

August 17, 2016

VIA EMAIL AND U.S. MAIL

Patrick Carroll, MD
Chief Medical Officer, Walgreens Healthcare Clinics
The Walgreen Company
200 Wilmot Road
Deerfield, IL 60015
Email: patrick.carroll@walgreens.com

Re: Walgreens partnership with SSM Health

Dear Dr. Carroll:

We are a group of public interest organizations that advocate for the rights of health consumers and access to comprehensive health care services. We are writing in regard to the announcement that Walgreens and SSM Health are partnering to open 27 in-store health clinics across the St. Louis, Missouri region, as well as four clinics in the state of Illinois. We request a meeting with Walgreens to discuss our concerns about this partnership and hopefully to obtain more information.

We appreciate Walgreens's objective to provide customers with convenient access to high quality health services. However, as SSM Health is a religious health system, we are concerned that these in-store clinics may limit patient access to important health services and information. Walgreens customers who request services at these clinics or at Walgreens pharmacies are entitled to assurances that the services, information, and referrals they receive will not be restricted by religious doctrine.

As you are likely aware, SSM Health is a Catholic health care system that follows the Ethical and Religious Directives (ERDs) promulgated by the United States Conference of Catholic Bishops. These directives forbid or severely restrict critical reproductive health care services including contraception, abortions, fertility treatments, vasectomies, and tubal ligations. Some religious health systems also restrict the information and referrals that health providers are allowed to give to patients. We have seen adherence to the ERDs cause LGBTQ individuals and their families to face discrimination in seeking health care services that meet their medical needs.

It is our understanding that the proposed in-store clinics will be owned and operated by SSM Health. As SSM Health follows the ERDs, we are concerned that the clinics will likewise be required to follow the ERDs, thereby severely curtailing access to important reproductive health services, information, and referrals. We are further concerned, especially in light of the plan to form a Walgreens and SSM Health joint council, that the ability of Walgreens pharmacies to fill certain prescriptions, such as prescriptions for emergency contraception or hormone therapy, will be delayed or obstructed by employees' adherence to religious doctrine.

We request information regarding how Walgreens will ensure that all of its customers receive the reproductive health services, information, and referrals they have both come to expect from Walgreens, and that meet medical standards of care. We also seek assurances that all customers will be treated equally regardless of their gender, sexual orientation, gender identity, or gender expression.

Our specific questions are laid out below:

- Will the clinics be bound by the ERDs? If so, how will interpretation and application of the ERDs be carried out at the clinic?
- Will employees working at the clinics be required to follow the ERDs? If so, will there be any restrictions on what can be discussed in a doctor/patient conversation? Will clinic staff be restricted in where they can refer patients for care not provided at the clinic? Will patients be referred only to SSM facilities, or can they be referred to other health care institutions?
- What reproductive health services will be available at the clinics? For example, will the clinics provide counseling and prescriptions for one-time renewals of birth control, similar to other Walgreens clinics? Will the clinics provide information, counseling and prescriptions for emergency contraception to women who are at risk of unintended pregnancy because of sexual assault or other unprotected sex? Under the terms of SSM's partnership with Walgreens, will Walgreens pharmacies in the stores that house the clinics be permitted to continue to fill prescriptions for birth control and dispense emergency contraception?
- Customers and patients have the right to information regarding all of their treatment options in order to make educated health care decisions. How does Walgreens plan to protect its customers' rights to receive information about all available reproductive health treatment options that meet medical standards of care? Will patients who are discussing their reproductive health issues with medical providers at these clinics be given information about and referrals elsewhere for all possible options, including abortions, fertility treatments, vasectomies, and tubal ligations? Will medical providers at the facilities be able to refer patients directly to providers that provide these services? Or will clinic staff be required to refer patients to SSM hospitals and providers, who will be unable to provide this care due to religious restrictions?
- Can Walgreens offer assurances that its LGBTQ customers and LGBTQ patients at the clinics will be treated with dignity and respect, and that they will receive the medical standard of care? Will pharmacists or providers at Walgreens or the clinics discriminate and selectively refuse to care for LGBTQ customers? For example, will a transgender man or woman be able to receive a prescription for hormone therapy at one of these clinics, and have that prescription filled at Walgreens? Will clinicians be trained to respectfully respond to questions from transgender people about surgical treatments for gender dysphoria and provide appropriate and competent referrals?
- Will these clinics prescribe PrEP and similar drugs for the prevention of infection with HIV, and will comprehensive HIV counseling be available? Will the clinics be equipped to provide patients with accurate, complete, and culturally competent information about sexually transmitted infections and their prevention, including "safe sex" counseling?
- If any religious restrictions are imposed on the clinics or the employees working at the clinics, will those restrictions be disclosed to patients? Please let us know what notice or

information you plan to provide patients at the clinics to inform them of any potential religious restrictions in place.

We appreciate Walgreens's consideration of the concerns we have raised and hope to have an opportunity soon to discuss these issues with the appropriate Walgreens representative. You can reach us by contacting Tony Rothert (314-669-3420 or arothert@aclu-mo.org) or Lorie Chaiten (312-201-9740 ext. 324 or lchaiten@aclu-il.org).

Sincerely,

Lorie Chaiten
Director, Women's and Reproductive Rights Project
American Civil Liberties Union of Illinois

Tony Rothert
Legal Director
American Civil Liberties Union of Missouri

Lois Uttley
Director
MergerWatch

Amy Chen
Senior Attorney
National Health Law Program

Cc: James Bleicher, M.D.