

Boston Legal Viewing Party: Guide for Host/Facilitator

- ★ This guide is intended to help you facilitate your viewing party by providing ways to keep things interesting for your guests and to give some structure to the event. Feel free to follow any of the suggestions below, or add your own ideas and activities to make the event a success!
- ★ Before the episode begins, you may want to give your guests a quick briefing on the episode contents: This episode of Boston Legal, “Smile,” deals with the issue of emergency contraception following sexual assault. During the episode, Amelia is brought to the emergency room of a local Catholic hospital following a sexual assault. The remainder of the episode deals with her treatment there and the legal issues surrounding the provision of emergency contraception.
- ★ The accompanying Episode Guide can be distributed to guests before the episode begins, or you can use it to highlight particular scenes or dialogue yourself. You can also pause the show and “quiz” guests on these points.
- ★ When the show is over, you can use the following discussion questions to get the conversation going:
 - What are your reactions to the episode?
 - Do you know if there is a law about providing emergency contraception to rape victims in your state?
 - To find out, go to: http://www.guttmacher.org/statecenter/spibs/spib_EC.pdf
 - What do you think happens to women who do not go to a hospital emergency room after rape?
 - For more information, read the accompanying fact sheet (Facts about Sexual Assault & Emergency Contraception).
 - Do you think Amelia’s case against the hospital is strong?
 - Keep in mind that there is no uniform answer to this, as the success of the case could vary by state.
- ★ Encourage your guests to be respectful of any personal information shared or opinions expressed by others.
- ★ Pass out any remaining materials from the Boston Legal: “Smile” Episode Guide—your guests will want some action steps to send them on their way!

Boston Legal: “Smile” Episode Guide

- ★ Schmidt: “Every Catholic hospital has a conscience clause protecting them from having to administer any treatment that conflicts with their religious principles, emergency contraception included. Technically, they don’t even have to provide information about it.”
 - While it is true that Catholic hospitals follow religious Directives, interpretations of the Directives vary. Many Catholic hospitals provide emergency contraception to rape victims. In some states there is a law requiring all hospitals, even those with religious objections, to offer emergency contraception to rape victims. If hospitals don’t provide it, even in states where there is no law, they open themselves up to potential lawsuits.
- ★ Amelia reports stranger rape.
 - Stranger rape is much less common than acquaintance rape. According to the 2004 National Crime Victimization Survey, 67% of sexual assaults were perpetrated by a non-stranger. 47% of perpetrators were a friend or acquaintance of the victim, 17% were an intimate partner and 3% were another relative.
- ★ Amelia: “My mom and I asked about [EC], and they said the risk [of pregnancy] was small.”
 - According to medical reports, the incidence of pregnancy for one-time unprotected sexual intercourse is 5%. Using the 5% figure and statistics from the 2002 National Crime Victimization Survey, the Rape and Incest National Network (RAINN) estimates that there were up to 4,315 pregnancies as a result of rape in 2002. Because rape is such an under-reported crime, others put the figure at 25,000 a year.
- ★ Amelia: “We went to our family doctor to try to get the prescription there. That’s when we found out you have to take it within 72 hours. It was too late. I was already pregnant.”
 - Though Plan B is FDA-approved for use up to only 72 hours, experts encourage its use for up to 120 hours (5 days) after unprotected sex. However, EC is more effective the sooner it is taken.
- ★ Peters (to Dr. Tusten): “Of course, you also follow this, the U.S. Department of Justice’s protocol for treating sexual assault victims.... In the 130 pages of this document does it ever recommend using the morning after pill?”
 - Correct answer: No. The DOJ Protocol does not discuss the use of EC to prevent pregnancy following sexual assault—ignoring policy recommendations from the American College of Emergency Physicians, the American College of Obstetricians and Gynecologists, the American Medical Association, and the International Association of Forensic Nurses.

Facts about Sexual Assault & Emergency Contraception (EC)

Sexual Assault and Pregnancy

- ✱ An estimated 25,000 U.S. women become pregnant as a result of sexual assault each year. EC could be used to prevent 22,000 of these pregnancies.
- ✱ 12% of all women experience sexual assault in a lifetime and 4.7% of those assaults result in pregnancy.
- ✱ 3% of all pregnancies in women 19 years and younger are caused by sexual assault.

EC: Safe and Effective Pregnancy Prevention

- ✱ EC is a safe, effective, FDA-approved method of preventing pregnancy after unprotected sex.
- ✱ EC is simply higher doses of the same hormones found in birth control pills—over a dozen brands of birth control pills may be substituted if EC is not available. For more information, visit www.not-2-late.com.
- ✱ Though Plan B (one brand of EC) is FDA-approved for use up to 72 hours, experts encourage its use for up to 120 hours (five days) after unprotected sex.
- ✱ EC is time-sensitive—the sooner it is taken, the better it works.
- ✱ Though it is often confused with the “abortion pill” (mifepristone or RU-486), EC is not an abortifacient. EC prevents a pregnancy; it cannot end one.

EC in the ER: Care for Rape Survivors

- ✱ The Centers for Disease Control and Prevention, the American Medical Association and the American College of Obstetricians and Gynecologists all recommend that sexual assault survivors be offered EC to prevent pregnancy.
- ✱ Yet only 20% of rape survivors receiving treatment at hospital ERs actually received EC over a seven-year time period, according to a national study.
- ✱ Surveys in several states have found wide variation in hospital policies on provision of EC to rape survivors.
- ✱ Seven states—Washington, California, New York, New Jersey, New Mexico, South Carolina, and Massachusetts—have enacted laws requiring hospitals to offer emergency contraception to rape survivors.

