

FTC Submission – Gordon Magee – Drs. Foster and Smith – October 22, 2012

I attended the FTC Pet Medications Workshop on October 2, 2012 in Washington, D.C. and want to offer some perspectives on the following issues that were addressed at the Workshop:

- Are pharmacists qualified to dispense pet prescriptions?
- Are veterinarians writing prescriptions so that consumers can have them filled at pharmacies of their choice?
- Is there a justification for the drug manufacturer practice of restricted distribution of prescription and over-the-counter medications only to veterinary clinics?

Following those perspectives are listed some recommendations for the industry.

Are Pharmacists qualified to dispense pet medications?

While it is an established fact that, for more than fifty years, veterinarians have relied on human pharmacists to fill certain pet prescriptions and do so today, a question was repeatedly referenced during the Workshop and in comments that have been submitted to the FTC. That question is whether human pharmacists are qualified to dispense pet medications.

This is an important question to address and I would like to give some historical background to help provide an answer; an answer that comes from the recommendations and accreditations of professional organizations like the American Veterinary Medical Association (AVMA) and the National Association of Boards of Pharmacy (NABP).

For inextricably related to this question of pharmacists' qualifications, is the AVMA's recommendation that pet owners look for certifications like **Veterinary-Verified-Internet-Pharmacy-Practice-Site** (Vet-VIPPS) when looking to fill pet prescriptions online. Vet-VIPPS, as you may be aware, *requires* that pharmacists, not veterinarians, fill prescriptions.

HISTORY

The history regarding the AVMA's recommendation of VIPPS certification and, years later, Vet-VIPPS certification, dates back to at least 2001 and is documented on the AVMA website. The AVMA has recommended these as certifications veterinarians and their clients should look for when selecting an online pharmacy. I agree with the AVMA's recommendation.

2001

Here is a 2001 comment by the AVMA regarding VIPPS. It can be found on their website at: <https://www.avma.org/News/JAVMANews/Pages/s060101b.aspx>

The national pharmacy association developed the Verified Internet Pharmacy Practice Sites (VIPPS) program in 1999 in response to public concern over the safety of Internet pharmacy practices. VIPPS pharmacy sites are designated by a hyperlink seal.

To be VIPPS certified, a pharmacy must comply with the licensing and inspection requirements of the state in which it is located and in each state where it dispenses pharmaceuticals. These pharmacies must also demonstrate compliance with criteria that include patient rights to privacy, authentication and security of prescription orders, adherence to a recognized quality assurance policy, and provision of meaningful consultation between patients and pharmacists.

On the same webpage can be found eight AVMA recommendations from 2001 regarding Internet pharmacies. Those recommendations were approved by the AVMA Executive Board in April of that year, and were collectively called the **AVMA Position Statement on Internet Pharmacies**.

I have listed those eight recommendations below. The yellow highlighting is mine.

AVMA Position Statement on Internet Pharmacies
(Approved by Executive Board, April 2001)

The following recommendations are offered as a guide to prescribing and client purchases:

1. Drug therapy, when medically indicated, should be initiated by the attending veterinarian in the context of a valid veterinary-client-patient relationship.
2. Drugs may be dispensed or prescribed. Veterinarians should honor client requests to prescribe rather than dispense a drug (AVMA Principles of Veterinary Medical Ethics). The client has the option of filling a prescription at any pharmacy.
3. Clients might be advised to select an Internet pharmacy certified by the National Association of Boards of Pharmacy (vipps@nabp.net) whose VIPPS program and its accompanying seal of approval identify to the public those online pharmacies that are appropriately licensed and prepared to practice pharmacy via the Internet.
4. Veterinarians asked by pharmacies to approve prescriptions they have not initiated should do so only if they have a valid veterinarian-client-patient relationship and if the prescription is appropriate.
5. It is within the veterinarian's (not the pharmacy's) purview to determine the medical criteria whereby a drug is indicated.
6. As with any prescription, a written record should be maintained.
7. Prescribing veterinarians should assure that information regarding the proper use of the prescribed drug and the risks associated with its use are communicated to the client, regardless of the drug source.
8. Use of drugs of foreign origin that lack FDA approval generally is not permitted.

