

STATEMENTS OF POLICY

STATE BOARD OF PHARMACY

[49 PA. CODE CH. 27]

Matter of Conscience

The State Board of Pharmacy (Board) is adopting § 27.103 (relating to matters of conscience—statement of policy) to read as set forth in Annex A. The statement of policy sets forth guidelines that should be considered when a pharmacist has a religious, moral or ethical objection to filling a prescription. This statement of policy is intended to ensure that patients are not abandoned or neglected and that pharmacists are not forced to engage in activities that conflict with their religious, moral and ethical beliefs.

Background and Purpose

Questions have been raised regarding the professional obligations of licensed pharmacists with respect to providing services to which they may be religiously, morally or ethically opposed. The Board is publishing this statement of policy to provide guidance to pharmacists and pharmacies on how to handle the situation when a pharmacist has an issue with filling a prescription due to religious, moral or ethical objection. This statement of policy is not intended to supersede relevant laws, rules or regulations. The Board also recognizes that professional judgment is often based upon a specific set of facts that requires a particular analysis and not every situation can be addressed with general guidance.

Guidelines

Pharmacists have a professional responsibility to ensure that their patients obtain properly ordered and therapeutically appropriate medications in a timely matter with appropriate counseling from a pharmacist. Pharmacists also have a responsibility to practice competently and to protect against abandoning or neglecting a patient in need of immediate care without making alternate arrangements. When a pharmacist recognizes that the pharmacist's religious, moral or ethical belief, or any other factor, will result in the refusal to fill a prescription that is otherwise available in a pharmacy, the pharmacist has a professional obligation to take steps to avoid the possibility of abandoning or neglecting a patient. When a pharmacist begins practice in a professional setting, the pharmacist should take steps that may include notification to the owner and pharmacist-manager if the pharmacist's beliefs will limit the drug products the pharmacist will dispense.

If a pharmacy employs a pharmacist who has identified circumstances that would preclude the filling of prescriptions for particular products, the owner and pharmacist-manager should devise reasonable accommodations that will respect the pharmacist's choice while assuring delivery of services to patients in need. This may include scheduling of pharmacists to allow a pharmacist who has a religious, moral or ethical objection to practice simultaneously with another pharmacist who will fill the requested prescription, entering into collaborative arrangements with pharmacies in close proximity, or other accommodations designed to protect the public.

In addition, a pharmacist who has a religious, moral or ethical objection to filling a particular prescription should

avoid judgmental or confrontational activities with the patient and should not interfere with another pharmacist filling the prescription.

EDWARD J. BECHTEL, R.Ph.,
Chairperson

(Editor's Note: Title 49 of the Pennsylvania Code is amended by adding a Statement of Policy in § 27.103.)

Fiscal Note: 16A-5421. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 27. STATE BOARD OF PHARMACY

STATEMENTS OF POLICY

§ 27.103. Matters of conscience—statement of policy.

(a) *Background and purpose.* This statement of policy is not intended to supersede relevant laws, rules or regulations. Questions have been raised relating to the professional obligations of licensed pharmacists with respect to providing services to which they may be religiously, morally or ethically opposed. Pharmacists have a professional responsibility to offer complete pharmaceutical service by compounding or dispensing prescriptions which may reasonably be expected to be compounded or dispensed by pharmacists to meet the needs of patients who would usually attempt to utilize the services. However, pharmacists may also decline to fill or refill a prescription if, in the pharmacist's professional judgment exercised in the interest of the safety of the patient, the pharmacist believes the prescription should not be filled or refilled. When a pharmacist recognizes that religious, moral or ethical beliefs will result in the refusal to fill a prescription that is otherwise available in a pharmacy, the pharmacist has a professional obligation to take steps to avoid the possibility of abandoning or neglecting a patient.

(b) *Guidelines.* Pharmacists and pharmacies should consider the following guidelines when a pharmacist has religious, moral or ethical objections to filling certain prescriptions:

(1) When a pharmacist begins practice in a professional setting, the pharmacist should take steps that may include notification to the owner and pharmacist-manager if the pharmacist's beliefs will limit the drug products the pharmacist will dispense.

(2) If a pharmacy employs a pharmacist that has identified circumstances that would preclude the filling of prescriptions for particular products, the owner and pharmacist-manager should devise reasonable accommodations that will respect the pharmacist's choice while assuring delivery of services to patients in need. This may include the scheduling of pharmacists to allow a pharmacist who has a religious, moral or ethical objection to practice simultaneously with another pharmacist who will fill the requested prescription, entering into collaborative arrangements with pharmacies in close proximity, or other accommodations designed to protect the public.

(3) When a pharmacist has a religious, moral or ethical objection to filling a prescription, the pharmacist should not interfere with another pharmacist responding to the professional needs of a patient. The objecting pharmacist should refrain from engaging in nonhealth related judgmental or confrontational activities with the patient.

(4) In the case of a pharmacy staffed by only one licensed pharmacist who conscientiously objects to performing certain pharmacy practices and providing services customarily and ordinarily performed by a licensed pharmacist at a pharmacy, the pharmacist should ensure that protocols are in place that will avoid results that cause harm or potential harm to any patients/customers as a consequence of any action or inaction by the pharmacist based upon any such conscientious objections, including, but not limited to, the denial of access to prescribed medications and disruptions in the continuity of care.

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