

## **Comments for Washington State Board of Pharmacy re: Proposed Regulations**

The National Women's Law Center (NWLC), a nonpartisan, nonprofit organization based in Washington, D.C., strongly supports the new proposals for WAC 246-863-095 and WAC 246-869-010. The proposed rules are crucial steps in ensuring that women in Washington State have their basic health needs met. Contraceptive use in the United States is virtually universal among women of reproductive age. A woman who wants only two children must use contraception for roughly three decades of her life. Failure to fill a contraceptive prescription can have devastating consequences for women's health, and failure to provide *emergency* contraception (EC) is particularly burdensome given the extremely time-sensitive nature of the drug.

NWLC supports placing the duty on the pharmacy (per proposed WAC 246-069-010) -- rather than on individual pharmacists -- to make sure patients have timely access to all legally prescribed or requested medications that are kept behind the pharmacy counter. In order to ensure access to medication, it is important that pharmacies have systems in place to guarantee that lawful requests (absent contraindications or other professional concerns) are filled expeditiously and without delay. This protects the patient's access to prescriptions or restricted over-the-counter products while still allowing pharmacy owners to make arrangements to accommodate the objections of individual pharmacists. By requiring the pharmacy to ensure access, this policy also reflects the reality that a pharmacist who is unwilling to fill a prescription or provide requested medication often cannot be relied upon to take other steps to ensure that the patient receives the medication. NWLC also appreciates that the proposed rule covers out of stock drugs. When medication is out of stock, NWLC supports allowing patients to choose what the pharmacist's subsequent course of action should be.

It is important to clarify, as both proposed WAC 246-863-095 and WAC 246-869-010 do, that pharmacists, pharmacy personnel and pharmacies always have a professional obligation to treat their patients with respect. Refusals to dispense legal prescriptions or medications have sometimes included moralistic lectures to women, harassment and intimidation, disclosure of private medical information, and refusals to return prescriptions to patients. The proposed rule makes clear that it is beyond the boundaries of professional conduct to engage in any of those behaviors.

NWLC supports efforts to guarantee women's timely access to legal prescriptions and other FDA-approved medications. We urge the Washington State Board of Pharmacy to adopt WAC 246-863-095 and WAC 246-869-010.