

Model Policies and Procedures re Moral and Ethical Objections

Alternative Where More than One Pharmacist is Employed by Pharmacy

Notice of Potential Objection

All pharmacists employed by *Pharmacy* must give advance written notice to the Pharmacist-in-Charge (PIC) of any and all potential objections to dispensing prescription drugs or distributing drugs and devices approved by the U.S. Food and Drug Administration (FDA) for restricted distribution by pharmacies. The pharmacist must provide this notice either at the time of initial employment or, for pharmacists currently employed by *Pharmacy*, by March 1, 2007. In the notice, the pharmacist must name every medication that he or she may potentially object to providing to a patient and the basis for each objection.

In the event that a pharmacist does not provide the required notice, he or she must dispense lawfully prescribed legend drugs or devices and distribute drugs and devices approved by the U.S. FDA for restricted distribution by pharmacies, or provide a therapeutically equivalent drug or device in a timely manner consistent with reasonable expectations for filling the prescription.¹ However, this policy does not prohibit a pharmacist from refusing to dispense lawfully prescribed items if there is a valid medical concern due to therapeutic duplications, drug contraindications, drug interactions, incorrect dosage or duration of drug treatment, drug-allergy interactions, or when the pharmacist has a reasonable belief that the prescription is fraudulent or invalid.

Ensuring Patients' Access to Medication

In the event that a pharmacist provides written notice of a potential objection, the PIC and/or *Pharmacy* shall do one or more of the following:

Require the pharmacist to fill all prescriptions. The PIC and/or *Pharmacy* may require the pharmacist to dispense all lawfully-prescribed medications and distribute drugs and devices approved by the U.S. FDA for restricted distribution by pharmacies regardless of the pharmacist's stated objection, in accordance with state and federal law.² Before making this determination, *Pharmacy* may choose to seek legal advice

¹ The only exceptions are prescriptions written pursuant to Oregon's Death with Dignity Act. All pharmacists licensed in the state of Oregon have the legal right to refuse to dispense medications prescribed under that Act

² Except prescriptions written pursuant to the Death with Dignity Act as described above.

Ensure patient access to medication while accommodating the pharmacist's objection.

The PIC and *Pharmacy* may determine, perhaps in consultation with legal counsel, that it is appropriate to attempt to accommodate the pharmacist's objection. However, any such accommodation must not obstruct patients' timely access to medications. It is the preference of the Oregon Board of Pharmacy that the PIC will ensure that the patient's prescription or request for FDA-restricted medication is filled in the store in a timely manner. This shall be accomplished by one of the following methods, including but not limited to:

1. Modifying schedules to ensure that a non-objecting pharmacist is available
2. Arranging for the PIC to be on call to fill in for the objecting pharmacist
3. Modifying the objecting pharmacist's job duties

Referring the patient to an alternative pharmacy is permissible only if all of the following conditions are met:

1. The patient agrees to the referral;
2. The objecting pharmacist identifies another nearby pharmacy that the customer is able to reach in a timely manner;
3. The objecting pharmacist confirms that the alternative nearby pharmacy has the medication in stock and will provide it in a timely manner.
4. In all cases, the requested alternative pharmacy should be the pharmacy of the patient's choice, unless the objecting pharmacist confirms that it does not have the medication in stock and/or cannot provide it in a timely manner.

If the objecting pharmacist cannot identify an alternative pharmacy that meets the above requirements, and no other accommodations as outlined above are possible, the pharmacist must fill the patient's prescription or distribute drugs and devices approved by the U.S. FDA for restricted distribution by pharmacies on site and without delay.³

When making a referral, "nearby" means 1) the pharmacy of the patient's choice or, if the patient does not request a specific pharmacy, 2) for suburban and urban communities, within 3 miles of the pharmacy making the referral, provided the patient indicates that he or she can reasonably access the pharmacy within that distance (for example, it would not be appropriate to refer a patient with a mobility impairment and lacking transportation to a pharmacy 3 miles away). 3) "Nearby" means, in rural communities, a pharmacy within 3 miles of *Pharmacy* or, if no pharmacy exists or can fill the prescription within 3 miles, the closest pharmacy to *Pharmacy*, provided the patient indicates that he or she can reasonably access the pharmacy within that distance.

