

The Honorable Michael C. Burgess, M.D.

1. **Mr. Smith when a pet owner who does not have a copy of her pet's prescription seeks to fill that prescription from a pharmacy or online retailer, what is the process used to verify that prescription and how effective is that process?**

Overview: As with human medications, if the pet owner has a copy of the prescription in his or her hands, the prescription is given to the pharmacy and is promptly filled. It is a process which is simple, proven, effective, safe – and fair to consumers and vet clinics alike. It is one of the reasons we believe pet owners should have the same right to copies of their pet's prescriptions as they effectively have for their own.

Unfortunately, the vast majority of pet owners do not leave the vet clinic with a copy of the prescription in hand. It was stated during the hearing that the AVMA has a policy urging its members to honor a client's request for a copy of the prescription, and that many states (through statutes, regulations or board rules) have "by request" provisions. But, policies requiring consumers to ask for copies of prescriptions from prescribers who are also retailers do not work, and were quickly rejected when the Federal Trade Commission (FTC) considered the Eyeglass Rule and Congress developed the Fairness to Contact Lens Consumers Act.

Why Making Pet Owners Ask For Their Prescriptions Does Not Work: So-called "by request" rules do not work. They are unenforceable. They are discriminatory. They put consumers in the middle of a conflict of interest. They create an unfair playing field between those doctors who freely release prescriptions and those who do not. They discourage choice, since doctors can ask for a fee or a waiver in exchange for releasing the prescription.

The FTC report on pet medication acknowledges that despite trying pet owners are being denied their prescriptions: "Consistent with these findings, anecdotal evidence presented in written comments and other publicly available sources indicates that some veterinarians refuse to provide prescriptions to clients when requested."¹

A major VIPPS-certified online pharmacy informs me that only ten percent of its customers who attempt to purchase prescription pet medication have copies of their prescriptions. This is ten percent of a relatively narrow population of pet owners who have decided they would like to purchase from outside the vet clinic, suggesting that the percentage of the general population of pet owners who receive prescriptions is much lower.

In addition, the pharmacy has found no pattern whatsoever suggesting the percentage of their customers in California (where the veterinarian is required to offer the prescription) who have received copies of their prescriptions is any greater than the percentage receiving prescriptions in states with "by request" rules or in states with no rules regarding the right of pet owners to obtain copies of their pets' prescriptions.

The problem is that "by request" rules put the pet owner – whose interest is obtaining top

¹ "Competition in the Pet Medications Industry - Prescription Portability and Distribution Practices," Federal Trade Commission Staff Report, May 2015.

quality healthcare at pricing he or she deems reasonable – squarely in the middle of the conflict of interest where the health care provider also sells the prescribed medication, and can require the prescription be filled with a brand of medication distributed only through veterinarians.

“By request” rules do not bar the veterinarian clinic from charging the pet owner a separate fee for the prescription – even a fee large enough to discourage the pet owner from shopping elsewhere. The practice of prescribers charging a fee to deter their clients from filling their prescriptions is not new. In promulgating the Rule granting eyeglass wearers rights to copies of their prescriptions in 1978, the FTC found that “[b]y far the most frequent practice employed to discourage consumers from shopping elsewhere is the charging of a fee for the prescription. . .if the consumer requests his prescription.”²

Under “by request” rules, veterinarians are free to disparage their pharmacy competitors or even require the pet owner to sign a “waiver of liability.” As I seem to recall you raised during the hearing, it is not clear what, if any, liability would need to be waived as a veterinarian carries no liability for a prescription properly written but dispensed incorrectly by a pharmacy or other alternative retailer. Rather, the main purpose of such waivers is to scare the pet owner into believing there are inherent risks in purchasing their pets’ medications from a pharmacy.

Following is a sample waiver form available to veterinarians over the Internet:

² Advertising of Ophthalmic Goods and Services, Statement of Basis and Purpose and Final Trade Regulations Rule. 43 FR 23992, 23998 (June 2, 1978).

