

Leland Veterinary Hospital

August 7, 2012

Federal Trade Commission
Office of the Secretary
Room H-113 (Annex X)
600 Pennsylvania Ave NW
Washington, DC 20580

Re: Request for Comments on Workshop on Pet Medications Issues

Dear Sir or Madam:

Let this letter serve as my input for the Workshop on Pet Medications Issues to be held October 2, 2012 in Washington, DC. As a licensed veterinarian in North Carolina and former member of the American Veterinary Medical Association's Judicial Council, I feel compelled to respond on this issue.

The dispensing of companion animal or pet medication is a multi-faceted one. First, at this time, only a licensed veterinarian has the knowledge, expertise, and training to dispense pet prescriptions including controlled substances. Pharmacists, physicians, and other so-called licensed medical professionals are not able to counsel pet owners regarding the proper use, dosage, storage, or disposal of pet medications. By virtue of their training, veterinarians alone are able to guide pet owners in the selection and use of proper medications for specific medical conditions.

In order for a pet owner to obtain medication for his/her pet, he/she has to have a professional in-person relationship with a licensed veterinarian. The absence of such a relationship is illegal and unethical. The Principles of Veterinary Medical Ethics of the American Veterinary Medical Association, Section III, Part C (2), state, "Without a Veterinary-Client-Patient Relationship (VCPR), veterinarians merchandising or use of veterinary prescription drugs or their extra-label use of any pharmaceutical is unethical and is illegal under Federal law." Under the Practice Act of North Carolina, General Statute 90-187.8 (18) states, "Selling, dispensing, prescribing, or allowing the sale, dispensing, or prescription of biologics, controlled substances, drugs, or medicines without a veterinary-client-pet-relationship with respect to sale, dispensing, or prescription" will result in disciplinary action against the licensed veterinarian.

Second, licensed veterinarians are already providing written prescriptions to pet owners. The North Carolina Veterinary Medical Board ruled in 1996 in conjunction with the North Carolina Attorney General's office that "If a veterinarian, based upon his/her

medical opinion, is willing to dispense medication, then the veterinarian must also provide a prescription in place of said medication should the owner request a prescription. If a veterinarian, based upon his/her medical opinion, is not willing to dispense medication, then it would also be appropriate to deny a request for a prescription.” The Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA) Section III Part C, (1), state, “Veterinarians should honor a client’s request for prescription in lieu of dispensing.”

Third, many licensed veterinarians are concerned about the source of online and brick and mortar pharmacies so-called pet medications. My practice in Leland, North Carolina receives at least one letter per week from outside companies soliciting my services to divert pet prescriptions from my facility to an online source. In other words, instead of dispensing the medication to my clients’ pets in accordance with Federal law, I am being asked to buy prescription items in bulk and then redirect them through an outside source for sale on the internet or other pharmacies. This practice is considered unethical by the AVMA in which the Principles of Veterinary Medical Ethics Section V, part B, state “Veterinarians should not allow medical judgment to be influenced by agreements by which they stand to profit through referring clients to other providers of services or products.” Section VI, Therapies, is even clearer, “It is unethical for veterinarians to prescribe or dispense prescription products in the absence of a Veterinarian-Client-Pet-Relationship.”

North Carolina General Statute 90-187.8, 16 and 17, state that licensed veterinarians will face disciplinary action if they engage in “illegal use, dispensing, prescription, sale, or handling of controlled substances, other drugs, or medicines...Failure to comply with regulations of the United States Federal Drug Administration regarding biologics, controlled substances, drugs, or medicines.” Simply stated, the Federal Trade Commission needs to render illegal the diversion of veterinary medications by a licensed veterinarian for sale at a location other than that veterinarian’s facility. Drug diversion circumvents the Veterinary-Client-Patient-Relationship and does immeasurable damage to the image of our profession and potentially harms the pet.

Licensed, ethical veterinarians are hesitant to provide prescriptions to outside pharmacies when there is diversion of drugs from unethical and illegal sources. I have seen instances where clients have ordered medication online only to have a box of medication originating from a foreign country with unclear instructions on how to use the product. Every distributor of pet medication that I have spoken with, Novartis, Elanco, Pfizer, Merial, etc, have told me that if a client fills a prescription at a location other than a veterinary facility, then the product’s guarantee is void. Prescription pet medication is only dispensed to a licensed veterinarian, so how can these online and brick and mortar pharmacies get these products? Diversion and it needs to stop.

From the pet owner’s point of view, while they are getting some medications at a cheaper price, they are assuming immeasurable risk with regards to their pet’s health when they obtain prescriptions at locations other than their veterinarian’s facility. Only their personal veterinarian is acquainted with the pet’s medical condition and can prescribe,

counsel, and monitor the medication the pet is taking. Pharmacists are not trained in animal science or animal pharmacology and cannot advise pet owners on the proper use and side effects of the medication. Some online pharmacies have tried to circumvent this process by stating in a fax order form to the veterinarian, "Our mutual client". It is not possible for a pharmacy located out of state to be able to counsel a pet owner on the proper use of the product for the individual pet. In this case, there is no valid veterinary-client-patient relationship. If a client's pet has a reaction to a medication obtained at a source other than a veterinary facility with whom that client has a relationship with a licensed veterinarian, the pet owner is on his/her own.

To sum up, licensed veterinarians in North Carolina already are required to provide written prescriptions to pet owners if they request it. Writing a prescription for a client who then fills it in the veterinarian's office is unnecessary and will increase the cost to the facility which will be passed on to the consumer. HR 1406 is absolutely unnecessary and unneeded in North Carolina. Diversion of prescriptions and controlled substances by licensed veterinarians to online and brick and mortar pharmacies needs to be outlawed for the image of the profession and the safety of the pets. Licensed veterinarians should not be held liable or accountable for medications, prescriptions, or controlled substances outside of providing a requested written prescription. Pharmacists are not qualified or trained in giving advice to pet owners regarding safety, storage, use, dosage, and disposal of pet medications and should be engaging in this practice. Pet owners should only get advice and prescriptions and medications from a licensed veterinarian with whom the owner has a valid relationship. This is for the safety and protection of our pets which have become as important as people to many in our society today.

Sincerely,

David G. Beauchamp, DVM