In 2001 the National Association of Boards of Pharmacy (NABP) had not yet developed Vet-VIPPS, so VIPPS was the standard by which Internet pharmacies were being measured. This explains the 2001 AVMA reference to VIPPS, not VET-VIPPS in recommendation #3.

Like Vet-VIPPS, VIPPS requires that pharmacists fill prescriptions.

What this means is that as far back as 2001 the official position statement of the AVMA included not only an acknowledgement but a *recommendation* that clients “might be advised” to look for a pharmacy at which *only pharmacists*, not veterinarians, fill prescriptions.

Of course the AVMA was not suggesting that veterinarians should not dispense medications. But what they were saying answers with a “yes,” the question, “Are human pharmacists qualified to dispense pet medications?” Otherwise it hardly seems logical that the Executive Board of the AVMA would approve a set of recommendations that includes the concept of clients looking for a VIPPS certified pharmacy. Remember, VIPPS requires that pharmacists fill prescriptions.

2003

This “yes” answer, becomes especially clear when one discovers the same set of recommendations was thought important enough by the AVMA to reiterate two years later.

The 2003 AVMA reiteration statement can be found on the AVMA site at: <https://www.avma.org/News/JAVMANews/Pages/031201k.aspx> Here it is in full, yellow highlighting mine:

AVMA reiterates Internet pharmacy statement –

December 1, 2003

AVMA reiterates Internet pharmacy statement

In light of the calls the AVMA receives from veterinarians and pet owners who have prescribing-related questions and comments, the AVMA reminds readers of the Position Statement on Internet Pharmacies the AVMA Executive Board approved in April 2001.

Position Statement on Internet Pharmacies

The following recommendations are offered as a guide to prescribing and client purchases:

1. Drug therapy, when medically indicated, should be initiated by the attending veterinarian in the context of a valid veterinarian-client-patient relationship.
2. Drugs may be dispensed or prescribed. Veterinarians should honor client requests to prescribe rather than dispense a drug (AVMA Principles of Veterinary Medical Ethics). The client has the option of filling a prescription at any pharmacy.

3. Clients might be advised to select an Internet pharmacy certified by the National Association of Boards of Pharmacy (*vipps@nabp.net*) whose VIPPSTM program and its accompanying seal of approval identify to the public those online pharmacies that are appropriately licensed and prepared to practice pharmacy via the Internet.
4. Veterinarians asked by pharmacies to approve prescriptions they have not initiated should do so only if the prescription is appropriate and a valid veterinarian-client-patient relationship exists.
5. It is within the veterinarian's (not the pharmacy's) purview to determine the medical criteria whereby a drug is indicated.
6. As with any prescription, a written record should be maintained.
7. Prescribing veterinarians should assure that information regarding the proper use of the prescribed drug and the risks associated with its use are communicated to the client, regardless of the drug source.
8. Use of drugs of foreign origin that lack FDA approval generally is not permitted.

With these two statements as background, it is clear that the AVMA has a long history of recommending that pet owners look for VIPPS certified pharmacies when filling prescriptions online.

It should be understood that the entire point of these AVMA recommendations was to protect pets, not endanger them by sending pet owners to people unqualified to fill their prescriptions!

2012

Fast forward to 2012, with the advent in 2009 of Veterinary VIPPS, and we find on the AVMA website a set of eight guidelines regarding Internet pharmacies that are very similar to the original eight set forth in 2001. (see link below)

The notation at the top of current guidelines appears to say that they were revised in 2005 and in 2009. Add in their creation in 2001 and the AVMA's reiteration of them in 2003 and you have a quadruple affirmation that what is said in them is what is intended.

In each version the AVMA points people to VIPPS or to Vet-VIPPS as recommended standards for Internet pharmacies. Remember, Vet-VIPPS requires that pharmacists, not veterinarians, fill prescriptions.