**Waiver of Responsibility and Liability for Prescriptions to be Filled by
Internet Pharmacies or Catalog Vendors**

Client's Name _____ Pet's Name _____

I hereby request a prescription for medication(s) for my pet so that I can purchase these products from an Internet pharmacy or catalog vendor. I have been informed that the following risks exist when I obtain these products from such sources:

- There is the possibility that the prescription drugs received from these vendors may be counterfeit and may not have been approved by the FDA and the pesticides may not have been approved by the EPA. This has occurred in the past and could recur.
- As the provider of your pet's care, our medical records keep track of all drugs dispensed by us to you. When you purchase your prescriptions elsewhere, our computer tracking system is not activated to print instructions for use or risks of adverse effects or to send reminders for follow-up exams and/or lab tests that may be needed to monitor results or adverse reactions.
- The number of tablets or capsules, milligram size of the unit, volume and/or concentration of liquid, and number of authorized refills may differ from that prescribed by the attending doctor. Manufacturer rebates that would ordinarily be available for products purchased from this facility generally will not be available.
- The manufacturer's warranties or guarantees for these products may not be valid. This means if your pet's condition is not effectively treated with the product(s), manufacturers may not stand behind their products or product liability procedures. Additionally, the owners of and doctors at this facility will be unable to assist you in claims against those manufacturers.

I have read and understand the above, accept these risks, and am aware that this facility cannot accept any financial responsibility for paying for or reimbursing me for any treatments required as a result of the use of products purchased from these sources. In the absence of negligence, I agree to hold this veterinary practice harmless for any deleterious effects or lack of effectiveness of drugs or vaccines purchased from any other source.

Signature of Owner or Authorized Agent

Date

In promulgating the Eyeglass Rule, the Commission also zeroed in on the waiver issue, expressing concern with the practice, which “involves the conditioning of the release of a prescription on the signing of a waiver of liability.” The use of such a waiver, the FTC found, could “have a significant impact on the consumer’s decision whether to take his prescription elsewhere,” and “have the effect of making consumers erroneously believe that other dispensers are not qualified....”³

Problems with the Verification Process for Pet Medications: It is when the pet owner does not have a copy of the prescription that the process deviates from what is found in human care. The dispensing of human medications is designed to accommodate the consumer’s interest in choosing his or her own pharmacy – based on the price and convenience which suits that consumer best.

With human care, the pharmacy contacts the physician’s office, whose staff verifies the prescription. This process occurs thousands upon thousands of times every day. There is no issue with the physician’s office cooperating in the process since the physician has no financial interest whatsoever in where their patients purchase their human medications.

With pet care, verification in such circumstances can become difficult – which makes sense since the veterinarian clinic has a financial interest in where its clients purchase their medications, creating an inherent disincentive for the clinic to cooperate.

There is no federal government requirement that the veterinarian cooperate with the verification request – despite the fact it is the federal government which bars the pet owner from purchasing the medication (many categories of which are available over-the-counter in other industrialized nations) without a prescription.

The AVMA Code does not require the veterinarian to cooperate in verification requests, and there is nothing to prevent a veterinarian from using the verification process for competitive advantage by contacting the client in an attempt to gain the sale back – whether by disparaging the pharmacy, offering comparative pricing, or intimidating the client (since the client relies on the clinic for her pet’s healthcare).

The key characteristic of the pet medication verification process is when the pet owner does not have a copy of the prescription, the veterinarian clinic has an inherent short-term financial incentive to not facilitate sales by a competitor by cooperating in the verification process.

According to one online VIPPS-certified pharmacy, with 9% of their customers, the vet clinic either denies the prescription or effectively stops the process through excessive delays – even though the verification request is valid. The same pharmacy has 19% of its customers drop their purchases because the vet clinic has either (1) required the pet owner to return to the clinic; (2) mandated the payment of a release fee negating the savings offered by the online pharmacy; (3) offered to meet the price of the online seller, or (4) required the pet owner to sign a “waiver of liability.”