"Timely manner" means in the normal time frame for filling prescriptions with in-stock medication, or no longer than one hour from the time the patient requests drugs or devices approved by the U.S. FDA for restricted distribution by pharmacies.

Information and Training for Objecting Pharmacist

³ Except prescriptions written pursuant to the Death with Dignity Act as described above.

After reviewing a pharmacist's written notice of a potential objection, the PIC will inform the objecting pharmacist as to whether and/or how *Pharmacy* will accommodate the objection, and ensure that the pharmacist is well-trained in the appropriate response to a patient prescription or request.

Unprofessional Conduct Prohibited

An objecting pharmacist is not permitted 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 or interfere with a patient's prescription or access to medication.

Ensuring Patient Access When Medication Is Not in Stock

If a particular requested medication is not in stock, regardless of whether a pharmacist objects to providing that medication, the PIC and the pharmacist shall ensure that the patient's medical needs are met by one of the following options:

1. ordering the drug, pursuant to usual pharmacy policies, after informing the patient of the expected waiting period
2. in the case of a prescription, and if the patient requests it, transferring the prescription to an alternative pharmacy that has the medication in stock and will dispense it
3. in the case of a prescription, and only if the patient requests it, returning the prescription to the patient

Referring the patient to an alternative pharmacy is permissible only if all of the following conditions are met:

1. The patient agrees to the referral;
2. The pharmacist identifies another nearby pharmacy that the customer is able to reach in a timely manner;
3. The pharmacist confirms that the alternative nearby pharmacy has the medication in stock and will provide it in a timely manner.
4. The patient's requested alternative pharmacy should be the pharmacy of choice, unless the pharmacist confirms that it does not have the medication in stock or cannot provide it in a timely manner.

When making a referral, "nearby" means 1) the pharmacy of the patient's choice or, if the patient does not request a specific pharmacy, 2) for suburban and urban communities, within 3 miles of the pharmacy making the referral, provided the patient indicates that he or she can reasonably access the pharmacy within that distance (for example, it would not be appropriate to refer a patient with a mobility impairment and lacking transportation to a pharmacy 3 miles away). 3) "Nearby" means, in rural communities, a pharmacy within 3 miles of *Pharmacy* or, if no pharmacy exists or can fill the prescription within 3 miles, the closest pharmacy to *Pharmacy*, provided the patient indicates that he or she can reasonably access the pharmacy within that distance.

“Timely manner” means in the normal time frame for filling prescriptions with in-stock medication, or no longer than one hour from the time the patient requests drugs or devices approved by the U.S. FDA for restricted distribution by pharmacies.

Alternative Where Only One Pharmacist is Employed by Pharmacy

In some pharmacies, there is only one pharmacist. If the PIC or a sole pharmacist is the only pharmacist employed by *Pharmacy* or is an owner of *Pharmacy* and has religious or moral objections to dispensing prescription drugs or distributing drugs and devices approved by the U.S. Food and Drug Administration for restricted distribution by pharmacies, the PIC must keep on the premises of *Pharmacy* a written policy addressing how the PIC will ensure patient access to medication despite any potential objections he or she or the sole pharmacist may have. Upon request of the Board of Pharmacy, that written policy should be provided to the Board.

That written policy shall protect patient access as follows:

Ensuring Patients' Access to Medication

Require the pharmacist to fill all prescriptions. *Pharmacy* may require the PIC or sole pharmacist to dispense all lawfully-prescribed medications and distribute drugs and devices approved by the U.S. FDA for restricted distribution by pharmacies regardless of the pharmacist's stated objection, in accordance with state and federal law.⁴ Before making this determination, *Pharmacy* may choose to seek legal advice

Ensure patient access to medication while accommodating the pharmacist's objection. *Pharmacy* may determine, perhaps in consultation with legal counsel, that it is appropriate to attempt to accommodate the PIC or sole pharmacist's objection. However, any such accommodation must not obstruct patients' timely access to medications. It is the preference of the Oregon Board of Pharmacy that the PIC will ensure that the patient's prescription or request for FDA-restricted medication is filled in the store in a timely manner. This shall be accomplished by one of the following methods, including but not limited to:

1. Modifying schedules to ensure that a non-objecting pharmacist is available
2. Arranging for another pharmacist to be on call to fill in for the objecting pharmacist
3. Modifying the objecting pharmacist's job duties

Referring the patient to an alternative pharmacy is permissible only if all of the following conditions are met:

5. The patient agrees to the referral;
6. The objecting pharmacist identifies another nearby pharmacy that the customer is able to reach in a timely manner;
7. The objecting pharmacist confirms that the alternative nearby pharmacy has the medication in stock and will provide it in a timely manner.
8. In all cases, the patient's requested alternative pharmacy should be the pharmacy of choice, unless the objecting pharmacist confirms that it does not have the medication in stock and/or cannot provide it in a timely manner.

