

Appendix C

Sample Complaint to the Pharmacy Board in the Event of a Refusal

Contained below is the text of complaint that was filed in one state, with all identifying information removed. It illustrates that what is most important in filing a complaint is for the individual to explain what happened, in his/her own voice. Reference to existing laws or regulations that may have been violated is helpful, but not necessary.

I am a 26 year old married woman with a six month old daughter. I live in [town], a community that does not have a pharmacy. To meet my pharmaceutical needs, I travel 45 minutes to [city].

On the night of Friday, Jan. 27th, 2006, my husband and I experienced a birth control failure. I called my doctor at 8:00 AM on Saturday, Jan. 28th, and he recommended that I obtain Plan B, an emergency contraceptive that is only effective for up to 72 hours.

My physician, [name], called in a prescription for emergency contraception to my regular pharmacy. When I went to pick it up later that afternoon, I learned that my pharmacy was closed. At that point I immediately contacted [physician], who called the prescription in to [pharmacy] at [address] in [city] by leaving a message on the pharmacy's intake line. Around 5 PM, my husband and I went to [pharmacy] to obtain the prescription. The pharmacist on duty, [name], refused to fill the prescription, even though the drug was in stock, as we later learned. He also refused to accept the prescription into the system and transfer it to another pharmacy. [Pharmacist] was the only pharmacist on duty at [pharmacy] at that time. In addition to [pharmacist's] refusal to transfer or fill the prescription, he also berated me and my husband, whom he refused to acknowledge as my husband. He said "if you and your boyfriend were not so irresponsible, you would not have to be dealing with this." We left the pharmacy without the prescription and with no option for having it transferred to another pharmacy.

Immediately upon leaving the pharmacy, we called [physician] to let him know what had happened. [Physician] called [pharmacist] to try to understand why he would not fill the prescription and to encourage him to transfer it elsewhere. [Pharmacist] steadfastly refused to either transfer the prescription or fill it. At that point, I called [pharmacist] again myself to better understand why he would not fill or transfer the prescription, and he refused to budge. Because it was close to 8:00 PM by this time, and our pharmacy options were rapidly decreasing, [physician] called [pharmacist] once more to try to convince him to dispense the prescription, but he refused once more.

When we returned home, we called the pharmacy and asked to speak to the manager. We explained what had happened to [name], the on-duty supervisor. [On-duty supervisor] in turn called her manager for guidance. [On-duty supervisor] then called us back to say that we needed to call the corporate office, because the refusal was a "legal issue." [On-duty supervisor] refused to give me the name of the pharmacist that had refused my prescription. I did not hear back from [pharmacy] until almost a month later, when a representative from the corporate office called to tell me that I had to wait until the Regional Pharmacy Manager, [name], returned from vacation in order to "settle" this matter. The corporate office released [pharmacist's] name at that time. When [Regional Pharmacy Manager] finally called on Feb. 22nd, he admitted that [pharmacist] did not comply with the law or with [pharmacy's] corporate policy, but did not offer any other explanation or remedy.

I believe that [Pharmacy], as well as the pharmacist who refused to fill or transfer my prescription for emergency contraception, are in violation of [reference to section of law]. This provision states that no pharmacist may "obstruct a patient in obtaining a prescription drug or device that has been legally prescribed or ordered." By refusing to transfer my prescription to another pharmacy, this pharmacist obstructed my ability to get the drug filled elsewhere. Although [section of law] permits pharmacists to refuse to dispense drugs, it does not permit pharmacists to refuse to transfer a prescription based on their personal beliefs or to lecture patients about "responsibility." In addition, this provision specifically requires pharmacy employers to establish protocols in the event of a refusal to ensure timely access to prescribed drugs.

Because of the actions of [Pharmacy] and [pharmacist], I was unable to fill my prescription for Plan B at the time that it would have been most effective, and therefore was denied timely medical care as prescribed by my doctor. Although I was eventually able to get my prescription filled (after the 72 hour timeframe), I still do not know whether I will face an unplanned pregnancy as a result of this incident. I respectfully request that the State Board of Pharmacy take disciplinary measures against both [Pharmacy] as well as the pharmacist who refused to transfer my prescription.