

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 288 Session of 2007

INTRODUCED BY LEACH, BENNINGTON, CASORIO, DePASQUALE, GOODMAN, JAMES, JOSEPHS, KIRKLAND, KORTZ, MANDERINO, MANN, MUNDY, ROEBUCK, ROSS, R. TAYLOR, RUBLEY, GIBBONS, M. O'BRIEN, FREEMAN, SHAPIRO, WHEATLEY, PAYTON, STURLA, SIPTROTH, McGEEHAN, BRENNAN, GERBER, LENTZ AND McILVAINE SMITH, FEBRUARY 7, 2007

AS REPORTED FROM COMMITTEE ON HEALTH AND HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 6, 2007

AN ACT

1 ~~Providing for minimum requirements for hospitals that provide~~ <—
2 ~~emergency services to victims of sexual assault and for~~
3 ~~powers and duties of the Department of Health.~~

4 PROVIDING FOR REQUIREMENTS FOR HOSPITALS AND HEALTH CARE <—
5 FACILITIES THAT PROVIDE SERVICES TO SEXUAL ASSAULT VICTIMS,
6 FOR PROVISION OF INFORMATION AND SERVICES RELATING TO
7 EMERGENCY CONTRACEPTION AND FOR POWERS AND DUTIES OF THE
8 DEPARTMENT OF HEALTH.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Short title.~~ <—

12 ~~This act shall be known and may be cited as the Sexual~~
13 ~~Assault Victim Emergency Treatment Act.~~

14 ~~Section 2. Definitions.~~

15 ~~The following words and phrases when used in this act shall~~
16 ~~have the meanings given to them in this section unless the~~
17 ~~context clearly indicates otherwise:~~

18 ~~"Department." The Department of Health of the Commonwealth.~~

1 ~~"Emergency treatment."— A medical examination, procedure or~~
2 ~~service provided by a hospital to a sexual assault victim~~
3 ~~following an alleged sexual assault.~~

4 ~~"Emergency contraception."— A drug or device approved by the~~
5 ~~Food and Drug Administration to prevent pregnancy when used~~
6 ~~separately or in combination within a medically recommended~~
7 ~~period of time after sexual intercourse.~~

8 ~~"Hospital."— A facility that has an organized medical staff~~
9 ~~and provides equipment and services primarily for inpatient care~~
10 ~~to persons who require definitive diagnosis or treatment, or~~
11 ~~both, for injury, illness, pregnancy or other disability.~~

12 ~~"Sexual assault."— Any of the offenses specified in 18~~
13 ~~Pa.C.S. Ch. 31 Subch. B (relating to definition of offenses).~~

14 ~~"Sexual assault victim."— A female who alleges or is alleged~~
15 ~~to have been a victim of a sexual assault.~~

16 ~~Section 3.— Requirements for hospitals.~~

17 ~~(a) General rule.— A hospital that provides emergency~~
18 ~~treatment to a sexual assault victim shall:~~

19 ~~(1) Provide each sexual assault victim with medically~~
20 ~~and factually accurate and objective written and oral~~
21 ~~information about emergency contraception.~~

22 ~~(2) Orally inform each sexual assault victim that the~~
23 ~~hospital can provide emergency contraception to her.~~

24 ~~(3) Provide emergency contraception promptly to each~~
25 ~~sexual assault victim who requests it, unless emergency~~
26 ~~contraception is medically contraindicated.~~

27 ~~(b) Written policy.— A hospital that provides emergency~~
28 ~~treatment to a sexual assault victim shall develop and implement~~
29 ~~a written policy to ensure that all personnel who treat or give~~
30 ~~information to a sexual assault victim are trained to provide~~

1 ~~medically and factually accurate and objective information about~~
2 ~~emergency contraception to sexual assault victims.~~

3 ~~Section 4. Department responsibilities.~~

4 ~~(a) General rule. The department, in collaboration with a~~
5 ~~Statewide nonprofit organization identified by the Department of~~
6 ~~Public Welfare as the prime grantee that arranges for the~~
7 ~~provision of services to victims of rape and sexual assault,~~
8 ~~shall develop written information that a hospital gives to~~
9 ~~sexual assault victims. The information shall:~~

10 ~~(1) Be clearly written and easily comprehensible.~~

11 ~~(2) Be in English and any other language deemed~~
12 ~~necessary.~~

13 ~~(3) Explain what emergency contraception is and how it~~
14 ~~works, including the different types of emergency~~
15 ~~contraception, its effectiveness in preventing pregnancy and~~
16 ~~the medical risks associated with it.~~

17 ~~(b) Distribution of information. The department shall~~
18 ~~produce the written information and shall distribute it to~~
19 ~~hospitals in quantities deemed sufficient to comply with this~~
20 ~~act.~~

21 ~~(c) Annual reporting by hospitals. The department shall~~
22 ~~require each hospital to report annually regarding the number of~~
23 ~~sexual assault victims treated by that hospital and what that~~
24 ~~treatment entailed, including the number of sexual assault~~
25 ~~victims to whom emergency contraception was given.~~

