

I am writing to express my concerns regarding HR 1406, the so-called "Fairness to Pet Owners Act of 2011." The broad language and poor structure of this bill disturb me as a veterinarian, writer, and citizen. I am a practicing veterinarian. I own my own house call practice and do relief work at other offices so I have a good overall view of how things work the Santa Barbara, Goleta, Carpinteria area.

1. Veterinarians are uniquely educated and qualified to understand the effects of pharmaceuticals upon each of their patient species. Human pharmacists are **only** trained in the effects of medications upon humans. Human and animal physiologies are significantly different and those differences can lead to fatal mistakes. Different species metabolize certain chemicals in drastically different ways.

2. In accordance with the AVMA code of ethics, **veterinarians already offer prescriptions to outside pharmacies upon client request.** However, the current circumstances allow the veterinarian to "vet" or verify the credential of internet-based pharmacies and to counsel owners regarding the potential for errors inherent in filling prescriptions with a non-veterinary or remote pharmacy. These problems have been serious in the past – the FDA has even produced a video warning pet owners problems THEY have encountered with these pharmacies.

<http://www.fda.gov/forconsumers/consumerupdates/ucm048164.htm> .

3. From what I understand HR 1406 lacks 'exceptional language' which would carve out the necessary exceptions of providing medication in emergency or hospitalization situations. I have been informed by another vet who consulted an attorney that the bill, as currently written, could be interpreted to mean that veterinarians would be required to write prescriptions for any circumstances involving prescription medication – even to the ludicrous extreme of requiring written prescriptions for medications or anesthesia administered to hospitalized patients. It is my understanding that this extremely broad writing is atypical for this type of bill.

4. Also atypical for a bill of this nature is a lack of language regarding pre-emption of state statutes. The only section of the bill addressing pre-emption in any way is Section 4 "Prescriber Verification and State Law" which states: "Nothing in this Act shall preempt applicable State law with regard to verification of a veterinary prescription." This language seems only to address the verification of licensing of the veterinary provider. It does not address the ramifications of differing consequences of violation where state and federal law on this matter coexist.

5. Returning to the first point of this list, this bill provides no safeguard for the prescription process at the pharmacy level. Is the pharmacist required to provide species-specific counseling to the owner regarding the medication – as a veterinarian would ? For that matter, within this bill, there is no definition of "Pharmacy" or what would constitute a legitimate filling service for these mandated prescriptions. If veterinarians are forbidden by this bill to require or deliver a waiver of liability (Section 2 (2)(A)(iii)), then who bears the liability in the event of a prescription filling error by a less than legitimate supplier (an internet-based firm, for instance.)?

**6. HR 1406 is not about protecting the pet owner. It is about guaranteeing another source of revenue for chain and internet based pharmacies. HR 1406 unfairly targets veterinarians without regulating any of the other professions involved in the prescription filling process, ie. pharmacists, pharmacy owners, and pharmaceutical manufacturers.** The very title of this bill is inherently ridiculous. MOST veterinarians are not gouging their clients and pet owners can vote with their feet if their individual vet IS gouging them. As a practice owner I have had a VERY difficult time sometimes getting the "right" (effective) generic brands - i.e. one that actually works. I have to go through

all the trouble of figuring out which ones not only offer the best deal for my client, but that it actually works too. THIS WEEK I just had an issue with a drug provided by a clinic I work at the dog had been deteriorating since the last Rx refill. I checked at the office and they had received a new generic brand from the drug distributor (I am sure the distributor got a great price). The pet owner asked me to check and see where the generic was made - lo and behold- the new one was from India...the previous "working" generic was from Australia ! Interestingly, the price to the office from the distributor was about the same -within a few cents but it made a huge difference in the pets health status. WE are TRYING to provide good prices to our clients but that does require medical due diligence AND CLOSE CONTACT AND COMMUNICATION WITH OUR CLIENTS. What would the Internet Pharmacy have done for this owner??? Told them the right drug WAS dispensed and the vet needs to increase the dose? We NEED to have some control over the drugs we dispense and I do not feel it is unfair that we be paid for the time that we spend determining the right drug and source. I have had many issues with the various forms and sources of methimazole for hyperthyroid kitties. Now that I have finally figured out who makes the one that works of each type I stick with the manufacturer or compounding pharmacy that provides consistency and results for my patients and their owners. We can use generics but it is work to figure out what works, when MDs have issues with generics they just say we HAVE to but the brand name. Is it fair that we may have to start doing that to our pet owners?

The OTHER UNINTENDED CONSEQUENCE OF THIS LEGISLATION and A BIG DEAL that will make this NOT FAIR TO PET OWNERS is the fact that IF you remove the pharmacy as a profit center to the small businesses that are veterinary clinics then we will have to transfer those costs of running the office over other services we offer. WE WILL HAVE TO RAISE THE PRICES OF OTHER SERVICES like spays, neuters, X-rays etc to cover the costs of employees, rent etc (OOPS - MORE LOST JOBS IN SMALL BUSINESS SO BIG BUSINEESES like INTERNET PHAMACIES CAN MAKE BIG PROFITS!!!). Fair to pet owners is NOT what this bill is about, but it will hurt the poor, the middle class, small business and pets.

So owners won't be able to afford the services they need because they are "saving" money on Rx's that were helping us run our businesses to the best benefit of OUR clients....they will get LESS SERVICES because they will not be able to afford them resulting in worse healthcare and we will lose the ability to be sure they are getting safe and effective medications....AGAIN ALL TO BENEFIT BIG CORPORATIONS NOT PET OWNERS. This legislation was not started by pet owner complaints, but by the internet Pharmacies donating to the right congressional campaigns. PLEASE DO WHAT IS RIGHT FOR THE PETS and those of us that truly are dedicated to providing safe, affordable and effective healthcare to our patients ! THAT is what VETS care about. Before you vote go visit some of your local vet offices and see WE ARE NOT DRIVING FANCY CARS AND LIVING FANCY LIVES, talk to our clients in the lobbies and see if the OWNERS think we are ripping them off I suspect that for the most part our clients trust us to do right by them. Just go see WHO benefits from this is it is not the pet owners !!! Think before you vote PLEASE. And think of your own pet's health too.

HR 1406 is a redundant piece of legislation, attempting to enforce a practice most veterinarians provide willingly, but stripping the same veterinarians of the ability to adequately counsel their clients regarding the prescription process. HR 1406 seeks to profit large corporations by preying on the fears of an economically challenged country, and in doing so, poses a substantial risk to animal welfare.

I urge you to vote NO on HR1406 should it come to a vote.

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