of Chapter 91 of the Acts of 2005, *An Act Providing Timely Access to Emergency Contraception*, which took effect on December 14, 2005. In December of 2005, you received circular letter DHCQ 05-12-456 notifying you of the changes required to implement Section 3 and Section 4 of the law. The Department of Public Health (DPH) and Executive Office of Public Safety (EOPS) are now providing additional health information and reporting materials to help you comply with the law.

Enclosed, please find a copy of the final regulations. The final provisions are identical to those in the emergency amendments provided in circular letter DHCQ 05-12-456.

On December 12, 2005, hospitals were sent the following medically and factually accurate fact sheets developed by the Commissioner of Public Health. Hospitals with emergency departments must provide this information, as per the following, in order to be in compliance with the law:

1. Emergency Contraception After Sexual Assault: Key Facts for Providers who provide care to Survivors of Sexual Assault (Provider Fact Sheet)

- Which must be provided to all hospital staff who provide care to victims of sexual assault.

2. Emergency Contraception After Sexual Assault: Key facts for Survivors of Sexual Assault (Patient Fact Sheet)

- Which must be provided to every female rape victim of childbearing age who presents at a facility after a rape.

Enclosed you will find copies of these fact sheets in a tear-off pad format. The Provider Fact Sheet is in English and the Patient Fact Sheet is in English, Spanish, Portuguese and Haitian Creole.

EOPS has updated the sexual assault evidence collection kits and will distribute the new edition by June 30th, 2006. The new kits will contain the Patient Fact Sheet in English and Spanish in the patient information packets. They will not contain the Portuguese and Haitian-Creole translated Patient Fact Sheets. Survivors who speak either Portuguese or Haitian-Creole should be offered the appropriate enclosed Patient Fact Sheet.

Hospitals that continue to use kits that were distributed before June 30th 2006, which do not contain a Patient Fact Sheet, must offer the survivor a Patient Fact Sheet to comply with the law. Survivors who disclose sexual assault but choose not to undergo sexual assault evidence collection must be offered a Patient Fact Sheet from the tear-off pad in their preferred language. If the patient is unable to read the English Patient Fact Sheet and a fact sheet is not available in their preferred language, the Patient Fact Sheet must be interpreted to them in accordance with Massachusetts General Law Chapter 66 of the Acts of 2000, *Emergency Room Interpreter Law*.

Hospitals in need of additional EC fact sheets may photocopy the enclosed information, or may order additional tear-off pads by contacting the DPH Family Planning Program at 617-624-6060. The Patient and Provider Fact Sheets can also be downloaded from the DPH website at: <http://www.mass.gov/dph/dhec>.

Updated 1/19/2010: The Fact Sheets are now located at <http://www.mass.gov/emergencycontraception>.

Massachusetts law requires the Provider Sexual Crime Report (PSCR) to be completed by medical providers for every victim of rape or sexual assault (M.G.L. c. 112, § 12½). EOPS has amended the PSCR to include a reporting mechanism for the administration of Emergency Contraception to survivors of sexual assault. The amended PSCR (PSCR version 2.4 11/05), which was sent to hospitals on December 12, 2005, is now enclosed in a tear-off pad format. EOPS has also included the amended PSCR in the updated sexual assault evidence collection kits, which will be distributed by June 30th, 2006. The amended PSCR replaces the previous PSCR, which is currently contained in the kits that were distributed prior to June 30th, 2006 (PSCR version 2.3 2/05). Hospitals that continue to use kits that were distributed before June 30th 2006, which contain the previous version, should discard PSCR version 2.3 found in the kit and complete and submit the amended PSCR version 2.4 to EOPS to comply with the law.

The enclosed PSCR tear-off pads should also be used to report disclosure of sexual assault for patients who choose not to undergo sexual assault evidence collection. Patients who disclose sexual assault, but do not choose to undergo sexual assault evidence collection, must be offered information about Emergency Contraception. Administration of Emergency Contraception to patients who do not complete a kit must be documented via the PSCR. If there are any questions regarding the amended PSCR please contact Diane DeAngelis at EOPS: 617-725-3362.

- To order additional PSCR tear-off pads, contact EOPS: 617-725-3362.
- To order additional EC fact sheet tear-off pads, contact the [DPH Family Planning Program](http://www.mass.gov/dph/dhec): 617-624-6060. The fact sheets can also be printed from the DPH website at: <http://www.mass.gov/dph/dhec>.
Update added 1/19/2010: The Fact Sheets are now located at <http://www.mass.gov/emergencycontraception>

DPH also continues to support community-based sexual assault counseling programs throughout the Commonwealth. These programs have trained counselors who can respond on-site at hospitals to meet with sexual assault patients and/or their accompanying friends or family. A list of these programs, which hospital staff or survivors themselves may contact 24/7 to request a sexual assault counselor, is enclosed for your information.

Should you have questions about this letter, please contact Jill Mazzola at 617-753-8106.

Regulations at 105 CMR 130.000 (Hospital Licensure) regarding Emergency Contraception

130.1040: Definition of Emergency Contraception

For the purposes of 105 CMR 130.1041 through 130.1043, “emergency contraception” shall mean any drug that is approved by the federal Food and Drug Administration and that is used as a contraceptive method after sexual intercourse.

130.1041: Emergency Contraception Information for Providers

Each hospital that is licensed to provide emergency services shall provide all persons who provide care to victims of sexual assault with medically and factually accurate written information prepared by the Department about emergency contraception.

130.1042: Emergency Contraception Information and Services for Rape Victims

Each hospital that is licensed to provide emergency services shall promptly provide the following to each female rape victim of childbearing age who presents at the emergency department:

- (A) Medically and factually accurate written information provided by the Department about emergency contraception;
- (B) An offer of emergency contraception at the hospital if medically indicated; and
- (C) Dispensing of emergency contraception at her request unless medically contraindicated.

130.1043: Reporting the Dispensing of Emergency Contraception

- (A) Each hospital shall report each time that it dispenses emergency contraception pursuant to 105 CMR 130.1042 on the Provider Sexual Crime Report that it completes in accordance with M.G.L. c.112, § 12A ½.
- (B) The report of the dispensing of emergency contraception made pursuant to 105 CMR 130.1043(A) is not a public record as defined in M.G.L. c. 4, §7.