³ Advertising of Ophthalmic Goods and Services, Statement of Basis and Purpose and Final Trade Regulations Rule. 43 FR 23992, 23998 (June 2, 1978).

Different pharmacies manage the challenge of vet clinics not cooperating in the verification process in differing ways.

Some leading on-line pet pharmacies, in cases where the vet clinic has not cooperated in the verification request, will attempt to initiate a phone call to the clinic with the pet owner on the line. If cooperation in terms of verifying or providing copies of the prescription is not forthcoming, at the discretion of the pet owner and according to the level of service offered by the on-line pharmacy, follow up calls are undertaken.

Brick and mortar based retail pharmacies tend to be less likely to call vet clinics to have prescriptions transferred, focusing service on those customers who arrive with a copy of their prescription in hand. The disadvantage of a competing pharmacy is that the time, effort and cost of requesting a prescription transfer can quickly exceed the profit margin realized by on-line and retail pharmacies that sell prescription pet medications at significantly lower margins and prices than do vet clinics.

Level Playing Field: One of the benefits of a policy which guarantees every pet owner a right to a copy of his or her prescription, is that it puts vet clinics on an even playing field.

Despite there being little advertising of pricing by vet clinics, there is competition. (Although the market is seeing promotion of “wellness plans” by large corporate chains). A vet clinic which ignores the financial incentives to hold onto prescriptions and to frustrate verifications procedures, and instead voluntarily gives its clients copies of prescriptions and promptly cooperates with verification requests, in the short term will find itself at a competitive disadvantage in terms of revenue vis-à-vis clinics which seek to maximize its sales of prescription medications, and which exploit the fact pet owners necessarily rely on vet clinics for advice.

The federal government has stepped into this marketplace by preventing pet owners from purchasing pet medications without the permission of a licensed prescriber. The lack of any corresponding federal policy requiring all prescribers to give pet owners copies of those prescriptions (which facilitates quick and accurate verification), penalizes those vet clinics that have the best interests of its clients at heart, and which must compete for revenue with vet clinics that withhold copies of prescriptions and do not cooperate with verification requests.

AVMA Policy: The AVMA poses no obligation on its members to cooperate with requests from pharmacies to verify prescriptions. This sets up an odd situation where a veterinarian who requires medication for herself or her family can take comfort in the knowledge that her physician’s office will automatically cooperate with her chosen pharmacy, but has no requirement to similarly cooperate when that physician – or any other pet owner – seeks to purchase their pet’s medications from a pharmacy.

For example, in the AVMA’s “Prescriptions and Pharmacies: For Veterinarians (FAQ)” it states:

Q: Do I have to fulfill a request for a refill when I receive a fax from an internet pharmacy?

A: If you as the patient's attending veterinarian believe the drug is medically appropriate for your patient, then you can authorize (or not authorize) it at your discretion.⁴

This differs greatly from a pet-owner friendly policy. We urge the AVMA to update its guidance along the lines of the following to help assure pets obtain needed medications promptly, bring pet care more in line with human care in terms of dispensing medications, and benefit pets, their owners and prescribers:

A: As a health care provider, your obligation is to facilitate the provision of medications to your clients in a manner which respects the client's preference to choose where he or she purchases those medications consistent with safety of the pet.

As such, if you as the patient's attending veterinarian believe the drug is medically appropriate for your patient, then you should promptly authorize the refill from a VIPPS-certified or other reputable pharmacy. You should not, in response to the request for a refill, contact the client to urge that the prescription be filled at your clinic, or require the client to pay an additional fee or sign a waiver of liability.”

Convenience: As I mentioned in my testimony, many American families are burdened by severe time constraints, so convenience matters. Facilitating the verification process – either through release of prescriptions or through cooperating in the process would make a positive difference to such families. Being able to pick up their pet's medication at the store and pharmacy where they shop – as opposed to having to make a special trip to the vet clinic -- would be a significant benefit.