Here is the AVMA's current statement on Internet pharmacies, yellow highlighting mine:

<https://www.avma.org/KB/Policies/Pages/Internet-Pharmacies.aspx>

Internet Pharmacies

(Oversight: COBTA; EB-4/01; revised 4/05; 4/09)

The following recommendations are offered as a guide to prescribing and client purchases:

1. Drug therapy, when medically indicated, should be initiated by the attending veterinarian in the context of veterinarian-client-patient relationship. Clients that wish to purchase their prescription drugs from a pharmacy rather than the veterinarian should be advised to first obtain a prescription from their veterinarian before contacting a pharmacy. The veterinarian may choose to either issue the prescription in writing for the client, or contact the pharmacy electronically or by phone.
2. Drugs may be dispensed or prescribed. Veterinarians should honor client requests to prescribe rather than dispense a drug (AVMA Principles of Veterinary Medical Ethics). The client has the option of filling a prescription at any pharmacy.
3. One factor in evaluating the quality of an Internet pharmacy is accreditation by a recognized organization such as the National Association of Boards of Pharmacy (NABP). The NABP has developed the Vet-VIPPS program designed to ensure that Internet pharmacies that sell veterinary drugs are properly licensed and meet other program requirements. Further information is available at www.nabp.net.
4. Veterinarians asked by pharmacies to approve prescriptions they have not initiated should do so only if the prescription is appropriate and a veterinarian-client-patient relationship exists.
5. It is within the veterinarian's (not the pharmacy's) purview to determine the medical criteria whereby a drug is indicated.
6. As with any prescription, a written record should be maintained.
7. Prescribing veterinarians should ensure that information regarding the proper use of the prescribed drug and the risks associated with its use are communicated to the client, regardless of the drug source.
8. If a client asks about obtaining drugs from a foreign country through an Internet source they should be aware that the importation and use of drugs not approved by the FDA is illegal.

Additional AVMA comments

As further evidence that the opinion of the AVMA has been that pharmacists are qualified to dispense pet prescriptions, note the current AVMA FAQ webpage for pet owners (see link below) where the following questions are asked and answered by the AVMA, yellow highlighting mine.

Q: Where can I get my pet's prescriptions filled?

A: You have several options when your pet needs a prescription medication:

- You can get it from your veterinarian if they keep it in stock;
- Your veterinarian can write (or call in) a prescription to a local pharmacy that stocks the medication;
- Or your veterinarian can provide a prescription so you can get the medication from an online pharmacy.

(My comment: Certainly if it were dangerous to “write (or call in) a prescription to a local pharmacy” or “get the medication from an online pharmacy” the AVMA would have included a warning with this answer.)

Q: What are the risks of ordering from an online pharmacy?

A: The amount of risk depends on the quality of the pharmacy. Human error is a risk with any source, but the risk is minimal if the proper procedures are in place.

(My comment: This is a strong comment by the AVMA about the minimal risk involved in ordering from an online pharmacy that uses “proper procedures.” We can logically assume that a Vet-VIPPS certified pharmacy would be one of these, as the issue of the trustworthiness of Vet-VIPPS pharmacies is noted below in another Q and A found on the AVMA FAQ page.)

Q: How do I know the pharmacy is trustworthy?

A: Prior experience with a pharmacy is a good indication – ask your veterinarian if there is a pharmacy they recommend. You can also inquire with the state board of pharmacy to determine whether a pharmacy is licensed within the state and the status of the pharmacy’s license.

In addition, accreditation by independent bodies can give you more information about an online pharmacy. Two examples of third-party accreditation include the National Association Boards of Pharmacy Vet-VIPPS program and, for compounding pharmacies, the Pharmacy Compounding Accreditation Board.

(The AVMA FAQ page for Pet Owners can be found here):

<https://www.avma.org/KB/Resources/FAQs/Documents/Prescriptions-and-Pharmacies-Pet-Owner-FAQs.pdf>)

I mention again that the entire point of the AVMA recommendations mentioned earlier, and the answers to these FAQs, is to protect pets, not put them in danger by sending pet owners to people unqualified to fill their prescriptions!

