

October 16, 2018

**Sent via Certified  
and Electronic Mail**

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Re: Refusal to Fill Customer's Prescription or Transfer to other  
Pharmacy

Dear Mr. Keys, Mr. Meijer and Pharmacy Civil Right Coordinator:

We write to you on behalf of Rachel Peterson, a woman who was demeaned and humiliated by a Meijer pharmacist after trying to fill a prescription to treat her miscarriage at the Meijer Pharmacy at 1201 Lears Road in Petoskey, Michigan. We strongly urge you to investigate this incident and take action to educate all Meijer pharmacists about their duty to refrain from discriminating against patients and their duty to ensure that patients receive medications prescribed by their doctors.<sup>1</sup>

On the morning of July 1, 2018, Ms. Peterson's OB/GYN called-in a prescription to the Petoskey Meijer pharmacy for medication to treat Ms. Peterson's recent miscarriage. It was crucial for Ms. Peterson to take the medication in a timely manner to avoid having to undergo a more invasive surgical procedure.

An hour later, Ms. Peterson received a call from Richard Kalkman, a pharmacist at the Petoskey Meijer, who told her that he was declining to fill her prescription for Misoprostol, an FDA-approved medication commonly used to treat ulcers, start labor, and treat miscarriages. Mr. Kalkman proclaimed that "as a good Catholic male," he could not "in good conscience fill the prescription" because he believed it was her intention to use it to end a pregnancy. Mr. Kalkman refused to call another

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<sup>1</sup> Ms. Peterson called Meijer, and initially spoke with Michelle Baker, Pharmacy District Manager. She also contacted headquarters in July to complain about the incident and was told that she would be contacted by a corporate representative about the investigation. However, nobody from the Meijer Corporation has contacted her. She was given the following reference number for her complaint: 180702000375.

pharmacist or transfer the prescription to another pharmacy. Instead, he berated Ms. Peterson and accused her of lying about her miscarriage.

When Ms. Peterson told him that her OB/GYN found no signs of viability from the fetus, which confirmed an early pregnancy loss, he said he did not believe her because “that was just [her] word.” Ms. Peterson was devastated. When she asked Mr. Kalkman if there was any way she could get her prescription that day, he said “no” and ended the conversation.

Ms. Peterson had to leave her family vacation in northern Michigan early to drive 3-1/2 hours down-state to another pharmacy near her home in Ionia, Michigan. The Ionia pharmacy, also a Meijer, said they would fill the prescription, but had a difficult time obtaining it from the Petoskey Meijer pharmacy. Eventually, the Ionia pharmacy was able to pull the prescription from Meijer’s internal system and Ms. Peterson finally received her medication six hours after her doctor called it in.

Meijer’s practice of allowing its pharmacists to refuse to fill prescriptions and decline to transfer them is discriminatory and violates Michigan’s public accommodations laws. In Michigan, a person cannot deny an individual the full and equal enjoyment of services in a place of public accommodation because of their sex, according to MCL 37.2302. Meijer Pharmacy’s own non-discrimination policy also prohibits sex discrimination.<sup>2</sup>

Mr. Kalkman clearly discriminated against Ms. Peterson because she is a woman. Had a man shown up with the same prescription for Misoprostol to treat his stomach ulcer, an ailment for which the drug is commonly prescribed, there is no doubt that Mr. Kalkman would have filled his prescription right away. But because Ms. Peterson is a woman, Mr. Kalkman automatically and mistakenly assumed the medication was intended to terminate a pregnancy. His actions humiliated Ms. Peterson and caused her great distress at a time when she was already suffering physically and emotionally because of the miscarriage.

Not only were Mr. Kalkman’s actions discriminatory, they also violated several ethics rules promulgated by the Michigan Pharmacists Association and the American Pharmacists Association. Mr. Kalkman blatantly ignored the ethical obligations to “protect the dignity of the patient,” and “help [the patient] achieve optimum benefit from [her] medications.” Further, he was not “committed to [Ms. Peterson’s] welfare” and he did not act in a manner to “maintain [her] trust.”<sup>3</sup>

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<sup>2</sup> Meijer Pharmacy’s Non-Discrimination Notice provides in part “Meijer Pharmacy complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex. Meijer Pharmacy does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex.” Available at <https://www.meijer.com/assets/pharmacy/translations/index.html> (last accessed September 17, 2018).

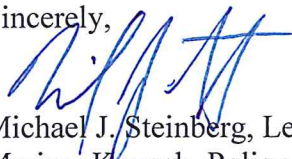
<sup>3</sup> Michigan Pharmacists Association, Code of Ethics (1996), available at <http://www.michiganpharmacists.org/codeofethics> (last accessed September 14, 2018); American Pharmacists Association, Code of Ethics (1994), available at <https://www.pharmacist.com/code-ethics> (last accessed September 14, 2018).



Following Ms. Peterson's conversation with Mr. Kalkman, Ms. Peterson's mother called the pharmacy to get the name of the pharmacist who denied her daughter's prescription. Upon learning that the caller was Ms. Peterson's mother, Mr. Kalkman began disclosing the details of Ms. Peterson's prescription to her mother. He again accused Ms. Peterson of lying about her miscarriage. Mr. Kalkman did not ask for consent prior to sharing personal medical information with Peterson's mother. In doing so without the patient's consent, Mr. Kalkman violated section MCL 333.17752(2), which prohibits a person with custody of or access to prescriptions from disclosing their contents without the patient's authorization. He further violated the Michigan Pharmacists Association's ethical requirement to serve "in a private and confidential manner."<sup>4</sup>

We demand prompt action from Meijer. No one should have to endure humiliation and the inconvenience of driving six hours to receive time-sensitive vital medication. Not only must Mr. Kalkman be disciplined for treating Ms. Peterson cruelly, but Meijer must implement a policy to ensure that all customers in the future receive their medication without undue delay regardless of the personal beliefs of its pharmacists. Please do not hesitate to contact us if you have further questions. We ask that you issue a response to this letter by October 29.

Sincerely,



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<sup>4</sup> See fn. 2.