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September 12, 2012

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

Re: Pet Medications Workshop, Project No. P12-1201

Dear Sir or Madam,

The Pennsylvania Veterinary Medical Association (PVMA) represents approximately 2,500 veterinarians in Pennsylvania as the only statewide professional membership organization for the veterinary profession. Our mission is to advance animal welfare and human health while ensuring the vitality of our profession. Our objectives include doing whatever is necessary and desirable to further the high standards of care in the treatment of animals.

We thank the Federal Trade Commission (FTC) for seeking to further understand the issues regarding H.R. 1406. Our organization has taken the time to review the proposed legislation and firmly opposes the measure. Although the goal of ensuring that consumers have options when it comes to filling veterinary prescriptions is laudable, we cannot support the mechanisms for achieving that goal outlined in H.R. 1406. We strongly believe that the passage of such legislation would be detrimental to the relationship between veterinarians and their clients and therefore, detrimental to the care provided by veterinarians to their patients. The legislation would also place a significant burden on veterinarians while doing nothing to advance the level of care provided to pets or their owners.

We believe that H.R. 1406 is unnecessary and even harmful to the public for the following reasons:

- 1) Veterinarians already have an ethical responsibility to provide a written prescription if requested by the client. Failure of the veterinarian to provide the written prescription if requested would be harmful to their relationship with the client and therefore to the responsibility.
  - a. Veterinarians have an obligation to refuse to provide a prescription if they believe that the prescription will be misused. According to Pennsylvania state law, a veterinarian may not provide a prescription if they believe that the prescription will be misused. [The Controlled Substance, Drug Device and Cosmetic Act (35 P. S. § 780-111(e)(i)).]
- 2) Requiring a written prescription for every medication would be an onerous burden on the veterinarian and staff, especially in those cases where the client wishes to obtain the medication from the veterinarian. The time spent writing prescriptions, documenting those prescriptions, and verifying prescriptions is time taken away from caring for clients and patients. It is therefore directly detrimental to the veterinarian-client-patient relationship and to the level of care that veterinarians can provide to their patients.
- 3) Prohibiting veterinarians from requiring a waiver of liability prior to providing a prescription does nothing to benefit the public. Veterinarians have an obligation to act on behalf of their clients. The Federal Drug Administration (FDA) has expressed concern that some internet pharmacies are "fronts for unscrupulous businesses operating against the law. FDA has found companies that sell

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unapproved pet drugs and counterfeit pet products, make fraudulent claims, dispense prescription drugs without requiring a prescription, and sell expired drugs." [Buyer Beware (<http://www.fda.gov/forconsumers/consumerupdates/ucm048164.htm>, accessed July 26, 2012) Prohibiting veterinarians from documenting the fact that they have warned clients of such by client signature directly and negatively affects the ability of veterinarians to serve their clients.

- 4) There are significant public health concerns associated with prescription writing for medication that could end up in the food supply if used inappropriately.
- 5) The economic impact of such a bill would negatively affect both veterinarians and pet owners.
  - a. In the traditional model of veterinary practice, veterinary practices dispense medications to their patients. Market forces drive practices to price medications similarly to competing sources such as on-line pharmacies. When calculating fees that are necessary to stay in business, the revenue from pharmaceutical items offsets the need to increase fees for professional services. Any reduction in revenue from pharmacy items will necessitate an increase in fees for all other services for the simple reason that a veterinary practice must generate enough revenue to stay in business.
    - i. The client will end up losing out for two reasons:
      1. Since pharmacy items were already priced based on market forces, they will end up paying approximately the same for those items while at the same time having to pay higher professional fees at veterinary practices with the end result being that the ultimate cost of veterinary care will be increased.
      2. Whether they realize or not, clients currently benefit from the expertise of veterinarians in veterinary pharmacy. If they are driven to fill prescriptions elsewhere, there will be an increased risk of pharmacy errors for the simple reason that pharmacists do not have the necessary expertise to identify prescribing errors.

Our organization stands firmly with the American Veterinary Medical Association in opposing H.R. 1406 and all similar legislation that could negatively affect the ability of veterinarians to serve their clients and patients. We especially oppose any and all legislation that would have such a negative impact on the veterinary-client-patient relationship.

We again thank the FTC for their interest in this matter and look forward to being part of an open dialog on the matter. If you have any questions regarding our letter or position, please feel free to contact our office at 717-220-1467 or our Executive Director Charlene Wandzilak at [cwandzilak@pavma.org](mailto:cwandzilak@pavma.org).

Sincerely yours,

Tom Garg, VMD  
Chair, Legislative and Regulatory Affairs Committee