The company I work for, Drs. Foster and Smith, has both Vet-VIPPS and Pharmacy Compounding Board Accreditation (PCAB). We do recognize the benefit of pharmacists being trained regarding dispensing pet medications. Our own pharmacists have had training in a variety of ways, not the least of which is having veterinarians on staff, allowing pharmacists to consult with our veterinarians as needed. We are also a company owned and operated by two veterinarians, Dr. Race Foster and Dr. Marty Smith. We are a veterinarian company to the core.

Regarding customer care, our veterinarians are available to consult with customers, write our drug information sheets, and have narrated dozens of drug information sheets on video for 24/7 access by customers.

But that veterinary advantage aside in our case, the historical record of the AVMA clearly shows support for Vet-VIPPS which *requires* that pharmacists, not veterinarians, fill prescriptions in a Vet-VIPPS pharmacy.

Vet-VIPPS

Let me briefly make another point regarding Vet-VIPPS, a point that has not been made elsewhere that I know of.

Even without the AVMA's recommendation, Vet-VIPPS itself is an affirmation that an online pharmacy is qualified to dispense pet medications. That is the entire point of the NABP's certification!

If this were not the case VIPPS would suffice for a pet pharmacy's certification.

Note this comment from the NABP regarding why it created Vet-VIPPS and did not just use VIPPS as their standard for pet medication dispensing pharmacies, yellow highlighting mine.

(NABP comment)

The Vet-VIPPS program (Veterinary-Verified Internet Pharmacy Practice Sites) accredits online pharmacies that dispense prescription drugs and devices for companion and non-food producing animals and assures your customers that they are purchasing drugs and devices from an online pharmacy that is properly licensed and complying with state and federal laws and regulations.

Vet-VIPPS accreditation addresses a growing sector of Internet pharmacy – online sale of prescription pet medications. Accreditation requirements incorporate criteria specific to veterinary pharmacies; this criteria protects the health and well being of well-loved pets across the country.

The Vet-VIPPS program is an expansion of the Verified Internet Pharmacy Practice Sites program, which NABP established in 1999 after a coalition of state and federal regulatory associations, professional associations, and consumer advocacy groups provided their expertise to develop criteria for accredited Internet pharmacies to follow as part of their commitment to public health protection.

<http://www.nabp.net/programs/accreditation/vet-vipps/>

What this means is that you have two professional bodies, the AVMA and the NABP, pointing to Vet-VIPPS as the standard that consumers should look for when evaluating an online pharmacy. I say again, Vet-VIPPS *requires* that pharmacists, not veterinarians, fill prescriptions in a Vet-VIPPS accredited pharmacy. Additionally, Vet-VIPPS’s requirements “incorporate criteria specific to veterinary pharmacies.” So the accreditation itself, apart from any recommendation by the AVMA, is an indicator that a pharmacy is qualified to dispense pet medications. But we do have that AVMA recommendation—in quadruplicate, and for over 11 years.

Are veterinarians writing prescriptions so that consumers can have them filled at pharmacies of their choice?

The larger answer is “yes.” Most veterinarians handle consumer choice well, and follow the AVMA guideline that says written prescriptions should be given when a client asks. Many even offer a written prescription without the client having to ask. That is perhaps the preferred practice, as it mirrors the practice in human medicine. It also does not put the client in the awkward position of having to ask for a written prescription.

However, not all veterinarians handle prescription writing as the majority do.

With two professional bodies pointing to Vet-VIPPS as a measuring standard, it is troubling when some veterinarians—again, a minority—ask their clients to sign waivers before they will give them a written prescription to be filled elsewhere. Some do this even when the pharmacy of choice might be a Vet-VIPPS accredited pharmacy with veterinarians on staff, like ours.

Waiver signing for routine medications is not practiced in human medication. Physicians write out prescriptions or call them in as a normal practice, and do not use the intimidation factor of requiring a waiver to be signed, as a pressure tactic to get patients to buy medications from them.

The criterion for forcing a client to sign a waiver in order to receive a written prescription is not safety, in my opinion. It is that the client is not buying their medications from the veterinarian. If that were not the criterion, the fact that a company like ours is Vet-VIPPS certified and has veterinarians on staff, would matter to the prescribing veterinarian.

