

Pharmacies must fill prescriptions for drugs that may end pregnancy, Biden administration says

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Pharmacies must fill prescriptions for medications that could potentially end a pregnancy, the Biden administration said Wednesday.

The U.S. Health and Human Services Department Office for Civil Rights sent [guidance](#) to more than 60,000 U.S. pharmacies, reminding them that pregnancy discrimination is illegal because it is considered a form of sex discrimination under federal [civil rights](#) law. The law applies to all pharmacies that receive Medicaid and Medicare payments and any other federal financial assistance.

Wednesday's reminder comes after reports of women being turned away for medications that could end a pregnancy, whether they were taking them for that purpose or for other health issues.

"We are committed to ensuring that everyone can access health care, free of discrimination," HHS Secretary Xavier Becerra said in a [news release](#). "This includes access to [prescription medications](#) for reproductive health and other types of care."

Examples of situations in which a pharmacy could be found to have discriminated against a patient include not filling a prescription for emergency contraception to prevent pregnancy in someone who was sexually assaulted or selling condoms while refusing to fill emergency contraception prescriptions, the guidance said. Not filling a prescription for hemoglobin to reduce the risk of bleeding in someone with a bleeding disorder who is scheduled for a [surgical abortion](#) could also be considered discrimination.

Refusing to stock or fill prescriptions for the drug methotrexate would be another violation. Though the medication is used to reduce pain and swelling in patients who have medical conditions such as rheumatoid arthritis, it also can potentially terminate a pregnancy, the guidance stated.

Wednesday's guidance did not specifically address the issue of [medication abortions](#).

The Office for Civil Rights said it has received numerous questions and complaints since the U.S. Supreme Court ended a woman's constitutional right to abortion in late June.

This is the latest effort by the Biden administration to respond to the Supreme Court's [decision](#) by noting existing law that would carry greater weight than changes made by states where abortion may now be illegal.

Attorney General Merrick Garland has [said](#) states cannot ban the drug mifepristone. The FDA-approved medication is used to end early pregnancy.

President Biden has also signed an [executive order](#) to protect access to medication abortion, patient privacy and [emergency contraception](#).

Biden said that federal law preempts state abortion bans when emergency care is needed. The [federal government](#) can penalize institutions or providers that do not provide abortions if they are needed to treat medical emergencies such as [ectopic pregnancy](#) and miscarriage complications.

On Tuesday, the U.S. Department of Justice [announced](#) that it will create a task force to identify the ways it can protect reproductive rights.

Anyone who feels they have been discriminated against based on a current pregnancy, past pregnancy, potential or intended pregnancy and [medical conditions](#) related to [pregnancy](#) or childbirth can call or file a [complaint](#) with the HHS.

More information: Read the Supreme Court's decision that ended

abortion, [Dobbs vs. Jackson Women's Health](#).

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