



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Care Safety and Quality
99 Chauncy Street, 11th Floor, Boston, MA 02111
617-753-8000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

Circular Letter: DHCQ 11-10-551

TO: Chief Executive Officers, Acute Care Hospitals

FROM: Madeleine Biondolillo, MD, Director, Bureau of Health Care Safety and Quality

DATE: October 5, 2011

RE: Emergency Contraception Update

The purpose of this memo is to provide you and your 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) has revised the enclosed updated Emergency Contraception (EC) patient and provider fact sheets. In accordance with legislative-mandate, these EC fact sheets must be provided to staff and sexual assault survivors. (*To view the regulation and previous communication on compliance with the law, see [Circular Letter: DHCQ # 05-12-456](#)*).

These fact sheets have been updated to include medically and factually information on *ella*®, an emergency contraceptive pill recently approved by the FDA that effectively prevents most pregnancies when taken up to five days after sexual assault. Please review the enclosed information and update all related policies, protocols, and formularies to include the following:

A. Updated Emergency Contraception Patient and Provider Fact Sheets

Massachusetts law requires that all hospitals provide the enclosed MDPH-approved medically and factually accurate fact sheet entitled [*Key Facts about Emergency Contraception \(EC\): for Emergency Department Staff that Provide Care to Sexual Assault and Rape Survivors \(EC Provider Fact Sheet\)*](#) to ED staff who provide care to sexual assault survivors.

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

Please note:

- ✓ Hospitals in need of additional legislatively-mandated EC fact sheets may photocopy the enclosed

forms, or download them directly from: www.mass.gov/emergencycontraception.

- The EC Patient Fact Sheet is currently available in English, Spanish, Portuguese, and Haitian Creole. 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 in accordance with M.G.L. c. 111, § 25J.
- ✓ The aforementioned website also contains essential supportive information, including the [Provider Sexual Crime Report](#) (mandatory reporting form) and other helpful documents such as *Rape Crisis Counselors Can Benefit You: Why it's Helpful to Have a Rape Crisis Center Counselor at the Hospital During a Sexual Assault Exam*, and [Current Rape Crisis Center Listings](#). The website also now contains extended consumer information (for all audiences, not specific to survivors), including the newly released [Emergency Contraception Pocket Guide](#), which contains an overview of issues, local resources, and referrals for all patients.

<p>! Please distribute these revised forms and incorporate them into staff training and hospital practice.</p>

MDPH staff are available to assist you with updating policies, protocols, and/or staff training to include *ella*®, as well as to discuss any issues or concerns you may have regarding continued implementation of the EC law. **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, 617-624-6059 or Lenore.Tsikitas@state.ma.us.**

<p>! We request that you forward this circular letter and attachments at a minimum to the following staff at your hospital: Chief Medical Officer, ED Medical Director, Chief Nursing Officer, EC Nurse Manager, Sexual Assault Nurse Examiners, and the QA Director/Risk Managers.</p>
--

Attachments:

- (A) Emergency Contraception After Sexual Assault: Key Facts for Providers who Provide Care to Survivors of Sexual Assault
- (B) Emergency Contraception After Sexual Assault: Five Key facts for Survivors of Sexual Assault