Purchasing product on the Internet, while it was once the exception, has become essential to many. So, while a couple of decades ago, buying pet medications only from one's vet may have been the only practical choice, the world is much different today.

Giving pet owners the ability to purchase online efficiently will also save them significant sums in addition to any savings in the cost of the medications. In testifying in a state regulatory proceeding in 2002, then-Director of Policy Planning for the Federal Trade Commission, Ted Cruz, noted how the cost in terms of time value of money in having to pick up one's contact lenses from the prescriber's office as opposed to purchasing them online could exceed the cost of the lenses themselves. Specifically, the FTC calculated that an hour-long trip to obtain lenses had “an implicit time cost of between \$10.96 and \$26.00,” which represented “a markup of between 50 and 130 percent over the cost of a multipack.”⁵

Of note is that the calculation was based on 2001 average wage rates. Presumably, when current wage rates are considered, the premium would be significantly greater. And the, FTC's assessment did not even include the transportation costs of driving to the office. There is no reason to believe the calculation with respect to pet medications would yield a

⁴ “Prescriptions and Pharmacies: For Veterinarians (FAQ)”

<https://www.avma.org/KB/Resources/FAQs/Pages/Prescriptions-and-Pharmacies-Veterinarian-FAQs.aspx>

⁵ Comments of the Staff of the Federal Trade Commission, Intervenor, In Re: Declaratory proceeding on the Interpretation and Applicability of Various Statutes and Regulations Concerning the Sale of Contact Lenses, State of Connecticut Department of Public Health, Connecticut Board of Examiners for Opticians. (March 27, 2002)

different conclusion.

Underserved Markets: As I also mentioned in my submitted testimony, the market for pet medication is bifurcated – between those on one hand who can afford unnecessarily expensive medications and that have reasonable access to veterinary clinics. They are spending more on their pets and driving growth in the industry.

On the other hand, there are pet owners with lower incomes whose situations are made even more challenging by stagnate real wages and the aftermath of the recession, and those who do not have ready access to vet clinics – whether that be because they are elderly and homebound or because they live in an underserved urban core or in a rural area. These pet owners are finding it tougher to care for their pets, and they are buying less veterinarian recommended medication and spending less on their pets.⁶

Below is a document detailing the bifurcated market, including revealing how urban core areas tend to be underserved by veterinary clinics, making the option for pet owners to obtain their pets' medications from alternative retailers all the more important.

Veterinarian Care Access Issues

- * From 1998 to 2008, U.S. households earning \$70K or more grew from 33% of the aggregate pet market expenditure to 56%.
- * Dog/cat owning households with income between \$100K-\$149K+ are 22% more likely than the general population to buy flea/tick products.
- * For at least six years, approximately a quarter to a third of the population has said that they've reduced spending on their pets.
- * For pet owners, as with U.S. consumers in general, economizing often involves strategic retail behavior including trading down across channels and brands, shopping multiple channels for bargains, and increased usage of coupons and private labels, all of which serve to suppress overall retail dollar performance.
- * Of the top 20 human drugs that lost patent protection between 2005 and 2007, 100% went generic; and of the top 20 veterinary companion animal drugs during the same time frame, only 20% went generic.⁷

Urban Residents Have Less Access to Vet Clinics -- According to data provided by the Bureau of Labor Statistics, the following cities all have location quotients – which measure the concentration of occupational employment as compared to the national average – below the national average. A location quotient greater than one (1) indicates that the occupation has a higher share of employment than average, and a location

⁶ See George Puro, Package Facts, Pet Medication in the U.S. (4th Edition, October 2015) [hereinafter PACKAGED FACTS REPORT 4th EDITION], Table 5-4a, Table 5-4b, Table 5-5.

