

What evidence exists to support a need for federal legislation requiring veterinarians to provide written prescriptions to their clients?

As a practicing veterinarian for 39 years I am opposed to the Fairness to Pet Owners Act and any regulation requiring veterinarians to write a prescription for every pet that needs medication. When a valid veterinarian-client-patient relationship exists, a request from a client for a prescription to fill medication from a licensed pharmacy is honored and given to the client. Thus there is no need for federal legislation and regulation as ethical practice and state laws already require veterinarians write prescriptions to fill at outside pharmacies at the request of the client.

Is there a need for federal legislation requiring veterinarians to notify clients that they have the right to fill their prescriptions at the pharmacy of their choice?

I oppose federal regulation requiring veterinarians to notify clients they have this right since most clients already know that medications can be filled elsewhere. Advertising by large corporations have made clients aware that pet medications may be filled by outside pharmacies. Large corporations have a presence and deep monetary resources that small business does not have and thus these large companies have an advantage over small business. Also, informing clients would be an especially burdensome regulation on small business.

How might the passage of H.R. 1406 affect price, consumer choice and other forms of competition in the pet medications market?

As a practicing veterinarian my view is that dispensing medications is an integral part of my professional services. Clients are given an examination, diagnosis, and treatment protocol which include instructions on using the medications as well as side effects. Pharmacists are trained for human medicine and not in companion animal medicine so they do not know dosages and side effects in specific breeds or species. Dogs and cats are not little humans.

The underlying premise is that pricing is less at outside pharmacies. However, I have found that my pricing is sometimes more, sometimes the same, and sometimes less than outside pharmacies. On more expensive products my pricing is significantly less than that of outside pharmacies. Consumer choice is available since most clients already know that the high profile products are available in different locations. The internet pharmacies are a competitive factor and many of my products are competitively priced with these pharmacies.

Also, I have over 15 practices competing for care of animals in my area. This competition ranges from corporate owned practices to private owned practices to animal welfare agencies to spay/neuter clinics and very low cost vaccine clinics in pet stores. These practices compete on price of veterinary prescriptions. Additional competition is not needed.

Finally, if this law is enacted I believe that costs to pet owners to care for their pets will INCREASE. Charges for services will increase to cover the lost profit from prescriptions. Costs INCREASED when the large corporate practices moved in to compete with established private practices. I was able to increase prices on services when a large corporate practice moved near my hospital.

Is it appropriate to deny veterinarians the ability to charge a fee or require a waiver of liability for providing a written prescription to clients?

The practice of veterinary medicine is regulated by the states. To require that a fee for a prescription is illegal goes to the heart of the issue of small businesses being over regulated by the federal government. Veterinarians should have the right to charge what they choose for their services.

What risks or inefficiencies may be posed by prescription portability for pet medications?

Some animal drugs are unique to animals (mostotics, some antibiotics, heart medication, heartworm preventatives) and thus not available in human forms. When these specific medications are needed the human pharmacy would need to stock these specific products. There probably will be a delay in obtaining these needed products. Generic human medications are currently available at outside pharmacies and prescriptions are currently written at a client's request. Specific medications formulated for use in pets would need to be stocked by the outside pharmacy for timely dispensing. I suspect that it would be cost prohibitive for a local outside pharmacy to stock specific pet medication.

What compliance costs would veterinarians face if H.R. 1406 were enacted?

The compliance costs will be burdensome to both veterinarians and pet owners. The veterinarian will need to write a prescription and present a notice to each client to comply with these regulations. This creates a paperwork nightmare on record keeping. Most clients will decide to fill the prescription with the veterinarian. These costs will be passed on to the consumer resulting in higher costs.

If veterinarians are required to fulfill initial prescriptions electronically from 3rd party pharmacies the result is an anti-competitive bias toward large corporate entities. Currently when a prescription request is received from an internet pharmacy the client is called and informed that a prescription for them is written and it is their responsibility to choose where to fill that prescription. Being forced to honor an initial faxed prescription request is anticompetitive. When the client picks up the prescription I have the opportunity to compete with the internet pharmacy on price. Most clients choose to buy from the hospital when the price is similar to the internet pharmacy. As small business owners we need to be able to compete with the large internet and local pharmacies.

Another issue is the quality of medication available on the internet. I have had clients who have bought prescription Heartgard Plus from the internet that is labeled approved by Australia. I also have had clients purchase Frontline Plus that is not registered with the EPA and is labeled in kilograms and registered overseas. All medication that is sold in the United States should be either FDA or EPA approved.

As a local small business we pay sales taxes to the state and local government entities. More distribution by out of state firms will result in loss of taxes to the local and state governments. Thus police, fire, and teachers will be adversely affected by enhanced distribution from out of state pharmacies.

Finally I think that there is an inherent bias in favor of large business vs small business if these regulations are enacted. Small business is the engine that grows the economy. There already is competition in veterinary medicine with low cost clinics and regular clinics.