

EXAMPLES OF PHARMACY REFUSALS¹

Fall 2004, Massachusetts: A University of Massachusetts sophomore attempted to refill her prescription for oral contraceptives online. However, when she arrived at the local CVS pharmacy to pick up the prescription, the pharmacist told her that he had deleted her request from the computer because he did not want to fill it. Fortunately, another pharmacist in the store filled the prescription while the student waited. CVS policy requires pharmacists who object to filling certain prescriptions to find another pharmacist in the store or another store location where the customer can get the prescription filled. University Drive Pharmacist Denies a Student Birth Control, *The Massachusetts Daily Collegian* (Dec. 13th 2004).

September 2004, New Hampshire: Suzanne Richards, a 21-year-old single mother, went to a drive-through pharmacy to fill a prescription for emergency contraception. The pharmacist, Todd Sklencar, told Richards he was morally opposed to prescribing the pill and refused to transfer her prescription to another pharmacy. By the time a pharmacist willing to fill the prescription contacted Richards, the optimal time frame for taking the pills had passed. Laconia Woman Denied Morning After Pill By Pharmacist, *Assoc. Press* (Sept. 26, 2004).

Summer 2004, Alabama: Eleven state health department nurses quit their jobs rather than dispense emergency contraception to women at family planning clinics in Alabama. At the request of Congressman Robert Aderholt, Health and Human Services Secretary Tommy Thompson clarified that the Title X statute does not require state family planning clinics to offer emergency contraception. However, Dr. Tom Miller, family planning director of the Alabama Department of Health, stated that he believes offering EC is good public health policy and that state clinics will continue to offer this contraceptive option. U.S. Advises Alabama on Contraception, *Assoc. Press* at <http://www.newsday.com/news/politics/wire/sns-ap-morning-after-pill,0,7055462,print.story?coll=sns-ap-politics-headlines> (last visited Oct. 20, 2004)).

Spring 2004, Texas: In March 2004, at an Eckerd pharmacy in Denton, Texas, a rape victim attempted to fill a prescription for emergency contraceptive pills (ECPs) in an effort to guard against an unwanted pregnancy. Gene Herr, along with two other pharmacists, denied the woman access to the pills, citing religious convictions. A friend of the rape victim explained that the decision to deny the pills amounted to a second victimization, "I had been...watching my friend, her emotional state going down and down. . .And I knew I was going to have to go out to that car and say, 'Sorry, you know, morally they say you're wrong.'" Because the three co-workers violated Eckerd's drug dispensation policy which states that no pharmacist can decline to fill a prescription based solely on moral or religious grounds, they were fired. Herr explained that he believes the pills could have killed the embryo if the woman had already conceived. In fact, ECPs will not work if a woman is already pregnant. Pharmacist's Refusal to Fill Emergency Contraception Script Raises Questions, *Women's Health Wkly.* (Mar. 18, 2004).

¹This document was prepared by NARAL in April 2005.

Spring 2004, North Richland Hills, Texas: A CVS pharmacist refused to fill a woman's birth control pill prescription, citing personal beliefs. The pharmacist told the woman to get the prescription filled at a Walgreens down the street. The woman, Julee Lacey, a 32-year-old married mother of two and first grade teacher left the store without getting her prescription filled and did not go to Walgreens because she didn't have time to set up a new account. Lacey's husband then attempted to get the prescription filled at CVS - the same pharmacist refused to fill the prescription. The next day, CVS delivered the birth control pills to Lacey's home, free of charge. Pharmacist Refuses to Fill Birth Control Prescription, *Forth Worth Star-Telegram* (Apr. 1, 2004).

Summer 2002, Wisconsin: On July 6, 2002, a student in Menomonie, Wisconsin, walked into a K-mart pharmacy and asked the pharmacist on duty, Neil Noesen, to refill her prescription for birth control pills. When, after being questioned by Noesen, the young woman revealed that she was taking the pills for contraceptive purposes, Noesen refused to refill her prescription, as he believed that the pills would cause an abortion. Not only did the pharmacist deny the woman the prescription she needed to be refilled that same day, but he also refused to inform her of her right to transfer her prescription to another pharmacy. Because the patient was prevented from taking the first tablet until the second day of her cycle, the effectiveness of the pills was decreased, making the chances of her becoming pregnant greater. In February 2005, an administrative law judge found that Noesen, "'fell far short of satisfying the standard of care' outlined in the code of ethics for pharmacists, and he hadn't done enough to ensure that the patient had another way to have her prescription filled." As a result, the judge recommended that the state restrict Noesen's pharmacy license. Stacy Forster, Reprimand Advised for Pharmacist, *Milwaukee Journal Sentinel* (Feb. 28, 2005); Anita Weier, Patient, Pharmacist Collide: birth control pill conflict shows dilemma, *The Capitol Times*, (Mar. 16, 2004); Todd Richmond, Hearing Concludes in Madison in Pharmacist Case, *Assoc. Press* (Oct. 12, 2004).

December 1996, Ohio: In Ohio, this issue first received attention in 1996, when pharmacist Karen Brauer was fired from a Cincinnati Kmart after refusing to fill a woman's prescription for birth control pills. Brauer contended that she was following her conscience when she denied a 32-year-old woman her request for the pills. Brauer justified her actions by explaining, "This is the Fifth Commandment...I want to opt out of the willful decision to kill." Because of her belief that her right to refuse to dispense drugs on moral grounds was violated, Brauer filed suit against Kmart in 1999. Kmart, along with women's rights organizations and educated professionals, agreed that pharmacists have a responsibility to meet customer needs and that patients should not be subjected to pharmacists' personal moral decisions. Five years later, the case is still pending in federal court. Dennis M. Mahoney, Prescription for Dispute, *The Columbus Dispatch* (Dec. 14, 2001).