



May 3, 2016

Members of the House Health Policy Committee,

Thank you for allowing me the opportunity to testify today. My name is Eric Roath, and I'm a pharmacist currently serving as the Director of Professional Practice for the Michigan Pharmacists Association.

On behalf of the Association, I would like to express my support for HB 5587 which provides protection from civil liability for pharmacists that may refuse to fill a prescription based upon their clinical judgement. Pharmacists have an obligation to the safety of our patients, and to the public, to utilize our training and experience to work to protect those to whom we are providing patient care – even if that means not filling a prescription that is presented to us by a patient. Such decisions are not only an ethical necessity for every practicing pharmacist, but also a legal obligation under current regulations within the state of Michigan. Rule 20 in the General Rules promulgated by the Michigan Board of Pharmacy requires that we utilize our judgement when choosing to fill a prescription, stating:

R 338.490 (2) A pharmacist shall not fill a prescription order if, in the pharmacist's professional judgment, any of the following provisions apply:

- (a) The prescription appears to be improperly written.
- (b) The prescription is susceptible to more than 1 interpretation.
- (c) The pharmacist has reason to believe that the prescription could cause harm to the patient.
- (d) The pharmacist has reason to believe that the prescription will be used for other than legitimate medical purposes.

HB 5587 works to further enhance this existing regulation by providing explicit civil immunity for pharmacists who feel that it is not within the best interest of the patient or the public to dispense a prescription. It is important to the members of our association, that the legislature develop a legal framework that can help a pharmacist feel more comfortable when making these decisions. There is no reason to think that civil immunity should adversely impact the care of our patients, as the actions for which civil immunity would be granted under this bill are already a legal obligation of every practicing pharmacist.

Thank you again for allowing me to speak with you today. I would be happy to answer any questions you may have at this time.

Sincerely,

Eric Roath, Pharm.D.
Director of Professional Practice
Michigan Pharmacists Association