26 ~~(d) Department report to General Assembly. The department~~
27 ~~shall include the information described in subsection (c) in its~~
28 ~~annual report to the General Assembly pursuant to section 804(d)~~
29 ~~of the act of July 19, 1979 (P.L.130, No.48), known as the~~
30 ~~Health Care Facilities Act.~~

1 ~~Section 5. Violations.~~

2 ~~A violation of this act shall constitute a violation of the~~
3 ~~act of July 19, 1979 (P.L.130, No.48), known as the Health Care~~
4 ~~Facilities Act, and shall be resolved pursuant to Chapter 8 of~~
5 ~~that act.~~

6 ~~Section 6. Regulations.~~

7 ~~The department shall promulgate any regulations necessary to~~
8 ~~implement this act within two years of the effective date of~~
9 ~~this section. In order to facilitate the prompt implementation~~
10 ~~of this act, the department may promulgate temporary regulations~~
11 ~~that expire no later than two years from the effective date of~~
12 ~~this section. The temporary regulations shall not be subject to:~~

13 ~~(1) Sections 201 through 205 of the act of July 31, 1968~~
14 ~~(P.L.769, No.240), referred to as the Commonwealth Documents~~
15 ~~Law.~~

16 ~~(2) The act of June 25, 1982 (P.L.633, No.181), known as~~
17 ~~the Regulatory Review Act.~~

18 ~~Section 7. Effective date.~~

19 ~~This act shall take effect in 90 days.~~

20 SECTION 1. SHORT TITLE.

21 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE COMPASSIONATE
22 ASSISTANCE FOR RAPE EMERGENCIES ACT.

23 SECTION 2. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
25 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 "DEPARTMENT." THE DEPARTMENT OF HEALTH OF THE COMMONWEALTH.

28 "EMERGENCY CONTRACEPTION." ANY DRUG OR DEVICE APPROVED BY
29 THE FOOD AND DRUG ADMINISTRATION, INCLUDING PLAN B, THAT IS USED
30 AFTER INTERCOURSE TO INHIBIT OR PREVENT OVULATION OR

1 FERTILIZATION.

2 "EMERGENCY SERVICES." MEDICAL EXAMINATIONS, FORENSIC
3 EXAMINATIONS, PROCEDURES AND SERVICES PROVIDED BY A HOSPITAL OR
4 HEALTH CARE FACILITY TO A SEXUAL ASSAULT VICTIM.

5 "HEALTH CARE FACILITY." ANY PUBLIC OR PRIVATE CLINIC,
6 CENTER, MEDICAL TRAINING INSTITUTION, MEDICAL FACILITY,
7 INFIRMARY, DISPENSARY OR OTHER INSTITUTION OR LOCATION WHEREIN
8 EMERGENCY MEDICAL CARE IS PROVIDED TO ANY PERSON.

9 "HOSPITAL." AN INSTITUTION LICENSED AS A HOSPITAL BY THE
10 DEPARTMENT OF HEALTH IN ACCORDANCE WITH CHAPTER 8 OF THE ACT OF
11 JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE
12 FACILITIES ACT.

13 "RAPE CRISIS CENTER." AN OFFICE, INSTITUTION OR CENTER THAT
14 HAS CONTRACTED WITH A STATEWIDE NONPROFIT ORGANIZATION
15 IDENTIFIED BY THE DEPARTMENT OF PUBLIC WELFARE AS THE PRIME
16 GRANTEE THAT ARRANGES FOR THE PROVISION OF SERVICES TO SEXUAL
17 VIOLENCE AND RAPE VICTIMS AND OFFERS ASSISTANCE TO VICTIMS OF
18 SEXUAL ASSAULT AND THEIR FAMILIES THROUGH CRISIS INTERVENTION,
19 MEDICAL AND LEGAL ACCOMPANIMENT AND FOLLOW-UP COUNSELING.

20 "SEXUAL ASSAULT." ANY OFFENSE SPECIFIED IN 18 PA.C.S. CH. 31
21 SUBCH. B (RELATING TO DEFINITION OF OFFENSES).

22 "SEXUAL ASSAULT COUNSELOR." A PERSON WHO IS ENGAGED OR
23 EMPLOYED BY AN OFFICE OR CENTER CONTRACTED WITH A STATEWIDE
24 NONPROFIT ORGANIZATION IDENTIFIED BY THE DEPARTMENT OF PUBLIC
25 WELFARE AS THE PRIME GRANTEE THAT ARRANGES FOR THE PROVISION OF
26 SERVICES TO SEXUAL VIOLENCE AND RAPE VICTIMS, WHO HAS UNDERGONE
27 40 HOURS OF SEXUAL ASSAULT TRAINING AND IS UNDER THE CONTROL OF
28 A DIRECT SERVICES SUPERVISOR OF A RAPE CRISIS CENTER, WHOSE
29 PRIMARY PURPOSE IS THE RENDERING OF ADVICE, COUNSELING OR
30 ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT.

1 "SEXUAL ASSAULT VICTIM" OR "VICTIM." A FEMALE WHO ALLEGES OR
2 IS ALLEGED TO HAVE BEEN A VICTIM OF SEXUAL ASSAULT.