⁷ Package Facts Report on Pet Medications.

quotient less than one (1) indicates that the occupation is less prevalent in the area than average.

Location	Location Quotient
Los Angeles, CA	0.61
Oakland, CA	0.87
San Francisco, CA	0.67
Washington, DC	0.96
Fort Lauderdale, FL	0.75
Miami, FL	0.71
Chicago, IL	0.86
Boston, MA	0.81
Detroit, MI	0.80
Newark, NJ	0.59
New York, NY	0.53
Dallas, TX	0.69

By making pet medications more affordable and easier to obtain – which would result from prescription release and prompt verification -- those currently outside the market will be more likely to participate. Such individuals would be better able to care for their pets, and more inclined to keep and care for them longer, growing the market for veterinarians, manufacturers and retailers alike.

Summary:

This is not an efficient market. For far too many customers, receiving copies of their pets’ prescriptions, getting prescriptions transferred, and or having vet clinics verify prescriptions can be frustrating, and time consuming. For many pet owners, the lack of verification results in the same outcome of being denied the prescription up front. The most effective verification process is what physicians do with human medications – provide the consumer with a copy of the prescription, and cooperate with the consumer’s pharmacy in dispensing refills. Pet medications should be treated the same way.

Have any issues been raised by the veterinarian community about this process?

As mentioned above, the most effective and efficient means of verification is for the pet owner to receive a copy of the prescription and then present it to the retailer of his or her choice – whether that is the clinic itself, or a pharmacy.

I noted your comments during the hearing analogizing the pet medication and contact lens marketplaces. When it comes to the verification process, there is a fundamental distinction. Prescription pet medications, as is the case with human medications, require affirmative verification. Either the pet owner presents the prescription to a pharmacy, or the pharmacy engages the prescriber and has the prescription confirmed.

Contact lenses, as a medical device, have a different verification process – one requiring

passive verification as opposed to affirmative verification. The process was established in the Fairness to Contact Lens Consumers Act (PL 108-164), and recognizes the conflicts inherent in a marketplace where the prescriber is also the retailer and has a financial interest in frustrating verification by an alternative retailer.

Under contact lens process, the retailer selected by the consumer transmits the prescription information to the prescriber, who then has eight business hours in which to respond to the accuracy of that prescription. If the prescriber chooses not to respond during that time period, the prescription is deemed verified and the contact lenses are dispensed.

While there are fundamental differences between the verification processes for pet medications and contact lenses, there are some important similarities when it comes to the issue of prescription release – similarities which can be called upon to project how the market will respond when pet owners are given the same right as contact lens wearers to automatically receive copies of their prescriptions.

Indeed, the marketplace for pet medications today looks a lot like the contact lens marketplace before enactment of the Fairness to Contact Lens Consumers Act.

Twenty years ago, contact lens wearers had no right under federal law to copies of their own contact lens prescriptions. They were limited in their ability to shop around on those prescriptions – if they could get their own prescriptions -- as the distribution system for contact lenses sought to restrict their availability to prescribers optical stores.

Much like contact lenses provides a case study for release of pet medication prescriptions, the law for contact lenses was preceded by promulgation by the FTC of a rule requiring release of eyeglass prescriptions.

Specifically, in 1978, the Commission issued the Ophthalmic Practice Rules, widely referred to as “the Eyeglass Rule.” It very simply gave eyeglass wearers the right to automatically receive copies of their prescriptions without having to ask, pay a fee, or sign a waiver.⁸ The Fairness to Pet Owners Act is modeled on this Rule, which succeeded in opening up the marketplace for eyeglasses to the benefit of consumers, manufacturers and retailers.

