

I've owned my own veterinary practice for over 15 years. In my opinion, there are two arguments against HR1406. First at issue is the safety and well-being of the pet population.

Historically, veterinarians have been the primary dispensers of veterinary prescriptions because they have the expertise to benefit and protect their patients through proper dispensing. We must navigate through the nuances of side effects, off-label dosing, drug interactions, indications and contraindications of pharmaceuticals used in non-human species. Pharmacists do not have this expertise, and so traditionally have served a secondary purpose in filling prescriptions that were unusual medications that perhaps veterinarians did not stock for dispensing due to expense or shelf-life limitations. This was a symbiotic relationship that benefited all involved, not the least of which is the veterinary patient and the owner, the "consumer".

That this system is both effective and necessary, is evidenced by the fact that on various occasions pharmacists have said to me over the phone things like, "Oh, I didn't know dogs could take that medication" or "I wasn't aware that was used in cats". As the veterinarian, I'm the expert in this relationship. It's my job to know and be aware of these things. My state's (Ohio) pharmacy law does not contain the words "animal" or "veterinary" under the definition of "Practice of Pharmacy".

The second argument is the question of economics, and what is considered fair trade. Many veterinarians shy away from this argument, because we'd like to maintain an image of professionalism in the eyes of the pet-owning public, and rightfully so. We continue to struggle as a profession with an image that is "less than" in comparison to what we refer to as the human medical field. There is a perception in the minds of many that all of our learned skills, advanced techniques, comprehensive research and technologically superior equipment is used to advance the health and well-being of "lesser" species. This tends to skew the view of veterinary medicine away from serious medical profession toward a folksy, if not comical imitation of a 'real' doctor. In the face of this image deficit, the cost of veterinary care is thought to be "too high", when in fact, it's only a fraction of the cost of care in the human healthcare field. Still, many veterinarians are reticent to pull back the curtain and reveal the business side of running a veterinary practice. But, in order to make the case against this unfair and unnecessary legislation, one must understand some of the nuts and bolts of veterinary economics.

The 2007 U.S. Census of Manufacturing reported that total U.S. revenues from veterinary pharmaceuticals were over \$5.41 billion. And to put it quite simply, large corporations like Walmart and Kroger want a piece of that pie. So they claim it's not fair to the consumer, or to the corporations themselves that veterinarians don't offer up written prescriptions when dispensing a medication, or make it known to our clients that the pharmacy down the street may be able to fill the same prescription. "There ought to be a law!" they cry. And so they've introduced one. They're spending a lot of money, and asking the Federal Government to spend some of the taxpayer's money to pass a law that allows them to share in what they perceive to be a large profit pool. All under the guise that it's fairer to the consumer.

So, let's look at whether or not this new law is fair. Products that I sell - including prescriptions dispensed, over-the-counter products like shampoos and nutritional supplements - account for approximately 25% of my practice's annual revenue. The local Kroger or Meijer pharmacy can give away as a loss-leader in one month the same amount of medication I sell in one year. The impact this has on my practice is that in order to continue to pay my mortgage and utilities, pay my employees a decent living wage, provide them with health care benefits, and maintain the same level of care and service to our patients, I will have to raise my professional fees as the revenue from product sales goes elsewhere. As I've stated, the public does not uniformly expect that veterinary fees should be concomitant with human health care costs. This increased cost of care would mean fewer of my patients would receive the care they need.

This is the cost of competition, to be sure. Competition from pharmacies is real and fair in our economy. But mandatory prescription writing legislation gives an unfair advantage to our competition. The onus is upon them to market their services to the pet-owning public. Mandatory prescription writing would mean that I will be compelled by law to market their services for them. Should it be mandatory for Walmart cashiers to inform every customer that the goods they are purchasing can also be purchased at other retailers? This would seem preposterous. The responsibility belongs to the competitive businesses themselves to inform the consumer that those goods can be purchased at their stores. Yet, this is a fitting analogy. Likewise, pharmacists are not required by law to inform customers purchasing pet medication, that the pet owner's veterinarian can dispense the same medication.

They also want this law to prevent veterinarians from being able to refuse electronic requests for prescriptions or charge a fee solely for writing a prescription. To this latter part, I say there is no need for this law. There are already ethical standards in place that dictate how veterinarians handle written and electronic prescriptions. In its comment letter to the FTC, the American Veterinary Medical Association (AVMA) states:

"Twenty-six states have specific laws, agency regulations, or policy statements that require veterinarians to provide their clients with a written prescription upon request. In addition, veterinarians in other states are at risk of state board discipline for unprofessional conduct in general for failure to honor a client's request for a prescription.

Within the confines of state laws, veterinary practices vary with respect to providing written prescriptions to clients. Some veterinarians do not stock prescription products, so all of their prescriptions are written and must be filled at a pharmacy, whereas others offer written prescriptions before dispensing; others fall on a spectrum in between.

Veterinarians who are AVMA members are expected to follow the AVMA Principles of Veterinary Medical Ethics, which state that veterinarians should honor a client's request for a prescription in lieu of dispensing (Section III-C). In addition to the threat of discipline against their licenses, veterinarians have other incentives to honor clients' requests for prescriptions. A veterinarian who denies such a request risks alienating clients and harming his or her practice. In cases where the patient's condition may worsen quickly without medication and the

client wishes to purchase the medication at a pharmacy, denial of a written prescription may place the veterinarian at legal risk.”