GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

SENATE BILL 968*

Short Title: Compassionate Care/Victims of Sexual Assault.
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Sponsors:Senators Cowell; and Garrou.Referred to:Health Care.

March 20, 2007

1	A BILL TO BE ENTITLED
2	AN ACT TO REQUIRE HOSPITALS AND URGENT CARE FACILITIES THAT
3	PROVIDE EMERGENCY CARE TO VICTIMS OF SEXUAL ASSAULT TO
4	OFFER EMERGENCY CONTRACEPTION PILLS TO THOSE VICTIMS.
5	Whereas, it is estimated that from 25,000 to 32,000 women become pregnant
6	each year as a result of rape or incest; and
7	Whereas, surveys have shown that many hospitals do not routinely offer
8	emergency contraception to women seeking treatment after being sexually assaulted;
9	and
10	Whereas, the risk of pregnancy after sexual assault has been estimated to be
11	4.7% in victims who were not protected by some form of contraception at the time of
12	the attack; and
13	Whereas, the United States Food and Drug Administration has declared
14	emergency contraception to be safe and effective in preventing unintended pregnancy
15	and has approved over-the-counter access to the emergency contraceptive Plan B for
16	women ages 18 and over; and
17	Whereas, emergency contraception can reduce the risk of pregnancy by as
18	much as 89% if taken within 72 hours of unprotected sex or primary contraceptive
19	failure; and
20	Whereas, medical research strongly indicates that the sooner emergency
21	contraception is administered, the greater the likelihood of preventing unintended
22	pregnancy, and it is most effective if administered in the first 12 hours after unprotected
23	intercourse; and
24	Whereas, in light of the safety and effectiveness of emergency contraceptive
25	pills, both the American Medical Association and the American College of
26	Obstetricians and Gynecologists have endorsed more widespread availability of
27	emergency contraceptives; and
28	Whereas, it is essential that all hospitals and urgent care facilities that provide
29	emergency medical treatment also offer emergency contraception as a treatment option

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1	to any woman who has been sexually assaulted so that she may prevent an unintended
2	pregnancy; Now, therefore,
3	The General Assembly of North Carolina enacts:
4	SECTION 1. Part 3A of Article 11 of Chapter 143B of the General Statutes
5	is amended by adding a new section to read:
6	"§ 143B-480.4. Emergency care for victims of sexual assault; definitions.
7	(a) Every hospital and urgent care facility in this State that provides emergency
8	care for victims of sexual assault shall as the standard of care do the following:
9	(1) Provide the sexual assault victim with medically and factually accurate
10	and objective written and oral information about emergency
11	contraception, including information explaining that:
12	<u>a.</u> <u>Emergency contraception does not cause abortion, and</u>
13	b. Emergency contraception is effective in most cases in
14	preventing pregnancy after unprotected sexual intercourse.
15	(2) Provide the sexual assault victim with oral and written information
16	about her option to be provided emergency contraception at the
17	hospital or urgent care facility.
18	(3) Provide emergency contraception at the hospital or urgent care facility
19	to each sexual assault vicitm who requests it, unless in the opinion of
20	the attending physician or other health care provider, the emergency
21	contraception is contraindicated for the patient.
22	A hospital or urgent care facility may not refuse to provide emergency contraception
23	on the basis of the sexual assault victim's inability to pay for the emergency
24	contraception.
25	(b) The provision of emergency contraceptive pills shall include the initial dose
26	that the sexual assault victim can take at the hospital or urgent care facility as well as
27	the additional or follow-up dose that the sexual assault victim may self-administer.
28	(c) Hospitals and urgent care facilities shall ensure that all personnel providing
29	care to sexual assault victims are trained to provide medically and factually accurate and
30	objective information about emergency contraception.
31	(d) The Department of Health and Human Services, in collaboration with the
32	Director of the Office of Women's Health, the North Carolina Coalition Against Sexual
33	Assault, and the Sexual Assault Nurse Examiner program, shall develop and produce, in
34	quantities sufficient to comply with the purposes of this act, written information relating
35	to emergency contraception for the prevention of pregnancy in sexual assault victims.
36	The information shall be clearly written and readily comprehensible in a culturally
37	competent manner, as the Department of Health and Human Services, in collaboration
38	with the Director of the Office of Women's Health, the North Carolina Coalition
39	Against Sexual Assault, and the Sexual Assault Nurse Examiner program, deems
40	necessary to inform a sexual assault victim about emergency contraception. The
41	information shall explain the nature of emergency contraception, the effectiveness of
42	emergency contraception in preventing pregnancy, where emergency contraception can
43	be obtained, and treatment options.