A veterinarian panelist at the FTC Pet Medications Workshop, admitted on the record that they require people to sign waivers before they will provide them a written prescription. In the early portion of the panel discussion on prescription portability, they commented that they routinely provide written prescriptions to their clients. The impression clearly trying to be created for the FTC and others in attendance, was that clients have no trouble getting written prescriptions. What came out a bit later, however, was an admission that they require clients to sign a waiver before they will give that written prescription! Getting a prescription from them was not as easy as they made it sound at first.

The argument they gave for waiver signing was, essentially, that they have no control over how a pharmacy may dispense pet medication. Thus, because they care about their client’s pets, they

require clients to sign a waiver so the client will know the dangers they face if they do not fill their prescriptions at that veterinarian's office.

My question is, do they feel this way about the human prescriptions they receive from their own physician? In other words, to be consistent, do they also believe that since their human physician has no control over how a pharmacy dispenses routine medications to them, that their physician should require this veterinarian to sign a waiver? Do they believe that their human physician should be dispensing all their medications rather than allowing them, as a patient, to choose a qualified pharmacy of their choice, e.g. a VIPPS certified human pharmacy?

Are there no pharmacies that such veterinarians trust to dispense pet medications, other than their own?

To continue with the human physician and pharmacy comparison, it is common during an office visit for physicians to call in needed prescriptions to pharmacies. It is also common for physicians to renew refills by phone and, by phone, to change a brand name medication to a generic. But some, in this minority of veterinarians, purposely put up roadblocks to inhibit their pet owning clients from enjoying this same convenience with them.

They do so, for example, by refusing to deal with a pet pharmacy at all by phone (or by fax). This refusal may include even refusing to call or receive a call regarding making a simple change from a brand name medication to a generic that would be cheaper for the client. In this "phone-refusal-change-to-generic" scenario these veterinarians require a new appointment from the client, causing needless inconvenience for the client and no doubt for the veterinarian too. The clear reason for this behavior, it seems, is to make it awkward for clients to buy their pet medications elsewhere.

By refusing to deal with any online pharmacy over the phone, veterinarians who choose this modus operandi, may be causing pets to suffer. How? Rather than prescriptions being filled in a timely way with a simple phone call—*as happens perhaps millions of times a day in human medicine*—requiring the client to pick up and then mail in a written prescription can delay the acquisition of medication a pet needs. Why is this method used? Not because there are not certified Vet-VIPPS pharmacies that a veterinarian can trust, but because the client is not purchasing their medication from the veterinarian.

To be candid, these practices represent a level of arrogance on the part of *some* in this minority of veterinarians who follow them. They claim a false moral high ground, saying the reason for their waivers and refusal to deal with any online pharmacy is because they care for their clients and the safety of their pets. Do these veterinarians care more about pets than physicians do about their patients?

I have talked to more than one veterinarian who has never heard of Vet-VIPPS. So how much research could they have done regarding the qualifications of online pharmacies? And if they had done the research, would not Vet-VIPPS sound exactly like the kind of accreditation that would help them? The AVMA thinks so, and has since at least 2001, as I have noted.

I spoke with a veterinarian from California on a bus ride at a conference, who when she heard the name Drs. Foster and Smith, my company, said that her clinic does not deal with any online pharmacies because it is too hard to keep track of their qualifications.

I asked her if she had heard of Vet-VIPPS. “No,” was her answer. I filled her in, for which she was grateful. She was glad to learn that there is an accreditation like Vet-VIPPS and that there were online pharmacies like ours that could be trusted and that have veterinarians on staff. She asked for my business contact information so she could take it to her clinic.

As for others who are less opened minded than this thoughtful veterinarian, do they really care more for pets than physicians care for human beings; physicians who routinely write prescriptions and allow patients to fill them at qualified pharmacies of their choice?

“But pharmacists are not trained in animal physiology!” they argue. By which they mean, in practical terms, *no* pharmacists are trained in animal physiology. Why do I say that?

- Because those who practice these things generally do not ask where a client is going to have their prescription filled before requiring them to sign a waiver.
- Because those who practice these things are not asking whether a client’s pharmacy choice has pet-medication-qualified pharmacists.
- Because those who practice these things do not even ask where a client is going to have their prescription filled before deciding not to deal with online pharmacies or to deal with prescriptions over the phone. They just refuse as a blanket decision.

