

Twin Falls Times News, Thursday, April 2, 2009 – Reader's view by Sue Chew

Pharmacy bill unnecessary, bad for business, patients

The Idaho Senate will soon consider legislation - House Bill 216 - that would provide pharmacists immunity from liability when they refuse to fill a prescription based on religious or ethical reasons. As a licensed pharmacist, I see two major problems with the bill: The proposal seeks to provide a right that pharmacists already have, and it has far-reaching effects that may create troubling and unintended consequences, especially for Idaho business owners. Pharmacists in the state of Idaho have always had the right to turn away business like any other business or profession. The absence of a "duty to fill" in Idaho Pharmacy Rule, by default, allows pharmacists the "right to refuse" a prescription that would result in a fatal overdose as well as many other circumstances.

I have received letters from fellow pharmacists who say HB 216 is unnecessary. Sam Hoagland is a pharmacist who practices law and has taught pharmacy law for ten years at the School of Pharmacy at Idaho State University. According to Hoagland, David Ripley of Idaho Chooses Life brought his desire for a conscience bill to the Idaho Board of Pharmacy. The board urged him to consult with pharmacists to review and discuss the idea before drafting legislation. Neither he nor the bill's sponsor, Rep. Tom Loertscher, chose to do that.

House Bill 216 is not only unnecessary for pharmacists; it would stymie Idaho business owners who are already struggling in this economic downturn. If HB 216 becomes law, pharmacists can refuse to dispense medications at their whim. Any attempt by employers to restrict such decisions could be met with litigation. Furthermore, employers cannot protect their customers or their businesses by asking questions during an employment interview to find out exactly what a job candidate's future moral objections might be.

HB216 isn't just about one medication. It would provide immunity to a Scientologist pharmacist who refuses to dispense anti-depression medications, a fundamentalist Christian who refuses to dispense birth control pills or even a pharmacist who "believing that older people are a drain on the health insurance system" decides to withhold medicine from an elderly person with a terminal illness. This last possibility is especially worrisome since, although the bill would prohibit discrimination based on a patient's race, color, religion, sex or national origin, it offers no protections for discrimination based on age or disability.

The bill's worst aspect, however, may be its lack of a referral provision. If passed, HB 216 would allow pharmacists to refuse to fill prescriptions without requiring them to refer the patient to someone who will. Imagine the frustration of a business owner who found an employee regularly refusing service to customers. Imagine the distress of patients or families forced to drive all over town - or worse, to another town - simply to find someone to honor a doctor's prescription. As it is written, HB 216 is unnecessary, overreaching and should be rejected by the Senate. Moreover, any future legislation about the practice of pharmacy ought to be written with the review and discussion of our profession, and with the goal of balancing the rights of Idaho pharmacists, business owners, doctors and patients. Call your state senator at (800) 626-0471 and ask him or her to oppose House Bill 216.

Sue Chew of Boise, a Democrat, has represented Ada County in the Idaho House of Representatives since 2007.