



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
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Circular Letter: DHCQ 10-10-537

TO: Acute Care Hospitals:
Chief Executive Officer
ED Medical Director
Chief Nursing Officer
ED Nurse Manager
QA/Risk Manager(s)
SANE Nurse(s).

FROM: Alice Bonner, PhD, RN, Director

DATE: October 8, 2010

RE: Emergency Contraception Update

The purpose of this memo is to provide you and Emergency Department (ED) staff with updated information necessary to comply with Hospital Licensure Regulations 105 CMR 130.1040 – 130.1043. The Massachusetts Department of Public Health (MDPH) and Executive Office of Public Safety and Security (EOPSS) have revised the enclosed updated Emergency Contraception (EC) patient and provider fact sheets and reporting materials to help you comply with the law. (To view the regulation and previous communication on compliance with the law, see [Circular Letter: DHCQ # 05-12-456](#)).

A. Updated Emergency Contraception Patient and Provider Fact Sheets

Massachusetts law requires that all hospitals provide to emergency department staff who provide care to sexual assault survivors the enclosed MDPH-approved medically and factually accurate fact sheet currently titled: [**Emergency Contraception After Sexual Assault: Key Facts for Providers who Provide Care to Survivors of Sexual Assault \(EC Provider Fact Sheet\)**](#).

In addition, the law requires that each hospital that provides emergency services must provide the enclosed medically and factually accurate MDPH-approved fact sheet currently titled: [**Emergency Contraception After Sexual Assault: Five Key facts for Survivors of Sexual Assault \(EC Patient Fact Sheet\)**](#) to each female survivor of childbearing age who seeks treatment for sexual assault. Additionally, if medically indicated, the hospital must offer and dispense a full course of the EC medication itself regardless of whether or not the patient consents to forensic evidence collection or the filing of a police report.

Please note:

- ✓ The EC Patient Fact Sheet is currently available in English, Spanish, Portuguese and Haitian Creole, and the EC Provider Fact Sheet is currently available in English.
- ✓ If the patient is unable to read the English EC Patient Fact Sheet and a fact sheet is not available in her preferred language, the hospital must provide a translation of the EC Patient Fact Sheet to her in accordance with M.G.L. c. 111, § 25J.
- ✓ Hospitals in need of additional EC fact sheets may photocopy the enclosed forms, or download them directly from: www.mass.gov/emergencycontraception.

Please distribute these revised forms and incorporate them into staff training and hospital practices.

B. Changes to the Provider Sexual Crime Report

Massachusetts law also requires medical providers to complete the anonymous *Form 2A Provider Sexual Crime Report* (PSCR), the mechanism for reporting the administration of Emergency Contraception to survivors of sexual assault, for every victim of rape or sexual assault (M.G.L. c. 112, § 12½).

To complete the Emergency Contraception Report on the mandatory anonymous PSCR, staff must answer question #31 “70E Emerg. Contraception Administered,” located in the mandatory reporting section (See: MSAECK Form 2A: PSCR). The PSCR has now been revised to allow staff to use additional categories to indicate whether or not EC was administered to each woman of childbearing age who presents for care after sexual assault in the ED, as shown below:

31. 70E Emerg. Contraception Administered: <input type="checkbox"/> Yes <input type="checkbox"/> Not offered <input type="checkbox"/> Declined <input type="checkbox"/> Not indicated

When EC is not administered, hospital staff **must** use the revised forms to document the reason, using the new categories of “declined,” “not indicated” or “not offered” for responses other than “yes” to this question. The administration of EC must be documented using one of these categories, regardless of whether or not it was provided in the ED.

The amended PSCR was included in the updated Massachusetts Sexual Assault Evidence Collection Kits that were distributed to all emergency department nurse managers on June 30, 2010. Hospitals with kits supplied prior to June 30, 2010 may continue to use these older kits containing the original EC question, which was written as “32. 70E Emergency Contraception Administered ☐ Yes ☐ No.”

- ✓ Once completed, the hospital must fax the PSCR to the EOPSS at 617-725-0260 and to the local public safety authority in the town in which the assault occurred.
- ✓ If there are any questions regarding the amended PSCR or to order additional PSCR tear-off pads please contact Diane DeAngelis at the Executive Office of Public Safety and Security: 617-725-3362.

C. Availability of Sexual Assault Counselors

DPH also continues to support community-based sexual assault counseling programs throughout the Commonwealth, and strongly recommends that hospitals offer the accompaniment services of trained sexual assault counselors to survivors who present at the ED. Sexual assault counselors are available to provide services for all adolescent and adult survivors, as well as for adult caretakers of child survivors, 24 hours a day, seven days a week, statewide, free of charge, via 17 community-based Rape Crisis Centers. Hospital staff are encouraged to call their local Rape Crisis Center to request response from a sexual assault counselor who can arrive on-site to accompany and support the survivor and/or friends or family during the hospital visit, as well as help the survivor access free follow-up services in the community.

- ✓ A list of Rape Crisis Centers is enclosed for your information along with a document titled *"Why it's Helpful to Have a Rape Crisis Center Counselor at the Hospital During a Sexual Assault Exam,"* to share with ED staff.
- ✓ For questions, please call your local Rape Crisis Center or contact Marci Diamond at the Department of Public Health: 617-624-5457.

If you have questions about this letter, or require further technical assistance to ensure the full implementation of the regulations at 105 CMR 130.1040 – 130.1043, please visit www.mass.gov/emergencycontraception, or contact Lenore Tsikitas at 617-624-6059.