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CONSCIENCE CLAUSES

Arizona CVS pharmacist terminated after refusing to fill hormone Rx for transgender woman

On July 27, an article in the Pharmacy Learning Network (PLN) and reprinted by Managed Healthcare Connect reported that a CVS Health pharmacist in Arizona recently refused to fill a hormone therapy prescription for a patient, Hilde Hall, a transgender woman. Ms. Hall issued a statement that was posted on an ACLU website on July 19 that the pharmacist refused to fill her first prescription for hormone therapy. The pharmacist allegedly refused to state a reason and also refused to return her written prescription. “He did not give me a clear reason for the refusal. He just kept asking loudly, and in front of other CVS staff and customers, why I was given the prescriptions,” Ms. Hall stated. According to the report, she eventually successfully filled her prescription at a Walgreens pharmacy. Her statement noted that she had filed a complaint with the Arizona Board of Pharmacy.

The report notes that the patient made multiple calls to CVS’s corporate complaint line after the event in April 2018, with no response. A CVS spokesperson stated that the failure to respond was an “unintentional oversight,” and that when the corporation noted her statement on the ACLU site, it contacted her the next day. The spokesperson stated that the pharmacist involved is no longer employed by CVS and his conduct “does not reflect our values or our commitment to inclusion, nondiscrimination and the delivery of outstanding patient care.” In a statement on its website, CVS apologized to Ms. Hall, and in an update on July 20, Ms. Hall stated that she “appreciates that CVS took her experience seriously.”

The PLN article notes that Arizona’s conscience clause gives pharmacists the right to refuse to fill prescriptions for religious reasons, but as noted in the June 2018 *Pharma-Law e-News*, the pharmacist is required to explain the reasons for refusal. [Gould J. CVS pharmacist no longer employed after prescription fill refusal. Pharmacy Learning Network 2018 Jul 27; reprinted at <https://bit.ly/2vMGxJg>; Hall H. My pharmacist humiliated me when he refused to fill my hormone prescription. ACLU Speak Freely, 2018 Jul 19; <https://bit.ly/2JSnSR6>; CVS Health. CVS statement on Arizona store incident, 2018 Jul 20; <https://bit.ly/2vkYkl6>]