

In 2011, the Majority Leader of Maine's State Senate introduced legislation which would have required veterinarians dispensing medication to also provide the client with a written prescription for said medication, whether requested or not. The subsequent hearing on this legislation brought forth a number of salient points which should be considered by the Federal Trade Commission:

1. When the medication is dispensed by a person other than the veterinarian who has a client-patient relationship with the pet, errors can and will arise, especially when the dispenser is not a trained veterinarian. These errors can be as simple as misreading of a prescription, even when typed. One veterinarian cited a pharmacist substituting "every 4-8 hours" for "every 48 hours", an error which would never have been made by a **veterinarian** familiar with the medication. Pharmacists are not familiar with facts such as:

- Acetaminophen is lethal to cats;
- Naproxen can cause renal failure in dogs;
- Salicylates can be lethal to both dogs and cats;
- Phosphate-containing enemas can cause sudden death in cats;
- Some antibiotics commonly used by humans can cause retinal damage, vomiting, seizures, anorexia, keratitis, and immune mediated disease in animals;
- Xylitol is toxic to dogs;
- Doxycycline can cause esophageal strictures in both dogs and cats.

We are not dealing with contact lenses here. Maine's veterinarians can cite numerous cases where pets have suffered serious and permanent medical effects and death due to pharmacy errors.

2. Medications prescribed for veterinary use are generally not suited for substitution. These medications are:

- Tested and FDA approved for use in animals;
- Appropriately sized for veterinary patients;
- Appropriate in strength, dosage, formulation, and flavor for the intended species;
- Backed by technical support of the manufacturer, who is also financially responsible for unintended consequences associated with the medication;
- Dispensed by persons familiar with their use in animals;
- Accompanied by package inserts with information pertinent to veterinary patients.

3. The above notwithstanding, in many instances, a human medication can be substituted when filling a veterinary prescription. Veterinarians are aware of this, and advise their clients accordingly. A veterinarian not advising clients of the

availability of a significantly lower-priced and equivalent medication, at a time when information is readily available on the internet, will lose clients. **However, this judgment call is best made by the veterinarian, who has ethical, legal, and financial responsibility for the pet's care, and not by a pharmacist.**

- 4. The free market is already providing pet owners with competitive pricing of veterinary medicines.** Human pharmacies may offer reduced prices when substituting certain human medications for veterinary medications; other human medications are significantly more expensive than their veterinary counterparts. Consumers can sort this out, just as the free market is sorting out consumer choices between **online veterinary** pharmacies and medications purchased through their family veterinarian.

If the Federal Trade Commission wishes to play a constructive role in assisting consumers in obtaining correct pet medications at competitive prices, it might look at states in which clients do not have the right, upon request, to obtain the prescription for which the veterinary practice is dispensing a medication.

Maine has long provided consumers with this right, upon request and without charge, for such prescriptions. Maine's 2011 Legislature also **unanimously** defeated the proposed bill which would have mandated dispensing such prescriptions to every client, whether requested or not.

William Bell

Executive Director, Maine Veterinary Medical Association