



Oregon

Kate Brown, Governor

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Testimony on HB2879

Chair Rosenbaum and committee members

Thank you for allowing me to address your concerns about the ability of a pharmacist to not participate in the prescribing of oral contraceptives on moral or ethical grounds.

In 2005 the Oregon Board of Pharmacy (OBOP) created clear policy documents that protect the right of a pharmacist to not participate in activities that they find morally or ethically objectionable. The OBOP was also clear that the rights of a pharmacist to object to participate could not interfere with a patient's right to receive appropriate and lawful drug therapies.

The OBOP updated this policy document in 2007, and since that time has taken no action against any licensee for exercising their right to not participate in the dispensing or preparation of a drug therapy.

Should a licensee attempt to actively interfere in a patient's efforts to obtain a legally prescribed therapy the OBOP could take disciplinary action as Unprofessional Conduct (OAR 855-019-0310 and 855-006-0005). Since adapting these position statements the OBOP has not taken action against a licensee for actively interfering with a patient's therapy. We believe these policies correctly balance a pharmacist's right to not participate in morally or ethically objectionable therapies with the patient's right to receive legal therapies.

The full policy statement as posted on our website is included below:

Considering Moral and Ethical Objections

Revised February 2007

No provision exists within Oregon pharmacy laws or regulations that require a pharmacist to dispense every lawful prescription presented in a pharmacy. Indeed, pharmacy laws and regulations require a pharmacist to delay the dispensing of a prescription when faced with questions of potential harm to a patient or concerns of clinical appropriateness of a drug, a dose, or a dosage form for a particular patient. Pharmacists are required to seek clarification prior to dispensing and to collaborate with prescribing practitioners in the patient's best interest.

Just as other health care professionals and practitioners in Oregon have a choice, so do pharmacists have a choice whether or not to participate in activities they find morally or ethically objectionable. Oregon

pharmacists cannot however, interfere with a patient's lawfully and appropriately prescribed drug therapy or request for drugs and devices approved by the U.S. Food and Drug Administration (FDA) for restricted distribution by pharmacies. Pharmacists enter into relationships with patients in the daily course of normal pharmacy practice. Within these relationships pharmacists have a duty to provide professional pharmaceutical care in the patient's interest.

The Board of Pharmacy expects each Oregon Pharmacist-in-Charge (PIC) to adopt written policies and procedures that address the issues of pharmacists' moral, ethical and professional responsibilities. It is the Board's belief that pharmacy policies and procedures could allow a pharmacist to exercise his or her choice to not participate, and at the same time not interfere with the patient's right to receive appropriate and lawfully prescribed drug therapy or drugs and devices approved by the U.S. FDA for restricted distribution by pharmacies. These may include dispensing of the prescription or drug or device by another pharmacist on site or arranging for the prescription to be dispensed by a pharmacist at another site. The Board also expects Oregon pharmacists to discuss issues of moral, ethical and professional responsibilities with their Pharmacist-In-Charge and to understand and comply with the pharmacy's policies and procedures.

The Board expects that pharmacy policies and procedures will ensure that patients in Oregon always receive appropriate and lawfully prescribed medications and information or drugs and devices approved by the U.S. FDA for restricted distribution by pharmacies in a timely and professional manner and that patients are not burdened by the pharmacist's individual beliefs. Interference with a patient's right to receive timely, professional prescription services and information or drugs and devices approved by the U.S. FDA for restricted distribution by pharmacies may be considered unprofessional conduct and could result in disciplinary action by the Board. (See attached "Clarification")

Clarification

For Example, the Board would consider it unprofessional conduct for a pharmacist to lecture a patient about the pharmacist's moral or religious beliefs, to violate the patient's privacy or to destroy, confiscate or otherwise tamper with the patient's prescription.

The written policy should require an objecting pharmacist to inform the PIC in advance so that the PIC can reasonably accommodate that objection before a patient presents a prescription or makes a request for drugs and devices approved by the U.S. FDA for restricted distribution by pharmacies. The accommodation may not include permission to lecture the patient. The policy should also ensure that the patient's prescription or *drug and device* needs are met either by ordering the drug, if it is not in stock, pursuant to the usual pharmacy policies, by transferring or returning the prescription to the patient if the patient requests, or by referring the patient to another pharmacy nearby where the patient can get the prescription filled or receive drugs and devices approved by the U.S. FDA for restricted distribution by pharmacies. In the event of a referral, the pharmacist is responsible for identifying another pharmacy that has the medication in stock and will dispense the prescription or dispense drugs or devices approved by the U.S. FDA for restricted distribution by pharmacies.

Pharmacists licensed in Oregon may seek clarification of questions or concerns about moral or ethical objections from the Board of Pharmacy. Patients who believe they have been inappropriately refused medication may file a complaint with the Board of Pharmacy. Information about the complaint process can be found on the Board's website at: </Pharmacy/pages/complaint.aspx>

Sincerely,

Marcus Watt R.Ph.

Executive Director