That a client might be having a prescription filled at a Vet-VIPPS pharmacy that even has veterinarians on staff, is not this minority of veterinarians’ criterion for requiring a waiver or refusing to make a call and so on. The criterion is, “You are not having it filled by me, so here are some roadblocks to make you think or work harder to get your prescription filled elsewhere.”

For 11 years the AVMA has pointed people to VIPPS or Vet-VIPPS pharmacies. The NABP created Vet-VIPPS specifically to address the issue of pet pharmacy trustworthiness. Yet some veterinarians ignore or outrightly reject these facts. They do so with a claim of their own moral superiority saying: “Since I can’t control the way a pet pharmacy might dispense medication (even though their doctor can’t control how a pharmacy dispenses their human medication) I make clients sign a waiver because I care too much not to warn them.” How about just recommending to clients who choose to purchase outside their veterinary office, that they go to a Vet-VIPPS pharmacy, a certification recommended by the AVMA and created and monitored by the NABP!

I am sorry, I am not buying it. Most of the time this is about money. Other times, to be fair, there are legitimate concerns about particular pharmacies. However, that is what Vet-VIPPS is all about!

Unfortunately for this minority of veterinarians, apparently no standard of accreditation or recommendation will be good enough. Not even having veterinarians on staff. What makes the difference for them is, “Buy from me or you are putting your pet in danger.” Really?

So while “yes” is the larger answer to the question, “Are veterinarians writing prescriptions so that consumers can have them filled at pharmacies of their choice?” there are a minority of veterinarians for whom the answer is, “No” or, “Not willingly or easily.”

Is there a justification for the drug manufacturer practice of restricted distribution of prescription and over-the-counter medications only to veterinary clinics?

For those who are new to this subject, restricted distribution is the practice of some drug manufacturers whereby they will only sell, or purport only to sell, certain prescription or over-the-counter medications through veterinarians.

The short answer from this consumer’s perspective is, “No.” The long answer is the same.

Let us start with over-the-counter pet medications.

In my opinion there is no medical justification for drug manufacturers restricting distribution of over-the-counter pet medications so that they are only available through veterinarians. There may be a business justification, but there is not a medical one. Otherwise it is hypocrisy of the highest order for a drug manufacturer to go to the trouble and expense of licensing a medication as over-the-counter and then claim, for so-called safety reasons, it should only be dispensed through veterinarians. Does such a practice make any sense at all?

Let’s use Merial, the manufacturer of the flea and tick product Frontline, as an example of this contradiction in thought and practice.

Here is a quote from the [Frontline.com FAQ page](#) about Frontline products:

Why are FRONTLINE Brand Products only available through my veterinarian?

It is Merial's sales policy to sell our small animal products only where a veterinarian/client/patient relationship exists. Merial believes that the veterinarian is the only professional qualified to serve the health care needs of pets, the concerns of their owners and the appropriate use of our small animal products such as FRONTLINE Brand Products.

Notice that Merial’s first answer is about its sales policy, not its pet health or safety policy: ***“It is Merial’s sales policy....”*** They are echoing what I said earlier, that there is a business reason for their stance.

It should be noted that, regarding medications, the veterinarian-client-patient-relationship (VCPR) they refer to is mainly focused on prescription medications. In short it means that a written prescription can only be legally obtained if a veterinarian has actually examined the pet. It does **not** mean that only a veterinarian can fill the prescription, although that is what they are subtly trying to imply, in my opinion.

Frontline is an over-the-counter product. So a VCPR does not apply in any manner to it.

In their next sentence they do address the medical side of things, but notice they begin with the words “Merial believes...” Their “belief” applies to the full sentence and allows them to say what they believe—in other words what their opinion is—not necessarily what is true. And it is not true that veterinarians are the *only* professionals qualified to explain the appropriate use of “small animal products such as FRONTLINE Brand Products.”