General Assembly of North Carolina

1	<u>(e)</u> <u>As p</u>	rovided in G.S. 143B-480.2(d), the hospital may be reimbursed in full for
2	the cost of prov	viding emergency contraception.
3	(f) With	the exception of assistance authorized under subsection (g) of this
4	section, assista	nce for expenses authorized under this section is to be paid directly to
5	any hospital, a	umbulance service, attending physicians, or mental health professionals
6	providing cou	inseling, upon the filing of proper forms. Payment for the full
7		cost of the forensic medical examination shall be paid to the provider no
8	later than 90	days after receiving the required written notification of the victim's
9	expense.	
10	<u>(g)</u> <u>An i</u>	ndividual may file a complaint with the Department alleging failure on
11	•	e hospital or urgent care facility to provide services required by this
12		epartment shall immediately investigate the complaint to determine the
13	action to be tal	ken. If the Department finds that a hospital failed to provide the services
14	required under	this section, the Department shall:
15	<u>(1)</u>	Issue a written warning to the hospital or urgent care facility that a
16		complaint has been filed alleging that the hospital or urgent care
17		facility is not providing the services required by this section.
18	<u>(2)</u>	Based on the Department's findings, require the hospital to correct the
19		deficiency leading to the complaint.
20		uance of the written warning required by this section, the Department
21		hospital or urgent care facility has failed to provide services, the
22		all, for the second and subsequent substantiated complaints, impose a
23		hospital or urgent care facility in the amount of one thousand dollars
24	-	exual assault victim who was denied services under this section. Penalties
25	-	this section shall be paid to the Department and used by the Department
26	• •	a part of the costs for providing the information required by subsection
27	(d) of this section	
28		ment shall adopt rules for the investigation of complaints and imposition
29		nder this section. A hospital or urgent care facility may appeal the
30		inding pursuant to Chapter 150B of the General Statutes.
31		sed in this section, unless the context clearly requires otherwise:
32	<u>(1)</u>	"Emergency care" means medical examinations, procedures, and
33		services provided by a hospital or urgent care facility to a sexual
34		assault victim following an alleged sexual assault.
35	<u>(2)</u>	"Emergency contraception" means a drug, drug regimen, or device that
36		<u>18:</u>
37		a. <u>Approved by the United States Food and Drug Administration</u>
38		to prevent pregnancy; and
39		b. Used postcoitally.
40	<u>(3)</u>	"Medically and factually accurate and objective" means verified or
41		supported by the weight of research conducted in compliance with
42		accepted scientific methods and standards; published in peer-reviewed
43		journals; and recognized as accurate and objective by leading
44		professional organizations and agencies with relevant expertise in the

1	field of obstetrics and gynecology, such as the American College of
2	Obstetricians and Gynecologists.
3	(4) "Sexual assault" means the crime of rape or any sexual offense that
4	involves vaginal intercourse.
5	(5) "Sexual assault victim" means:
6	a. <u>Any woman who arrives at the hospital or urgent care facility</u>
7	and alleges that she is the victim of sexual assault, or is
8	accompanied by someone who alleges that she is the victim of
9	sexual assault; and
10	b. Any woman who arrives at a hospital or urgent care facility
11	who the agents of the hospital or urgent care facility personnel
12	have reason to believe is a victim of sexual assault."
13	SECTION 2. This act becomes effective October 1, 2007.