

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

May 17, 2016

Ms. Tara Koslov
Deputy Director, Office of Policy Planning
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Dear Ms. Koslov,

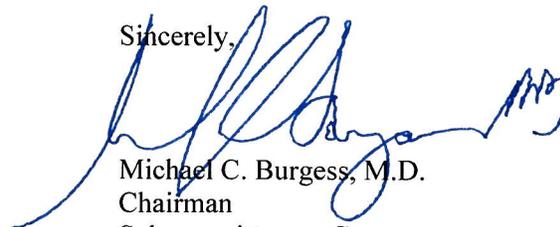
Thank you for appearing before the Subcommittee on Commerce, Manufacturing, and Trade on Friday, April 29, 2016, to testify at the hearing entitled "The Pet Medication Industry: Issues and Perspectives."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by the close of business on Tuesday, May 31, 2016. Your responses should be mailed to Giulia Giannangeli, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Giulia.Giannangeli@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Michael C. Burgess, M.D.
Chairman
Subcommittee on Commerce,
Manufacturing, and Trade

cc: Jan Schakowsky, Ranking Member, Subcommittee on Commerce, Manufacturing, and Trade

Attachment

Attachment - Additional Questions for the Record

The Honorable Michael C. Burgess, M.D.

1. Ms. Koslov, please detail the number of complaints the FTC has received where a consumer asked for a prescription from their veterinarian and it was not given to them.
2. Ms. Koslov, are there other sources of complaints against veterinarians outside of the FTC's complaint system? If so, please detail those sources. Do you have any data from those sources about the number of instances, or complaints from individuals, where a client asked their veterinarian for a prescription and the request was denied?
3. Ms. Koslov, are there any provisions of law, or industry codes, which bar pharmaceutical manufacturers from providing physicians with payments, gifts, or other benefits as an inducement to prescribe their products? If so, please explain the impact of such restrictions.
4. Ms. Koslov, in its 2015 report, the FTC discussed the practice of pet owners being required to sign a waiver of liability prior to receiving the copy of a prescription. Does the FTC have any data about the terms of these waivers? Are veterinarians liable for any damages which occur as a result of a pharmacy incorrectly filling a prescription or any other pharmacy performance failures?

The Honorable Susan Brooks

1. In regards to pet owners filing complaints claiming their veterinarian would not provide a prescription upon request (i.e. withholding the prescription), what specific practices by veterinarians have complaints been filed about? What specific types of complaints have been filed? How many complaints have been filed? Which state(s) do the complainant(s) live in? Do the state(s) in which complaints have been filed already have state-level legislation or regulation in regards to issuing pet medication prescriptions?

The Honorable Kurt Schrader

1. During the hearing, you referenced veterinarians generating 20% of their revenue coming from pet medication sales. Please provide your reference for such data.
2. During the hearing, you stated that the FTC had received a number of complaints about veterinarians failing to honor a request for the written prescription or not being aware that they could have a prescription filled outside of the veterinarian's office. How many complaints have you received, what are the nature of the complaints, and are these complaints from states with or without laws, policies, or regulations requiring veterinarians to honor a client's request? Additionally, how do complaints received from states compare—those from Arizona and California (which require veterinarians to notify clients of their option to fill the prescription elsewhere and then honor the request) versus those from states where veterinarians simply must honor a request versus those states with no laws, policies or regulations?

3. The FTC report acknowledges veterinarians face increased price competition from other retail distribution channels and have responded by lowering prices on some medications. Pet owners, the report says, have many more choices for purchasing pet medications than a decade ago. Pet Med Express claims to have 2.5 million customers with 50 percent of its business being prescription medications. So lots of people are using portable prescriptions and competition is increasing. Why does the government need to create a new mandate in this environment?
4. The FTC report says the traditional distribution model of pet owners purchasing medications directly from veterinarians has been challenged by the expansion of retail businesses, both on-line and brick-and-mortar. How could this expansion be taking place if owners are not aware of their opportunity to fill prescriptions outside of the veterinary office?
5. During the hearing you stated that FTC staff reviewed and considered the 700 public comments the FTC received in response to the 2012 workshop that was conducted by the FTC. You stated that “complaints persist” that “not all requests [for a written prescription] are honored.” Can you provide additional information on these complaints including the number of complaints and the nature of the complaints and with whom they were filed? Also, how many of the 700 public comments indicated that requests for a written prescription were not being honored and how many of these were from states that already have state laws on the books requiring veterinarians to provide the written prescription?
6. There have been documented incidences of pet harm from pharmacy mistakes in filling prescriptions, including such things as not recognizing different doses of insulin, thyroid medication, nonsteroidal anti-inflammatory medication, or confusing cc’s with tablespoons. Are incidents like this expected to increase if more consumers obtain their pet medications from pharmacies? And have there been any developments since the 2012 workshop to improve training of pharmacists on animal pharmacology so that they reduce errors related to correct dosages, contraindications, side effects, and drug interactions for animal patients?
7. Given legislation related to prescription writing mirrors that for contact lens prescribers, can you tell us how well the contact lens rule is working? Are you having to take enforcement action against prescribers for failing to provide the written prescription, and what does that action look like?
8. You’re likely aware of concerns by the FDA regarding medications obtained online for pets. We’re also aware of some safety issues related to contact lenses obtained online. Has the FTC taken any steps to educate consumers about safe sources of contact lenses and would similar action be taken regarding pet medications?
9. We are aware of a number of states without laws, regulations or policies requiring that veterinarians honor a client’s request for the written prescription. Have you seen consumers in these states adversely affected as to price and quality of pet medication

services? Or for those states with a requirement, are you finding consumer complaints or veterinarians not in compliance?

10. Have you investigated the bigger health threat to animals posed by online prescription retailers refilling a prescription outside of the veterinarians' recommendations causing preventable harm and pain not to mention death of a person's pet?