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Our mission is to ensure
that everyone has the
knowledge, opportunity and
freedom to make every
child a wanted child and
every family a healthy family.

Assembly Bill 144
Senate Commerce and Labor Committee
Senator Randolph Townsend, Chair
April 29, 2003

Testimony by
Pat Elzy, Director of Public Affairs
Planned Parenthood Mar Monte

Good morning Chairman Townsend and members of the committee. For the record, my name is Pat Elzy. I am the Director of Public Affairs for Planned Parenthood Mar Monte in Reno. On behalf of both Planned Parenthood Mar Monte and Planned Parenthood of Southern Nevada in Las Vegas, I am here to voice our support of Assembly Bill 144. This bill would hold a pharmacist to a duty to dispense a prescription as prescribed unless there is reasonable cause to believe the prescription is fraudulent, issued contrary to law, or contraindicated. This bill would also prevent pharmacists from refusing to dispense on personal or religious grounds. We believe that all legal prescriptions should be dispensed. Unfortunately that is not the case in Nevada.

Planned Parenthood became aware of this problem when a woman who wished to remain anonymous called our Reno health center in 2001 concerned that a pharmacist in Carson City refused to fill her birth control prescription. This woman was not told she could go to another pharmacy to get her prescription filled. She began to question why a pharmacist would deny dispensing a prescription that her medical doctor had provided her. This concern prompted her to call Planned Parenthood to see if a pharmacist could really refuse to fill a legal medical prescription.

Our staff then researched regulations and determined that courts have held that a pharmacy may refuse service and that a pharmacist may not dispense every prescription brought to him or her. When a doctor or practitioner prescribes a prescription it is in the best interest of the patient to get the medication prescribed. It should not be up to a pharmacist to override a physician's decision. Prescriptions are authorized by doctors. The physician is making the decision as to whether a drug should be taken. Pharmacists should not be given the authority to question these decisions. Our goal is to regulate assurance of quality pharmaceutical care by directing the patient to a resource to obtain a doctor or practitioners order.

Planned Parenthood staff attempted to address this situation through regulatory language with the Nevada State Board of Pharmacy in 2001. The Nevada State Board of Pharmacy staff was willing to amend a prescription filling regulation. However, at public testimony in October of 2001, the proposed amendment was then defeated.

Assembly Bill 144 started out as request from Planned Parenthood. However, after testimony on the bill in the Assembly Commerce and Labor Committee, the issue broadened to whom has the authority over prescriptions. The doctor, or the pharmacist. This bill assures adequate access to health care for women and men by guaranteeing them that a prescription provided by their physician or practitioner will be dispensed. While everyone has the right to his or her opinion about reproductive health care it is important to remember that a patient's health should be put first. The personal views of a pharmacist should not affect the health care of a patient. Providing and dispensing medication is the professional responsibility of a pharmacist. Assembly Bill 144 is a measure that assures a patient that his or her prescription will be dispensed. I ask you to support this bill. Thank you for allowing me the opportunity to testify.

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Assembly Bill 144

This bill holds a pharmacist to a duty to dispense prescriptions as prescribed unless they suspect it is fraudulent, contraindicated, or a generic option is available.

Planned Parenthood Mar Monte and Planned Parenthood of Southern Nevada support this bill because:

- All legal prescriptions should be dispensed.
- It should not be up to the pharmacist to override a physician's decision.
- Providing and dispensing medication is the professional responsibility of a pharmacist.
- Personal views of a pharmacy or pharmacist should not affect the health care of patients.
- While everyone has the right to his or her opinions about reproductive health care it is important to remember that a patient's health should be first.
- This measure assures a patient that her/his prescription will be dispensed.