

Jim Doyle
Governor



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DQA Memo 08-010

To: Hospitals

HOSP 07

From: Otis Woods, Administrator
Division of Quality Assurance

Revisions to Wisconsin Statutes, Chapter 50, Effective March 28, 2008

As many of you are aware, Governor Jim Doyle signed 2007 Wisconsin Act 102 into law on March 13, 2008. The new law created section 50.375 of the Statutes, effective March 28, 2008.

Section 50.375 requires hospitals to provide a victim of sexual assault with specific information, and upon the victim's request, emergency contraception. Hospitals that fail to comply with these requirements are subject to a forfeiture of not less than \$2,500 or more than \$5,000 for each violation.

The Department of Health and Family Services is responsible for ensuring that hospitals comply with the requirements of section 50.375, and is authorized to directly assess forfeitures for violations of the law.

The Department of Health & Family Services/Division of Quality Assurance is sending this information to all hospitals and asking all hospital administrators to inform their staff of their responsibilities under the new law.

The law requires a hospital that provides emergency services to a victim of sexual assault to do all of the following:

- Provide the victim with medically and factually accurate and unbiased written and oral information about emergency contraception and its use and efficacy.
- Orally inform the victim of her option to receive emergency contraception, her option to report the sexual assault to a law enforcement agency, and any available options for her to receive an examination to gather evidence regarding the sexual assault.
- Immediately provide emergency contraception to the victim upon her request, in accordance with instructions approved by the federal food and drug administration. If the medication is taken in more than one dosage, the hospital shall provide all subsequent dosages to the victim for later self administration.

The law requires a hospital that provides emergency care to ensure that each hospital employee who provides care to a victim of sexual assault has available medically and factually accurate and unbiased information about emergency contraception. No hospital is required to provide emergency contraception to a victim who is pregnant, as indicated by a pregnancy test.

The complete text of the new law can be found at the following link:

<http://www.legis.state.wi.us/2007/data/acts/07Act102.pdf>

Thank you for your attention to this matter. If you have any questions about this information, please contact Cremear Mims, Director, Bureau of Health Services at (608) 264-9887 or (414) 227-4556.