



Illinois Department of Financial and Professional Regulation
Office of the Secretary

DEAN MARTINEZ
Acting Secretary

ROD R. BLAGOJEVICH
Governor

March 27, 2006

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Dear Illinois Pharmacies and Pharmacists:

As you know, at the direction of Governor Blagojevich, the Department of Financial and Professional Regulation issued a rule providing that a pharmacy that is in the business of dispensing contraceptives must, upon receipt of a valid, lawful prescription, dispense the prescribed contraceptive to the patient or her agent without delay.

The rule also establishes procedures for when a pharmacy is out of stock of a particular prescribed contraceptive. The rule provides that "[i]f the contraceptive, or a suitable alternative, is not in stock, the pharmacy must obtain the contraceptive under the pharmacy's standard procedures for ordering contraceptive drugs not in stock" 68 Ill. Admin. Code. § 1330.91(j). The rule refers to a "suitable alternative" because the Department expects pharmacies in the business of dispensing contraceptives to work with prescribers to determine whether a suitable alternative to the out-of-stock contraceptive can be provided to the patient. If the patient prefers, the prescription instead can be transferred to a local pharmacy of the patient's choice.

Recently, a disturbing development has come to the Department's attention, and the Governor has asked the Department to take immediate action. Certain pharmacists are deceiving patients about whether contraceptives are in stock, attempting to avoid the rule's effect. The Department regards deceiving a patient in any way to be an obvious and egregious violation of the Pharmacy Practice Act. The Department will pursue discipline, which by statute may include up to revocation of license, against pharmacists who deceive their patients, and against pharmacies whose policies or practices allow such misrepresentation. We are also today initiating rulemaking that will ensure women are notified of their rights when they present a prescription for contraceptives at the pharmacy counter.

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The Governor's rule clarifying a pharmacy's duty to dispense contraceptives has helped women's health by increasing access to contraceptives. Most pharmacies are complying with the rule, and most pharmacists treat every contact with a patient professionally and respectfully. The Governor remains concerned, however, about any instance in which a pharmacy refuses to dispense contraceptives, or in which a pharmacist deceives a patient in order to circumvent the rule. The Department's recent actions reflect that concern.

Sincerely,



Dean Martinez
Acting Secretary

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