⁴ Except prescriptions written pursuant to the Death with Dignity Act as described above.

If the objecting pharmacist cannot identify an alternative pharmacy that meets the above requirements, and no other accommodations as outlined above are possible, the pharmacist must fill the patient's prescription or distribute drugs and devices approved by the U.S. FDA for restricted distribution by pharmacies on site and without delay.⁵

When making a referral, "nearby" means 1) the pharmacy of the patient's choice or, if the patient does not request a specific pharmacy, 2) for suburban and urban communities, within 3 miles of the pharmacy making the referral, provided the patient indicates that he or she can reasonably access the pharmacy within that distance (for example, it would not be appropriate to refer a patient with a mobility impairment and lacking transportation to a pharmacy 3 miles away). 3) "Nearby" means, in rural communities, a pharmacy within 3 miles of *Pharmacy* or, if no pharmacy exists or can fill the prescription within 3 miles, the closest pharmacy to *Pharmacy*, provided the patient indicates that he or she can reasonably access the pharmacy within that distance.

"Timely manner" means in the normal time frame for filling prescriptions with in-stock medication, or no longer than one hour from the time the patient requests drugs or devices approved by the U.S. FDA for restricted distribution by pharmacies.

Information and Training for Objecting Sole Pharmacist

After reviewing a pharmacist's written notice of a potential objection, the PIC will inform the objecting sole pharmacist as to whether and/or how *Pharmacy* will accommodate the objection, and ensure that the pharmacist is well-trained in the appropriate response to a patient prescription or request.

Unprofessional Conduct Prohibited

An objecting pharmacist is not permitted 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 or interfere with a patient's prescription or access to medication.

Ensuring Patient Access When Medication Is Not in Stock

If a particular requested medication is not in stock, regardless of whether a pharmacist objects to providing that medication, the PIC and the pharmacist shall ensure that the patient's medical needs are met by one of the following options:

4. ordering the drug, pursuant to usual pharmacy policies, after informing the patient of the expected waiting period
5. in the case of a prescription, and if the patient requests it, transferring the prescription to an alternative pharmacy that has the medication in stock and will dispense it

⁵ Except prescriptions written pursuant to the Death with Dignity Act as described above.

6. in the case of a prescription, and only if the patient requests it, returning the prescription to the patient

Referring the patient to an alternative pharmacy is permissible only if all of the following conditions are met:

5. The patient agrees to the referral;
6. The pharmacist identifies another nearby pharmacy that the customer is able to reach in a timely manner;
7. The pharmacist confirms that the alternative nearby pharmacy has the medication in stock and will provide it in a timely manner.
8. The patient's requested alternative pharmacy should be the pharmacy of choice, unless the pharmacist confirms that it does not have the medication in stock or cannot provide it in a timely manner.

When making a referral, "nearby" means 1) the pharmacy of the patient's choice or, if the patient does not request a specific pharmacy, 2) for suburban and urban communities, within 3 miles of the pharmacy making the referral, provided the patient indicates that he or she can reasonably access the pharmacy within that distance (for example, it would not be appropriate to refer a patient with a mobility impairment and lacking transportation to a pharmacy 3 miles away). 3) "Nearby" means, in rural communities, a pharmacy within 3 miles of *Pharmacy* or, if no pharmacy exists or can fill the prescription within 3 miles, the closest pharmacy to *Pharmacy*, provided the patient indicates that he or she can reasonably access the pharmacy within that distance.

"Timely manner" means in the normal time frame for filling prescriptions with in-stock medication, or no longer than one hour from the time the patient requests drugs or devices approved by the U.S. FDA for restricted distribution by pharmacies.