# VIRGINIA VETERINARY MEDICAL ASSOCIATION

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September 13, 2012

Dear Sir or Madam:

I am writing on behalf of the Virginia Veterinary Medical Association (VVMA). The VVMA is a non-profit Association of 1276 members which was established in 1894 to advance the science of veterinary medicine in the Commonwealth of Virginia.

The Federal Trade Commission (FTC) has requested comments in connection with a workshop, October 2, 2012, to examine competition and consumer protection issues in the pet medication industry. The VVMA has concerns about mandatory prescription writing for veterinarians as dictated in H.R. 1406, the Fairness to Pet Owners Act.

The VVMA recognizes the right of consumers to request a written prescription for medications for their pets and encourages veterinarians to provide a prescription when a client wishes to have the prescription filled at an off-site pharmacy. We are supportive of the client's right to fill the prescription at a pharmacy of their choosing. While we are supportive of this right, a federal mandate that requires a written prescription be provided, regardless of whether the client wishes one, is redundant and burdensome, and will cause undue regulatory and administrative burdens on the veterinary practice. To have to write a prescription, hand it to the client, then have them hand it back to the veterinarian to have it filled through the in-house pharmacy requires unnecessary time and paperwork.

The Association has concerns about the potential risks associated with prescriptions filled at pharmacies. Pharmacists do not receive formal veterinary medical pharmaceutical education. As a result, untrained pharmacists can unknowingly provide incorrect counseling or substitute inappropriate medications to the detriment of the patient. We have on file incidents of pharmacists arguing with veterinarians about the dosage of medications prescribed because they did not realize that a dog or cat requires a different dosage range of a medication than is appropriate for a human. We also have had reported that some pharmacists have substituted an ineffective formation of a medication for a pet, because that was an acceptable substitute formulation for a human. In one instance, a medication was formulated with xylitol, an artificial sweetener. Xylitol is safe for humans, but can be fatal for dogs and cats. We fear more instances of this sort of error in judgment occurring in the future.

A business consequence of human pharmacies filling prescriptions in competition with veterinary hospitals is the fact that the Commonwealth of Virginia collects from veterinarians a 5% sales tax when they purchase pharmaceuticals to dispense through in-house pharmacies. Veterinarians are not required to charge clients sales tax on these pharmaceuticals when they are dispensed. However, human pharmacies do **not** have to pay a state tax when they purchase the medications for resale. This provides the human pharmacies an unfair advantage in their ability to establish selling price.

With the onset of electronic communication, veterinarians receive requests for verification of prescriptions and requests to refill prescriptions from pharmacies whose license and accreditation cannot be confirmed. This places the veterinarian in both a legal and ethical dilemma. This also puts the consumer at risk. Requiring the veterinary clinician to encourage the client to seek some off-site pharmacy by forcing them to take a prescription when the proper prescription is available in-house is counterproductive for good patient care. There must also be a consideration of the delay in starting treatment associated with time it takes to get a prescription filled at a separate location.

In conclusion, the Virginia Veterinary Medical Association believes H.R.1406 is redundant and will cause undue regulatory and administrative burdens on veterinary practices. The bill places veterinary clinics and hospitals at an unfair disadvantage in selling pharmaceuticals to clients to treat their pets. The VVMA believes veterinarians are the best source of medication for animals to protect their health and welfare.

Respectfully,



Donald G. Henry, DVM, MBA

President, Virginia Veterinary Medical Association