3 SECTION 3. DUTY OF HOSPITALS AND HEALTH CARE FACILITIES.

4 A HOSPITAL OR HEALTH CARE FACILITY THAT PROVIDES EMERGENCY
5 SERVICES TO SEXUAL ASSAULT VICTIMS SHALL, UPON A VICTIM'S
6 PRESENTING TO THE HOSPITAL OR HEALTH CARE FACILITY, PROMPTLY:

7 (1) PROVIDE THE VICTIM WITH MEDICALLY ACCURATE WRITTEN
8 INFORMATIONAL MATERIALS REGARDING EMERGENCY CONTRACEPTION
9 PREPARED OR APPROVED UNDER SECTION 4.

10 (2) ORALLY INFORM THE VICTIM OF THE AVAILABILITY OF
11 EMERGENCY CONTRACEPTION, ITS USE AND EFFICACY.

12 (3) OFFER THE COMPLETE REGIMEN OF EMERGENCY
13 CONTRACEPTION TO THE VICTIM AND PROVIDE THE REGIMEN ONSITE
14 UPON HER REQUEST.

15 (4) INFORM THE VICTIM OF THE AVAILABILITY OF A SEXUAL
16 ASSAULT COUNSELOR, PROVIDE THE SEXUAL ASSAULT VICTIM WITH THE
17 TELEPHONE NUMBER OF THE LOCAL RAPE CRISIS CENTER AND CONTACT
18 THE LOCAL RAPE CRISIS CENTER AT THE REQUEST OF THE VICTIM.

19 (5) AFFORD THE VICTIM AN OPPORTUNITY TO CONSULT WITH THE
20 RAPE CRISIS COUNSELOR IN PERSON AND IN PRIVATE WHILE AT THE
21 HOSPITAL OR HEALTH CARE FACILITY.

22 SECTION 4. INFORMATIONAL MATERIALS REGARDING EMERGENCY
23 CONTRACEPTION.

24 (A) CARE PROVIDERS.--A HOSPITAL OR HEALTH CARE FACILITY THAT
25 PROVIDES EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS SHALL ENSURE
26 THAT A PERSON WHO PROVIDES CARE TO SEXUAL ASSAULT VICTIMS IS
27 FURNISHED WITH MEDICALLY ACCURATE WRITTEN INFORMATIONAL
28 MATERIALS ABOUT EMERGENCY CONTRACEPTION DEVELOPED UNDER
29 SUBSECTION (B).

30 (B) DEVELOPMENT.--THE DEPARTMENT IN COLLABORATION WITH A

1 STATEWIDE NONPROFIT ORGANIZATION IDENTIFIED BY THE DEPARTMENT OF
2 PUBLIC WELFARE AS THE PRIME GRANTEE THAT ARRANGES FOR THE
3 PROVISION OF SERVICES TO SEXUAL VIOLENCE AND RAPE VICTIMS SHALL
4 DEVELOP MEDICALLY AND FACTUALLY ACCURATE AND OBJECTIVE WRITTEN
5 INFORMATIONAL MATERIALS RELATING TO EMERGENCY CONTRACEPTION FOR
6 DISTRIBUTION TO AND USE IN HOSPITALS AND HEALTH CARE FACILITIES
7 IN THIS COMMONWEALTH, IN QUANTITIES SUFFICIENT TO COMPLY WITH
8 THE REQUIREMENTS OF THIS ACT.

9 (C) REQUIREMENTS.--THE DEPARTMENT SHALL PREPARE, PRODUCE AND
10 DISTRIBUTE TO THE HOSPITALS AND HEALTH CARE FACILITIES AT NO
11 COST TO THE HOSPITALS AND HEALTH CARE FACILITIES THE WRITTEN
12 INFORMATIONAL MATERIALS. THE INFORMATIONAL MATERIAL SHALL:

13 (1) BE IN CLEAR AND CONCISE LANGUAGE, READILY
14 COMPREHENSIBLE, IN SUCH VARIETIES AND FORMS AS THE DEPARTMENT
15 SHALL DEEM NECESSARY TO INFORM VICTIMS IN ENGLISH AND
16 LANGUAGES OTHER THAN ENGLISH.

17 (2) EXPLAIN THE NATURE OF EMERGENCY CONTRACEPTION,
18 INCLUDING ITS USE AND EFFICACY.

19 (3) BE CIRCULATED BY THE DEPARTMENT TO HOSPITALS AND
20 HEALTH CARE FACILITIES IN THIS COMMONWEALTH IN QUANTITIES
21 SUFFICIENT TO COMPLY WITH THE REQUIREMENTS OF THIS ACT.

22 SECTION 5. RULES AND REGULATIONS.

23 THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS AS MAY
24 BE NECESSARY AND PROPER TO IMPLEMENT THE PROVISIONS OF THIS ACT
25 NO LATER THAN TWO YEARS FROM THE EFFECTIVE DATE OF THIS SECTION.

26 SECTION 6. EFFECTIVE DATE.

27 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.