



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Care Quality
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Circular Letter: DHCQ 07-04-475

TO: Chief Executive Officers,
Medical Directors and Nurse Managers of Emergency Departments
Acute Care Hospitals

FROM: Paul I. Dreyer, Ph.D.
Director, DHCQ

DATE: April 19, 2007

RE: Emergency Contraception

The purpose of this memo is to remind hospitals of their obligations under 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, and to obtain from hospitals an affirmation that they are indeed in compliance. In December of 2005 and in July of 2006 DHCQ issued circular letters DHCQ 05-12-456 and DHCQ 06-6-462 respectively, which notified hospitals of the requirements of the new law, and provided them with the health information and reporting materials necessary to implement and comply with Section 3 and Section 4 of the law.

As you are aware, Section 4 of Chapter 91 requires the following:

- Facilities¹ must require all persons who provide care to victims of sexual assault to be provided with medically and factually accurate written information prepared by the Commissioner of Public Health about emergency contraception.
- Facilities must promptly provide medically and factually accurate written information about emergency contraception prepared by the Commissioner of Public Health to every female rape victim of childbearing age who presents at a facility after a rape.
- Facilities that provide emergency care must promptly offer emergency contraception at the facility to each female rape victim of childbearing age, and must initiate emergency contraception upon her request.

¹ Facilities as defined in Section 70E

In order to be in compliance:

- When hospitals initiate emergency contraception upon the request of a female rape victim of childbearing age, hospitals must provide emergency contraceptive pills. The provision of a prescription for emergency contraception pills does **not** constitute compliance.
- Hospitals and their staff cannot require any female rape victim of childbearing age to complete any part of a sexual assault evidence collection kit as a condition for any of the following:
 - The provision of medically and factually accurate written information about emergency contraception;
 - The prompt offering of emergency contraception; or
 - The initiation of emergency contraception.
- To ensure that particular hospital staff's values or beliefs do not interfere with compliance with the law, the hospital must institute systems to ensure that all female rape victims of childbearing age are promptly provided medically and factually accurate information about emergency contraception, are promptly offered emergency contraception, and emergency contraception is initiated upon her request.
- If emergency contraception is not initiated upon the request of the female rape victim of childbearing age the contraindication(s) for initiation must be based on best clinical practice and information (such as American College of Obstetrics and Gynecology Practice Bulletin, 69, 2005; or World Health Organization Medical Eligibility Criteria for Contraceptive Use, Third edition, 2004). The contraindications must be documented in the patient's medical record.

To verify that hospitals are in compliance with the requirements of Chapter 91 of the Acts of 2005 as set out in this memorandum, DHCQ requests the attached affirmations are signed and returned along with all hospital policies relating to the implementation of and compliance with chapter 91 of the Acts of 2005 to Jill Mazzola, Department of Public Health, 99 Chauncy Street, Boston, MA 02111 **by May 11, 2007**. Please direct questions to Gail Palmeri at 617-753-8230.