



**The Commonwealth of Massachusetts**  
**Executive Office of Health and Human Services**  
**Department of Public Health**  
**Bureau of Health Care Safety and Quality**  
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**Circular Letter: DHCQ 14-5-613**

**TO:** Chief Executive Officers, Acute Care Hospitals

**FROM:** Deborah Allwes, Director, Bureau of Health Care Safety and Quality

**DATE:** May 21, 2014

**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](#) (See 105 CMR 130.1040 – 130.1043). The Massachusetts Department of Public Health (MDPH) has revised the two enclosed updated Emergency Contraception (EC) patient and provider fact sheets, which must be provided to staff and sexual assault survivors in accordance with legislative mandate (See: [Chapter 91 of the Acts of 2005, An Act Providing Timely Access to Emergency Contraception](#)). Related information can be found at [www.mass.gov/emergencycontraception](http://www.mass.gov/emergencycontraception).

These fact sheets have been updated to include medically and factually accurate information on new EC regimens including new generic versions of levonorgestrel and the use of the ParaGard® Copper IUD as EC. They also contain new information on the over-the-counter availability of Plan B One-Step®, and emerging data on the potential impact of weight/BMI on EC efficacy.

**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 [Emergency Contraception After Sexual Assault: Key Facts for Providers who Provide Care to Survivors of Sexual Assault \(EC Provider Fact Sheet\)](#) 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 of](#)

[Sexual Assault \(EC Patient Fact Sheet\)](#), 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](http://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](#).

<b>! Please distribute all revised forms and incorporate them into staff training and hospital practice.</b>
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MDPH staff are available to assist you with updating policies, protocols, and/or staff training to insure timely access to the more highly effective ParaGard® Copper IUD and ella® regimens, 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 full implementation of the regulations at 105 CMR 130.1040 – 130.1043, please visit [www.mass.gov/emergencycontraception](http://www.mass.gov/emergencycontraception), or contact Lenore Tsikitas at 617-624-6059 or [Lenore.tsikitas@state.ma.us](mailto:Lenore.tsikitas@state.ma.us).**

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