EC in Pharmacies

- ✱ Despite the fact that EC is a time-sensitive medication, many hospital emergency rooms do not provide women with EC on-site following an assault. If the local pharmacy doesn't carry EC, these women may not receive it in time to prevent a pregnancy following rape.
- ✱ In August of 2006, the FDA approved the emergency contraceptive Plan B® to be sold over-the-counter to women 18 years and older. Women ages 17 and younger still need a prescription from their physician to get emergency contraception in pharmacies.
- ✱ Some states have programs that allow women of any age to obtain EC directly in their local pharmacy without a prescription from their doctor. To find out if a program exists in your state, visit www.go2ec.org.

Plan B® is Now Available Over-the-Counter!

In August of 2006, the U.S. Food and Drug Administration approved emergency contraceptive Plan B® to be sold over-the-counter to women ages 18 years and older. Plan B® is a progestin-only oral contraceptive that is more effective and results in less nausea than other emergency contraceptives. While this decision is a huge victory for women, it does not guarantee that this medication will be offered as a part of rape patients' care in hospital emergency departments. Additionally, new barriers to accessing emergency contraception may emerge as a result of the new over-the-counter status of Plan B®. Only by offering emergency contraception on-site as a part of rape patients' treatment can hospitals ensure that all survivors receive the comprehensive care that they deserve.

Potential Obstacles to Obtaining Plan B® Over-the-Counter

- ★ **Plan B® is only available *behind* the counter.** Although EC now has a new, over-the-counter status, the FDA is requiring pharmacies to hold the product *behind* the counter. This means that women have to go to the pharmacy counter and ask the pharmacist for Plan B®. Women of any age can obtain Plan B® directly from a pharmacist without a prescription in the following 9 states participating in the EC pharmacy access program: AK, CA, HI, NH, NM, MA, ME, VT, WA.
- ★ **You must present a government issued ID** at the time of purchasing Plan B®.
- ★ **Age Restrictions:** Currently, only women ages 18 and older can access Plan B® over-the-counter in pharmacies. Women who are under the age of 18 still need a prescription.
- ★ **It could cost you.** The average cost of Plan B® is between \$25 and \$40, although some women have reported costs as high as \$55. Because some insurance plans may not cover Plan B® without a prescription, some women may still prefer to obtain a prescription from their physician. Patients should check with their insurance companies about coverage for Plan B.®

Note: Although Plan B® is now available over-the-counter, organizations like Planned Parenthood still offer it to women of all ages (for a much lower cost) at their clinics.

Why We Need EC Both Over-the-Counter and in the ER

All survivors of sexual assault deserve the opportunity to prevent an unintended pregnancy by having access to emergency contraception on-site in the emergency department. The new over-the-counter status of Plan B® does not ensure that all survivors will be able to access emergency contraception following their assault.

- ★ Some sexual assault survivors will still go to the emergency department for treatment following their assault and should be offered EC as a part of that treatment. These women should not be expected to also visit a pharmacy to purchase EC following the trauma of a sexual assault.
- ★ Some sexual assault survivors will be under the age of 18 and will not be able to purchase Plan B® without a prescription. Survivors who are minors should also be spared the additional task and the cost of obtaining a prescription and then going to the pharmacy to fill it.
- ★ Low income sexual assault survivors may not be able to afford Plan B® at pharmacies and should be provided the medication in the emergency department as a part of their comprehensive care. EC should be available to all survivors of rape, regardless of their income.

Action Steps: What Can I Do?

- ✱ Find out what your state's policy is for providing emergency contraception to rape victims. To get started, visit: http://www.guttmacher.org/statecenter/spibs/spib_EC.pdf
- ✱ Volunteer as a sexual assault advocate to accompany rape survivors to emergency rooms and ensure that they get emergency contraception if they so choose. For a list of local organizations, visit our Get Involved section: <http://www.raisinghervoice.org/getinvolved>
- ✱ Call your local pharmacy to ask if they have Plan B® or the "morning-after" pill. If they do not carry it, take steps to ensure that they carry it in the future (i.e. tell all of your friends, stage a protest, write a letter to the pharmacy or the corporation that owns the pharmacy). If they do carry EC, write them or call them to say thank you and show your support.
- ✱ Spread the word! Talk to your friends about ways you can raise awareness about EC and how you can make it available to the women who need it.
- ✱ Attend your local V-Day events to show your support for the campaign to end violence against women, or start your own event. For more information, visit: <http://www.vday.org/contents/action/events>
- ✱ Join the campaign urging governors and other state officials to adopt protocols for treating sexual assault survivors that ensure access to emergency contraception. For more information, visit: <http://www.aclu.org/reproductiverights/contraception/23543prs20060119.html>
- ✱ Take action and tell national pharmacy chains to adopt a written public policy about stocking Plan B® in all their pharmacies. For more information on how to contact pharmacy chains and urge them to stock and dispense Plan B® visit: http://prochoiceaction.org/campaign/ec_pharm
- ✱ Find out if your hospital emergency department offers EC on-site to survivors of sexual assault. If not, provide the hospital with information regarding the obstacles that survivors may face getting EC and the importance of EC being provided to survivors on-site in the emergency room.
- ✱ If you are a woman under the age of 18, you can ask your doctor for an advance prescription for EC/Plan B, so that you can have it if you need it. Men can encourage their female friends to do the same as well! This may help doctors understand how important it is for EC to be available when it is needed; obtaining a prescription in advance is one less obstacle to overcome should an emergency situation occur.
- ✱ Don't exclude men! Help the guys you know share the responsibility of learning about EC.