



# GEORGIA VETERINARY MEDICAL ASSOCIATION

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*Serving Georgia Veterinarians Since 1906*

September 12, 2012

Federal Trade Commission/Office of the Secretary  
600 Pennsylvania Avenue, N.W. Room H-113 (Annex X)  
Washington, DC 20580

Dear Secretary,

The Georgia Veterinary Medical Association (GVMA) would like to commend the Federal Trade Commission (FTC) for its thoughtful consideration of the issue of veterinary prescription writing, for the opportunity to provide comment, and for the upcoming workshop to discuss the issue and the federal House Resolution 1406 – the Fairness to Pet Owners Act of 2011.

Pursuant to your request, the GVMA would like to express its opposition to H.R. 1406. We believe that one reason this legislation has failed to progress through the legislative process is the existence of legislation already addressing the issue of prescription writing. In Georgia, State Board of Veterinary Medicine rule 700-8-.01 clearly mandates veterinarians provide a prescription for clients and the matter is also addressed in the Principles of Veterinary Medical Ethics from the American Veterinary Medical Association.

We are certain the FTC does not take unnecessary regulation lightly, as your mission states that you prevent anticompetitive business practices without “unduly burdening legitimate business activity.” We therefore ask that you please consider the preventable administrative burdens the law’s many requirements would have on the practice of veterinary medicine.

As you pursue your mission to protect the consumer from unfair business practices, please understand that our greatest concern is for the health and welfare of the animals we have taken an oath to protect. Studies show that pet owners who leave the veterinary clinic with their prescription in hand are more likely to follow the treatment recommended by the veterinarian, so it is our concern that the provisions in H.R. 1406 would contradict best practices and result in the unnecessary suffering of animals.

When administering a prescription a veterinarian can answer questions, provide instructions for use, demonstrate how to give a pet the medication and be available in the event of an adverse reaction. In many cases these vital functions are not available to consumers outside of the veterinary practice. In fact, a pharmacist’s training could challenge the proper administration of a prescription by a veterinarian. Cases have been documented nationwide of pharmacists changing veterinary prescriptions, resulting in adverse reactions and even death.

In Georgia, the University of Georgia College of Pharmacy does not offer training on prescription products for animals, as most pharmacy schools do not. The reality is that the veterinarian is the only medical professional with the medical training to properly administer prescriptions for animals. We are concerned that the hasty decision to encourage mandatory prescriptions and notification that prescriptions may be filled off-site in the name of consumer fairness would have the unintended consequence of preventable pain and distress of animals.

The FTC has suggested there are similar issues between H.R.1406 and the Fairness to Contact Lens Consumers Act (FCLCA). In reality, comparing the two would put pet owners and their pets at risk. Contact lenses are a single commodity, dispensed by retailers thoroughly familiar with their products. In veterinary medicine there are hundreds of

companion animal prescription medications labeled by the FDA for animal use as well as hundreds more human medications prescribed for companion animal use. There are multiple companion animal species with hundreds of breeds, with a multitude of doses, contraindications, side effects, and drug interactions. Only veterinarians are professionally trained in these medical complexities.

Legislative manipulation of the veterinary prescription transaction may also have a negative impact on the education of the client. Veterinarians may have other options available to help the pet that may save the client money. In many cases a veterinarian's prices are less expensive, especially when accounting for shipping and the time you need to wait for the medication from an online site. Some veterinarians have their own internet pharmacy that offers the same experience and cost savings as online pharmacies. Mandatory prescriptions may truncate this important interaction and education.

The FTC should be concerned that a prescription mandate could increase the online purchase of veterinary prescriptions, and with good reason. Many veterinarians have great unease for prescriptions filled by online pharmacies because they have had an unpredictable and sometimes alarming track record. Only six online pet pharmacies nationwide have been accredited by the National Association of Boards of Pharmacy (NABP).

According to the NABP, there are thousands of sites pretending to be legitimate online pharmacies. To date, NABP has reviewed over 8,000 sites – only 4% of those online sites appear to be in compliance with pharmacy laws and practice standards.

Clearly the delivery systems for prescription drugs for animals are not the same as those for humans, and it is our hope that the FTC thoughtfully considers this in its deliberations. Please also consider that this is not just an animal health issue, but a public health concern. More than 80% of zoonotic diseases – diseases transmitted between humans and animals – originate in animals. So adversely affecting animal health is detrimental to the health of the public at large.

Because the FTC is the federal regulatory agency that would have jurisdiction over implementing H.R. 1406 should it become federal law, we are assured that you will carefully contemplate the business practices that are anticompetitive, deceptive or unfair to consumers. That is your mission. We are therefore confident that you will recognize that this federal regulation is not only redundant, but that further regulation could disrupt natural market forces that are currently impacting the price of veterinary prescriptions.

The practice of veterinary medicine is the process by which health is protected and it does not end with the diagnosis and the decision to medicate. Administering medication with sufficient and appropriate client education is a vital part of the process and practice of veterinary medicine. Legislative definitions of the practice of veterinary medicine include the prescription process and legislation ensures that veterinarians are responsible for the practice of veterinary medicine in its entirety because they are the licensed professionals most adequately trained to deliver healthy outcomes. The GVMA sincerely hopes that the FTC recognizes the vital role veterinarians play in administering prescriptions and considers the consequences of further legislative influence on this process and its effects. Pets' lives are at stake, and so is the public's health.

Sincerely,

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Herbert Spencer Tally, Jr., Pharm D, DVM  
President

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