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Advantages, Disadvantages, and Legal Issues Associated with Online Pharmacies

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Introduction

The monumental growth of Internet websites dedicated to providing individuals with health-related information has been mirrored by increased access to more convenient (and often more affordable) health care products and services. In fact, it has been estimated that in 1998, nearly 18 million adults in the United States alone sought health and medical information online, with roughly 70 percent of these utilizing Internet information before stepping foot into a doctor's office [1]. Furthermore, approximately half of individuals who seek Internet-based health information express an interest in purchasing health products online [2].

Unfortunately, the Internet as a medium for access to health products often provides an all too easy opportunity for unscrupulous marketers and practitioners to prey on customers while in a most vulnerable state with consequences ranging from monetary loss to potentially serious risks to one's health [3]. In the following overview of the current state and anticipated future of online pharmacies, I will detail the potential good, the existing bad, and the ever-present ugly of the online pharmaceutical business.

The Good

As with most novel technological utilization, online pharmaceutical sales offer a wealth of benefits beyond those of traditional delivery formats. Among those are some advantages held by other forms of Internet-based commerce including:

- *Privacy and Anonymity* — Consumers often feel more secure and comfortable responding to questions presented online regarding their private medical conditions. As has been well-documented in psychological literature, the ability to ‘hide behind the screen’ may reduce the perceived risks associated with self-disclosure [4]. One should not rely on a perception of privacy, however. One should carefully evaluate a site’s privacy policy and look for assurances that the site will not sell the buyer’s personal information to other parties without consent. Reputable online pharmacies will have such assurances posted clearly on the site itself.
- *Lower Prices* — The lower manufacturing costs and lack of expensive branding of pharmaceuticals produced outside of the United States makes foreign-made medicines an attractive alternative to those purchased at traditional pharmacies. Risks and potential legal issues associated with such purchases, however, are detailed below.
- *Convenience* — As with other forms of Internet shopping, online pharmaceutical sales offer a level of convenience well-beyond the corner pharmacy. Individuals who live great distances from a terrestrial pharmacy, the elderly, disabled persons, and those whose daily schedule precludes additional hassles, all can benefit from the ease and speed of purchasing medicines online. Additionally, shipping charges are often less than the expense incurred from time and travel costs associated with a visit to a traditional pharmacy. In fact, some sites offer free shipping when the total purchase price exceeds a fairly reasonable minimum [5].

Furthermore, utilization of online pharmacies offers additional benefits in direct contrast to most terrestrial pharmacies including:

- *Greater Selection of Generic Brand Drugs* — With differences in patent concerns, online pharmacies based outside of the United States often offer a much more extensive selection of generic equivalents of brand name drugs [6].
- *Easy Access to Additional Medical Information* — A particular benefit of many online pharmacies is the inclusion of useful health information on the site itself. Information regarding the medicines themselves, potential harmful interactions, and links to other resources such as university research, governmental agencies and regulations, and established medical associations are often provided on the better pharmaceutical sites. As with all other forms of health information presented online, one should evaluate such information carefully and critically [7].
- *Ability to Purchase without Prescription* — Be it good or be it bad, many online pharmaceutical sites do not ask for a prescription. As a positive, this allows for an individual to obtain medicines without the expensive and often times embarrassing visit to a doctor. This, however, removes a layer of protection provided by consultation with and diagnosis by a trained medical professional. Self-diagnosis is often times faulty and potentially dangerous drug reactions and interactions with medications currently being taken may not be fully considered in such a situation. Furthermore, purchase of controlled substances without an appropriate prescription may involve serious legal risks as well [8].

The Bad

Unfortunately, there are a number of risks associated with purchasing medicines on the Internet. Some involve nothing more than minor financial loss while others represent considerable legal and health risks for the individual. The following, while not all-inclusive, are among the most frequently cited risks of online pharmaceutical sales:

- *Hidden Fees Added to Drug Prices* — While not necessarily a life threatening factor, a number of online pharmaceutical sites will not present the actual full cost of the medication until the user completes the full buying transaction. In addition to being deceptive, this practice makes comparison of drug cost between sites problematic if not impossible.
- *Failure to Protect Personal and Financial Information* — Reputable online pharmacies will make clear and verifiable assurances of their protection of the consumer's personal and financial information. While privacy assurance is important, the wise user should also look for proper information encryption procedures. For instance, one should look for a small lock in the address field during purchases or the presence of a secure *https* prefix before any personal or financial information is provided.
- *Unlicensed Pharmacies* — A great many (if not the vast majority) of online pharmaceutical sites that one encounters in a simple Google search are, in fact, not licensed pharmacies at all. A licensed pharmacy is inspected on a regular basis and is required to have licensed personnel employed. Dealing with an unregulated, non-licensed online pharmacy is not recommended. Assurances of drug quality, drug safety, and legal distribution are lost when dealing with a non-licensed entity.