Frontline flea and tick medications are over-the-counter products! That means that no VCPR is required, no veterinarian visit is required and no prescription is required. A pet owner should be able to buy this over-the-counter pet product just like they do an over-the-counter human product, read the directions and use it safely. The idea that a “veterinarian is the only professional” qualified is false on its face based on Merial’s own licensing of the product as over-the-counter. Pharmacists are certainly qualified professionals who can describe the appropriate use of over-the-counter products.

Notice this additional comment from their [website](#):

FRONTLINE is an easy-to-use treatment that is proven effective.

According to Merial itself, Frontline is both an over-the-counter product and is easy to use. So why restrict the distribution only to veterinarians? I refer you to their opening line above: *“It is Merial’s sales policy....”* It is a sales policy decision.

So, is there a medical justification for the drug manufacturer practice of restricted distribution of over-the-counter medications? In my opinion, no.

Let us move on to prescription medications. Regarding prescription pet medications there are at least five reasons not to restrict distribution.

Reason number one relates to NABP Vet-VIPPS certification and the AVMA’s recommendation of that certification. Vet-VIPPS pharmacies are certified by the NABP as being qualified to dispense pet medications. The AVMA’s recommendation of VIPPS as far back as 2001 and Vet-VIPPS now, is an affirmation that Vet-VIPPS is an appropriate standard for pet owners to look for. Drug manufacturers should do likewise.

Reason number two is that restricting distribution only to those who have the power to write prescriptions, creates a powerful conflict of interest scenario. I am *not* suggesting that I know of a veterinarian who would actually prescribe in their own financial interest rather than in the interest of a pet’s health, but consider this: From a consumer’s perspective what medication would it appear a veterinarian is most likely to prescribe, one a consumer can purchase anywhere or one only available through the veterinarian?

We would like to think that they would prescribe the best drug for the pet, but this conflict of interest scenario raises questions. Add to that incentive programs like the Merial Rewards program and you instantly see the conflict of interest.

The Merial Rewards program provides credit card points for veterinarians and clinic staff who dispense their products. These same products are restricted in distribution by Merial.

- According to Merial these products are not to be purchased outside a veterinarian's office, strike one;
- The veterinarian is the one who has the legal power to write prescriptions for prescription pet medications and the professional status to make recommendations their clients are likely to follow regarding over-the-counter medications, strike two;
- Merial pays an incentive to those who dispense their products—the very same people who have the power to write prescriptions and make recommendations, strike three!

The bullet point list explains reason number three as to why prescription pet medications should not be restricted in distribution only to veterinarians: it eliminates consumer choice and there is an inherent conflict of interest in the present model of restricted distribution.

Thus the recommendation by the AVMA that a veterinarian should honor a client's request for a written prescription is moot if the client cannot fill the prescription anywhere except a veterinarian's office. That scenario is particularly troubling when there are financial incentive programs by drug manufacturers given to veterinarians for prescribing or recommending their restricted distribution medications. We believe this kind of program is illegal in human medicine.

Prescription portability cannot exist without product availability! Without product availability, prescription portability is a sham.

Just to be clear, not all drug companies practice restricted distribution. Some who do not are Bayer, Virbac, Farnam, FidoPharm and Boehringer-Ingelheim.

The fourth reason qualified pharmacies should not be prohibited from acquiring prescription pet medications to sell, has to do with competition. Restricting distribution restricts competition and the consumer winds up paying higher prices. This scenario is great for drug manufacturers, but it is not great for consumers.

Remember, the two professional bodies most qualified to comment on qualifications to dispense pet medications—the AVMA and the NABP—have clearly pointed to Vet-VIPPS as a standard which veterinarians and clients can trust. So where is the problem? The answer is, in drug manufacturer sales policies which ignore these recommendations and keep prices elevated by eliminating consumer choice and restricting competition.

Reason number five for not restricting distribution only to veterinary clinics is the present hypocrisy of drug manufacturers who selectively apply that principle to the benefit of certain veterinarians. How so? Drug manufacturers have chosen to sell directly to some pharmacies that have labeled themselves as “central fill” pharmacies. Note carefully that drug manufacturers are selling direct, or through their distributors, to *pharmacies*.

