



Colorado Veterinary
Medical Association

September 14, 2012

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

RE: Pet Medications Workshop, Project #P12-1201

Dear Secretary:

The Colorado Veterinary Medical Association (CVMA) appreciates the opportunity to provide comments for consideration at the pet medications workshop being held by the Federal Trade Commission (FTC) on October 2, 2012.

We understand that the workshop is being held to study the issues such as price competition for pet medications, prescription portability and the ability of consumers to purchase pet medications where they choose, and the ability for consumers to verify the safety and efficacy of pet medications they purchase. These are indeed excellent questions to be asked as Congress considers proposed legislation HR 1406. We trust that comments from CVMA and others will illustrate the range of unintended and negative consequences this legislation would create, and demonstrate that these consequences would compromise the wellbeing of our patients.

Here are the major reasons for our concern:

- Prescription portability already exists – Colorado law dictates that veterinarians provide written prescriptions to clients upon request, and we believe veterinarians are also ethically bound to do so. We do not believe barriers exist for pet owners requesting and receiving a prescription to be filled at a pharmacy of the consumer's choice, and thus a Federal dictate that mandates prescription writing is redundant and unwarranted.

Further, requiring a veterinarian to write a prescription even when not requested and providing written notification that the prescription may be filled elsewhere (which today's consumer already expects) wastes time and effort. The requirement imposes a regulatory burden on veterinary practices – most of which are small businesses contributing to their local community and clients – that will ultimately add cost to what the consumer pays for pet healthcare.

- Pharmacists are not veterinarians – Not merely a statement of the obvious, we have serious concerns about pharmacists who are not trained in animal physiology or veterinary pharmacology. Regrettably, there are an increasing number of incidents being reported where pharmacists have overstepped the bounds of their knowledge and authority by changing dosages of drugs prescribed by veterinarians, or dispensing an entirely different drug without consulting the veterinarian – actions that could be ineffective at best or dangerous at worst for the animal patient.

Clients have the legitimate expectation that the pharmacy dispensing a medication is able to provide appropriate counsel, but when pharmacists are dispensing veterinary medications we suspect this expectation will not be met. Another common expectation is that the pharmacist is able to listen to a consumer's description of symptoms and recommend an over-the-counter medication that may be useful – but when over-the-counter medications appropriate for humans are used on animals, the result is often fatal to dogs and almost assuredly fatal to cats.

Not being educated in veterinary medicine, the typical pharmacist is not able to counsel veterinary clients on correct dosages, contraindications, side effects, and drug interactions. Conversely, the veterinarian is uniquely educated to provide such guidance to the client – as well as suggestions and demonstrations on ways of administering medications to a wide variety of animal species that quite capably and cunningly resist taking their needed medications.

- Product efficacy and safety can be compromised – Serious concerns exist around an increasing number of pharmacies that acquire drugs that may be counterfeit, unapproved, adulterated, or have been improperly stored – compromising not only the drug's effectiveness but more importantly the patient's health. We would encourage the FTC to educate consumers about safe sources of pet medications.

As the Federal Trade Commission indicated in its July 9, 2012 Federal Register notice, the emergence of significant numbers of retailers has resulted in increased competition and, generally, benefits considered to be pro-consumer. Market forces on their own – without unnecessary or harmful legislative mandate – are already driving access, convenience, availability, and pricing to the benefit of consumers.

In short, the Colorado Veterinary Medical Association believes that HR 1406 would compromise the wellbeing of pets, would impose unnecessary regulatory burdens on small businesses, and is unnecessary in the face of rapidly evolving market forces. Thank you again for the opportunity to submit these comments.

Sincerely,

 April Steele DVM
President