

Man refuses to fill prescription

Pharmacist now faces fine, license revocation

Justin Dzielgo/CNS

MADISON, Wis. — Neil Noesen, a Wisconsin Catholic pharmacist, could be fined and possibly lose his pharmacist's license for refusing to cooperate in seeing that a college student's prescription for artificial contraceptives was filled.

The 30-year-old pharmacist said he has been clear with his employer that he will not participate in the filling of prescriptions for artificial contraceptives when those drugs are to be used for inhibiting conception. But he faces disciplinary action because he would not transfer the student's prescription to a pharmacist who would fill it.

In July 2002, according to the complaint against him, Amanda (Renz) Phiede, then a student at the University of Wisconsin-Stout in Menomonie, went to the pharmacy at the local Kmart, where Noesen was filling in as an independent pharmacist.

According to testimony given during an Oct. 11-12 disciplinary hearing, Noesen, the only pharma-

cist on duty at the store at the time, asked the student if the prescription would be used for contraception, then refused to refill it when she said it would be used for that. He also refused a Wal-Mart pharmacist's request to transfer the prescription.

In her testimony, Phiede said she returned to Kmart the next day with police and the store manager called the pharmacy director, who was out of town but who filled her prescription when he returned the following day.

Wisconsin's Department of Regulation and Licensing accused Noesen of unprofessional conduct for failing to transfer Phiede's prescription to someone else to have it refilled.

A ruling in the case is expected at the end of November.

At the hearing, the pharmacist defended his conscientious objection to dispensing the drugs.

Prosecuting attorney John Zwieg said that by refusing to transfer the student's prescription order Noesen "engaged in a pharmacy practice which constitutes a danger to the health, welfare or safety of a patient in a manner which substantially departs from the standard of care ordinarily exercised by a pharmacist

and which could have harmed a patient."

Zwieg said that Noesen's letter on file with his employer stating his objection to dispensing contraceptives does not make it clear he also would not transfer such a prescription.

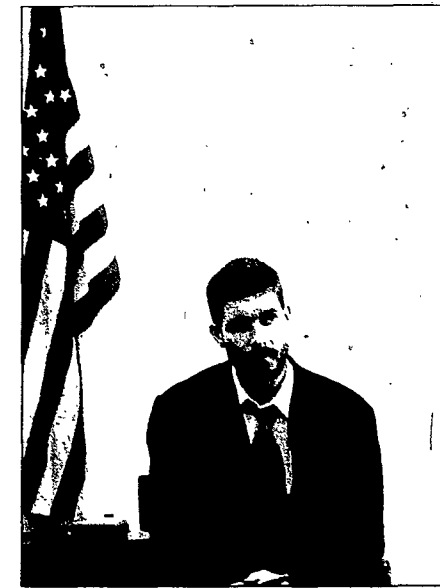
Noesen said his letter says he would not "aid in any way" in the dispensing of contraceptives and argued that his wording covers "transfer" of such a prescription. He said his conscientious objection to participating in contraception is a First Amendment right, and that he believes the state cannot coerce him to abandon his conscience.

The prosecution argued that contraception is a matter of health care between doctor and patient.

During the hearing, Father Kevin Gordon, vicar of clergy for the Diocese of Superior, testified about church teaching regarding contraception and conscience.

Representing Noesen is Krystal Williams-Oby, from Kingdom Legal Services. She is being assisted by Steve Aden, a lawyer from the Christian Legal Society's Center for Law and Religious Freedom in Annandale, Va.

After the hearing, Matt Sande of Pro-Life Wisconsin said, "You can't



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Neil Noesen is accused of violating the professional standard of care for pharmacists for refusing to cooperate in dispensing a contraceptive prescription in Menomonie, Wis.

compel someone to do something opposed to the teaching of their faith. That is a violation of the U.S. and state constitutions."

Sande said, "The question is, 'How did Neil go about exercising his conscientious objection?' The state is saying he did it inappropriately." But, he added, "there is nothing in the law to point to how to do it appropriately."



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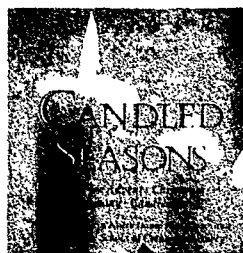
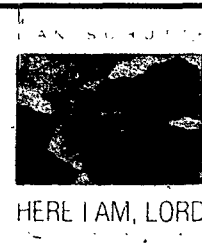
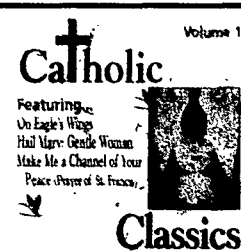
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