In response to the rapid increase of online pharmaceutical sales, the National Association of Boards of Pharmacies (NABP) has adopted a voluntary certification plan deemed Verified Internet Pharmacy Practice Sites (VIPPS) certification [9]. According to the NABP:

To be VIPPS accredited, a pharmacy must comply with the licensing and inspections requirements of their state and each state to which they dispense pharmaceuticals. In addition, pharmacies displaying the VIPPS seal have demonstrated to NABP criteria including 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 [10].

All online pharmacy sites that have received VIPPS approval are identified with the VIPPS hyperlink seal. When a user clicks on this seal, they are directed to the official NABP VIPPS site wherein they can verify all information about the pharmacy maintained by NABP. Currently 13 online pharmaceutical sites have obtained full VIPPS approval. The full list of approved pharmacies can be found on the NABP VIPPS website at <http://www.nabp.net/vipps/intro.asp>.

The Ugly

I present this last section, The Ugly, as a case study in investigative reporting. While preparing

this article, I thought it would be interesting to see how quickly I could locate a site within which I could purchase (without a prescription) a controlled pharmaceutical (oxycodone, better known by its brand name, OxyContin®). It took me less than 8 minutes to find a site that offered the drug without a prescription requirement. Needless to say, I thought it best to not purchase a Schedule II controlled substance over the Internet...even for the sake of this article. The ease and speed at which I was able to complete my search, however, was sobering.

My experience, unfortunately, is not uncommon. According to the Drug Enforcement Administration (DEA), about 95 percent of products that are sold by online pharmacies are controlled substances. Keeping in mind that traditional, legitimate pharmacies report that 11 percent of dispensed medications are these same controlled substances, one has a glimpse into the scope of this problem. In fact, the DEA has reported that 34 (a relatively small representation) rogue pharmacies dispensed more than 98.5 million dosages of hydrocodone products in 2006 — enough to provide 410,000 individuals a one-month supply [11].

Some unlicensed pharmacies, however, do ask for a prescription before dispensing such medications. But, how does one navigate around the issue of not having a prescription when ordering a controlled pharmaceutical online? According to Joseph Rannazzisi, deputy assistant director of the DEA's Office of Diversion Control, during testimony before the Senate Judiciary Committee in May of 2007, rogue pharmaceutical websites target and approach doctors who are retired or in debt and are in need of extra income. These doctors, for as little as \$10 to \$25 in compensation per prescription, provide prescriptions after they review online questionnaires completed by potential customers. The website then approaches small pharmacies that are struggling financially and persuade them to fill the prescription that is now "in hand" [12].

According to a recent report, rogue online pharmacies have allegedly further attempted to evade U.S. law enforcement by relocating their executive offices to Costa Rica and its computer servers and accounting divisions to Nicosia, Cyprus [13]. Having seen reference to Cyprus a number of times in my preparation for this article, I decided to perform a Google search with "Nicosia" and "online pharmacy" as my search terms. Much to my surprise, this search resulted in 28,100 hits. Interestingly, upon further investigation, a number of the pharmacy sites that resulted from my search have been flagged as deceptive and fraudulent by a number of consumers, yet continue to operate [14]. It should be kept in mind, however, that simply because a business (online or otherwise) has been reported as such does not necessarily mean that the business is in actuality fraudulent. As is sometimes the case, competing businesses sometimes file bogus reports to gain a competitive edge.

In short, one should exercise the utmost caution when ordering medications online. While financial losses for consumers are an ongoing problem, the potential impact upon one's health from the activities of such unlicensed pharmacies operating online is of paramount importance.

Endnotes

[1] Cyberdialogue, Inc. (June 1999).

[2] <http://www.epscorp.com/healthmednet/business.htm>

[3] <http://ftc.gov/os/1999/07/pharmacytestimony.htm>

[4] Bargh, J. A., McKenna, K. Y. A., & Fitzsimmons, G. M. (2002). Can you see the real me? Activation and expression of the 'true self' on the Internet. *Journal of Social Issues*, 58 (1), 33-48.

[5] For example, <http://www.drugstore.com>

[6] <http://health-are-us.com>

[7] <http://bcis.pacificu.edu/journal/2007/01/davis.php>

[8] Zeman, S. E. (2001). Regulation of online pharmacies: A case for cooperative federalism. *Annals of Health Law*, 105.

[9] Rice, R. E., & Katz, J. E. (Eds.) (2001). *The Internet and health communication: Experiences and expectations*. Sage Publications: Thousand Oaks, CA.

[10] <http://www.nabp.net/vjpps/intro.asp>

[11] http://keytv.com/health/health_story_235070605.html

[12] Ibid.

[13] <http://www.drugengine.com>

[14] <http://www.ripoffreport.com>

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on **February 4, 2014 at 10:19 AM** said:

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on **February 6, 2014 at 10:31 AM** said:

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