

Section 5:

What to Do After You Have a Law, Rule, or Policy on Refusals in the Pharmacy

**Even if you succeed in persuading your board
to adopt a rule or policy on refusals, your work
is not over.**

If you are successful in convincing your state board of pharmacy to adopt a rule or policy protecting patients' ability to obtain medication in the pharmacy, your work with the pharmacy board is not over. You still have opportunities to work with the pharmacy board to continue improving patients' experience and interaction with pharmacists. This section is also relevant for advocates in states where the legislature adopted a law on refusals in the pharmacy.

Clarify the Law, Rule, or Policy

If the pharmacy board passes a new rule or guidance on refusals or your state legislature passes a new law, it may be vague or contain language that needs clarification. For example, the California law on refusals says that pharmacies must ensure "timely access" to medications. Advocates in California are in the process of working with the pharmacy board to develop new regulations that define and explain the concept of "timely access."

Educate Others about the Law, Rule, or Policy

Advocates can work with the state pharmacy board to educate pharmacists and consumers about the law, rule, or policy. Advocates also can educate their members and allies, to ensure that individuals who come into contact with potential refusal victims are aware of the rule or policy and how to report problems. Family Planning Advocates of New York State sent their state's guidelines on refusals and the phone number for filing complaints to all clinical members of FPA and instructed them on how to report a problem.

Enforce the Law, Rule, or Policy

There are roles for advocates to play in ensuring that a patient-protective refusal law, rule, or policy is enforced in the state. Advocates can keep the pharmacy board informed of violations. This can be done informally, if there is a good working relationship between your group and the state pharmacy board.

It can also be done formally, using the complaint process. For example, after a law was passed in California prohibiting a pharmacist from obstructing a patient's efforts to receive medication, advocates heard from a young mother who was refused. The pharmacist not only refused to fill her prescription for EC, but also refused to enter the prescription into the system so that it could be transferred.⁵⁷ The National Women's Law Center assisted the woman in filing a complaint with the pharmacy board, alleging a violation of the law. After an investigation, the pharmacy board found that the pharmacist violated California law by refusing to fill or transfer the prescription. The pharmacist was fined \$750.

Codify the Policy Statement

If your board chose to issue a policy statement rather than a formal rule, you can continue in your efforts to get the board to undertake rulemaking.

Keep in Contact with the Board

Continue to stay informed and involved with the pharmacy board. Regularly attend board meetings, keep lines of communication open, and generally monitor its activities.

Undertake Other Activities with the Board

Even with a provision on refusals in place, there are other steps the board can take to help patients access medication and improve patient protections in the pharmacy. Pharmacy boards could pass non-discrimination provisions or codes of ethics. They could pass regulations on stocking or requirements that pharmacies notify consumers about their rights. Boards can play a major role in pharmacist education about EC and in encouraging agreements that allow pharmacists to dispense EC directly to all women without a prescription. These other "asks" are detailed in the next section.