What is different about those pharmacies? The veterinarian, in one form or another, benefits financially from the prescriptions filled in those pharmacies. At least one of those pharmacies has no veterinarians on staff and, as such, has only pharmacists filling prescriptions. How is this possible if, in the view of drug manufacturers, pet medications should only be sold through a veterinary office? It is possible because the veterinarian profits by the arrangement, thus the drug manufacturers are keeping the veterinarians happy financially by selling direct to these so-called central-fill pharmacies.

This is no criticism at all of these pharmacies and I am not suggesting that drug manufacturers should not sell directly to them. Far from it. I am suggesting that they should not refuse to sell direct to other pharmacies which are equally or even more qualified.

Who suffers from the drug manufacturer practice of restricted distribution? The consumer, via higher prices and fewer choices as to where pet prescriptions may be filled.

Summary

Are pharmacists qualified to dispense pet prescriptions?

Yes. Both the AVMA's eleven year history of recommending VIPPS and Vet-VIPPS, and the NABP's Vet-VIPPS certification itself, say this is true.

Are veterinarians writing prescriptions so that consumers can have them filled at pharmacies of their choice?

Yes, a majority are. However, a minority of veterinarians are using roadblocks like forcing clients to sign waivers or requiring them to pay an extra fee in order for a client to receive a written prescription. This is couched as caring, but in my opinion is simply a strategy to discourage a client from buying outside a veterinary office.

Is there a justification for the drug manufacturer practice of restricted distribution of prescription and over-the-counter medications only to veterinary clinics?

No. Both the AVMA and the NABP recognize that there are pharmacies which are qualified to dispense pet medications. Hypocritically, drug manufacturers refuse to sell to certain pharmacies—even pharmacies with veterinarians on staff—claiming that pet prescriptions should be filled only at a veterinary clinic. The hypocrisy is seen in that they do sell to some other pharmacies—even pharmacies with *no* veterinarians on staff. What is different regarding these other pharmacies is that they have a financial agreement in place with veterinarians allowing veterinarians gain revenue when their prescriptions are filled by these pharmacies.

To my knowledge, no such financial arrangements exist in human medicine between pharmacies and physicians.

Recommendations

- **The FTC's focus should be weighted more toward drug manufacturer restricted distribution practices than on the practices of veterinarians.**

Most veterinarians already provide prescriptions when clients ask. It is a minority who create roadblocks for consumers.

- **Veterinarians should consider offering written prescriptions rather than waiting until a consumer asks.**

Bills like H.R. 1406 would be less likely to be introduced, let alone be passed, if this practice were adopted.

- **Drug manufacturers should stop the sham of restricted distribution and sell direct or through their distributors to all qualified pharmacies and veterinary clinics.**

Hypocritically, drug manufacturers sell to pharmacies, but only to those who have a financial arrangement in place with veterinarians. This directly contradicts the drug manufacturer assertion that prescription pet medication should only be sold by those with a valid-patient-client relationship. A VCPR relates to the *writing* of prescriptions. Yes, a prescription needs a VCPR to be legally obtained. From the veterinarian's perspective—as in human medicine—the VCPR is fulfilled with the patient has been seen and the prescription has been written.

- **Restricted distribution should be eliminated and drug manufacturers should sell to veterinarians and qualified online pharmacies and other qualified pharmacies at the same price.**

At the FTC meeting, veterinarians expressed a concern about what will happen when restricted distribution ends and qualified online pharmacies and other qualified pharmacies have more direct access to pet medications. Their concern is not being able to purchase products at the same price as these pharmacies. Drug manufacturers can help this by leveling the playing field, selling to veterinarians and qualified pharmacies at the same price.

In conclusion, consumers can benefit by the free market system and veterinarians can benefit from a level playing field on price. On one veterinary chat board, a well-known veterinarian suggested that veterinarians might consider a letter writing campaign to drug manufacturers to get them to change their practices. Just to be clear, I mention again that not all drug manufacturers practice restricted distribution, but I would encourage consumers and veterinarians to put pressure on the drug manufacturers which do practice it, to end restricted distribution.