

Compassionate Care for Rape Victims Legislation AB 377 & SB 129

Victims of rape or incest deserve immediate access to safe, efficient methods of pregnancy prevention. The Compassionate Care for Rape Victims (CCRV) Bill ensures that this occurs by requiring hospital emergency rooms to give rape victims information about and, if requested by the patient, access to Emergency Contraception (EC).

THE ORIGINAL CCRV BILL SHOULD BE PASSED WITHOUT AMENDMENT

In May, the State Senate overwhelming passed the original bill by a vote of 27 to 6.

This bill ensures that Rape Victims receive comprehensive, compassionate medical care in all Wisconsin emergency rooms

- A 2006 survey reveals that only one-third of Wisconsin emergency rooms provide EC to rape victims.
- After an assault, rape victims should not have to shop around for comprehensive medical care or search for a pharmacy that stocks EC.
- Timely access to EC is imperative. EC is most effective in preventing pregnancy, almost 90%, if taken within 12 hours of an assault.

Rape victims have the right to know all of their treatment options

- Wisconsin law requires that patients be informed about all of their treatment options. Rape victims are being denied this basic right in Wisconsin and legislation is needed to rectify this situation.

No rape victims should be subjected to substandard medical care

- The American Medical Association's policy on the treatment of sexual assault victims requires that rape victims be told about EC and offered EC if requested by the victim.
- The bill merely requires that rape victims receive the same standard of care every other patient receives in a hospital emergency room.

THE PROPOSED AMENDMENT SHOULD BE REJECTED

The Assembly Judiciary committee passed an amendment that allows hospitals and all hospital staff to opt out of complying with the bill. This amendment guts the original bill and should be rejected.

The proposed amendment completely destroys the purpose of the bill

- Under the amendment, a rape victim would need to investigate the beliefs and policies of *individual hospitals and individual doctors* simply to receive the minimum standard of medical care. This is an impossible task for anyone, much less a recent victim of rape.

The proposed amendment subjects rape victims to substandard medical care

- The AMA guidelines require that every rape victim be counseled about Emergency Contraception and provided it if requested. The proposed amendment would write into Wisconsin law that this AMA standard does not apply to rape victims in Wisconsin, treating rape victims differently than all other patients in the state. It allows hospitals and hospital chains to intentionally provide substandard care to one class of patient, with no legal recourse for patients who are injured.

The proposed amendment rolls back the rights of crime victims

- The amendment may prevent hospitals from implementing any policy or protocol to ensure victims receive basic care, because the amendment allows individual professionals to disregard or undermine those protocols with impunity.
- The amendment is so extreme that it allows individuals to take no action to provide rape victims with referrals or information, in direct contradiction to their existing professional and legal obligations.

MYTHS ABOUT THE ORIGINAL CCRV BILL

MYTH #1: This bill violates physicians' right of conscience

TRUTH: The original bill places no obligation on individuals with personal objections to birth control. This bill requires that hospitals with emergency rooms have a protocol in place to make sure rape victims are told about EC to prevent pregnancy and given EC if they patient so desires.

MYTH #2: This bill is unconstitutional

TRUTH: Bills like CCRV have passed in 10 other states. None have ever been constitutionally challenged. Federal and state law gives states very broad authority to regulate hospitals to make sure the health and safety of patients is being protected. The state has thousands of regulations concerning all hospitals, even those that are religiously affiliated. CCRV simply codifies the minimum standard of care for rape victims, so that they are no longer the only category of Wisconsin patients regularly receiving sub-standard medical care.

MYTH #3: Emergency Contraception causes an abortion

TRUTH: Emergency contraception cannot harm an existing pregnancy – it only prevents pregnancy. No credible organization in the United States, including the American Medical Association and the American College of Obstetricians and Gynecologists support the false assertion that birth control pills like EC cause an abortion. This myth is being propagated by individuals and organizations, like Pro-Life Wisconsin, that wrongly believe all birth control pills cause an abortion and seek to outlaw birth control. In approving EC, the Federal Food and Drug administration specifically stated that EC does not cause an abortion.