In promulgating this Rule, the FTC found a lack of awareness on the part of consumers that they could choose to purchase their eyeglasses from a retailer other than their prescriber.⁹ Indeed, automatic prescription release remains the most cost effective and efficient means of providing consumers with notice that they have a choice to fill the prescription from a retailer other than the prescriber -- a key factor cited by the FTC when it decided, in its systematic review concluded in 2004, to retain the release requirement. As the FTC noted, “[i]n the absence of automatic release...consumers may not know to ask for their prescription.”¹⁰

Because of the Fairness to Contact Lens Consumers Act, consumers have the right to a copy of their contact lens prescription without having to ask, pay or sign a waiver, and can

⁸ See 16 C.F.R. PART 456—OPHTHALMIC PRACTICE RULE.

⁹ Ophthalmic Practice Rules: Request for Comments 62 FR 15865, 15866 (April 3, 1997).

¹⁰ Also, “release of prescriptions enhances consumer choice at minimal compliance cost to eye care practitioners.” Ophthalmic Practice Rules, Final Rule, 69 FR 5451, 5453 (February 4, 2004).

take that prescription to be filled by any retailer. The result is that more Americans are wearing contact lenses. They are saving money. They are buying more lenses. They have more choices. There is more competition among manufacturers, resulting in technological advances.

What's been the impact on consumers? They are saving money. They are buying more lenses. They have more choices. And they have benefited from technological advances. Giving pet owners the same right to copies of their prescriptions would yield similar benefits.

Following is a chart listing average prices in 2004 (when the Fairness to Contact Lens Consumers Act went into effect) for three kinds of contact lenses; toric (for astigmatism); color; and common spherical lenses.

Contact Lens Price Comparison 2004¹¹			
Channel	Focus Toric	FreshLook Colorblends	Acuvue 2
Mass Merchandisers	\$53.21	\$35.40	\$18.05
Optical Retail Chains	\$66.69	\$42.09	\$22.85
Independent Optometrists	\$70.91	\$46.67	\$24.39
Ophthalmologists	\$73.18	\$46.54	\$25.74
Average of ECPs	\$67.87	\$44.43	\$23.31
1-800 CONTACTS	\$59.00	\$34.95	\$19.95

The next chart compares prices charged by the largest online retailer, 1-800 CONTACTS for these products compared to what it charged in 2004.

¹¹ Chart submitted to FTC by Joe Zeidner, 1-800-Contacts General Counsel
https://www.ftc.gov/sites/default/files/documents/public_events/pet-medications-workshop/rjzeidner.pdf

Contact Lens Pricing at 1-800 CONTACTS¹²

Product	2004 (found in FTC Study)	2004 price in 2012 constant dollars ¹³	2012 Pricing
Acuvue 2 (6pk)	\$19.95	\$24.83	\$18.99/ea. for annual supply or \$20.99/ea
Focus Toric ¹⁴	\$59.00	\$73.43	\$49.99/ea for annual supply or \$57.49/ea
FreshLook Colorblends (6pk)	\$34.95	\$43.50	\$39.49/ea for annual supply or \$46.99/ea

Looking at pricing for the Acuvue 2 prices today, 1-800 CONTACTS charges \$22.99 for an annual supply. That is less than less than the 2004 price in 2016 constant dollars of \$25.04.¹⁵

As contact lenses became more affordable and easier to obtain, consumers responded. According to a 2013 study commissioned by the American Optometric Association titled “The State of Optometry, the number of American adults wearing contacts increased by 40% between 2001 and 2012, and the percentage of American adults wearing contacts increased by nearly 25% over that same period.¹⁶

When the Fairness to Contact Lens Consumers Act was considered by Congress, claims were made by some opponents that creating competition in the sale of replacement contact lenses harm optometry as an industry. Similar sentiments were raised during the hearing regarding the veterinary profession with respect to the release of prescriptions for pet medication.

As the following chart documents, optometry has benefited as more Americans became contact lens wearers and as purchases of contact lenses increased dramatically. The Fairness to Contact Lens Consumers Act effectively drove the eyewear market right through the recession, increasing revenues despite the fact prices for contact lenses declined in adjusted dollars (and in some cases in real dollars).

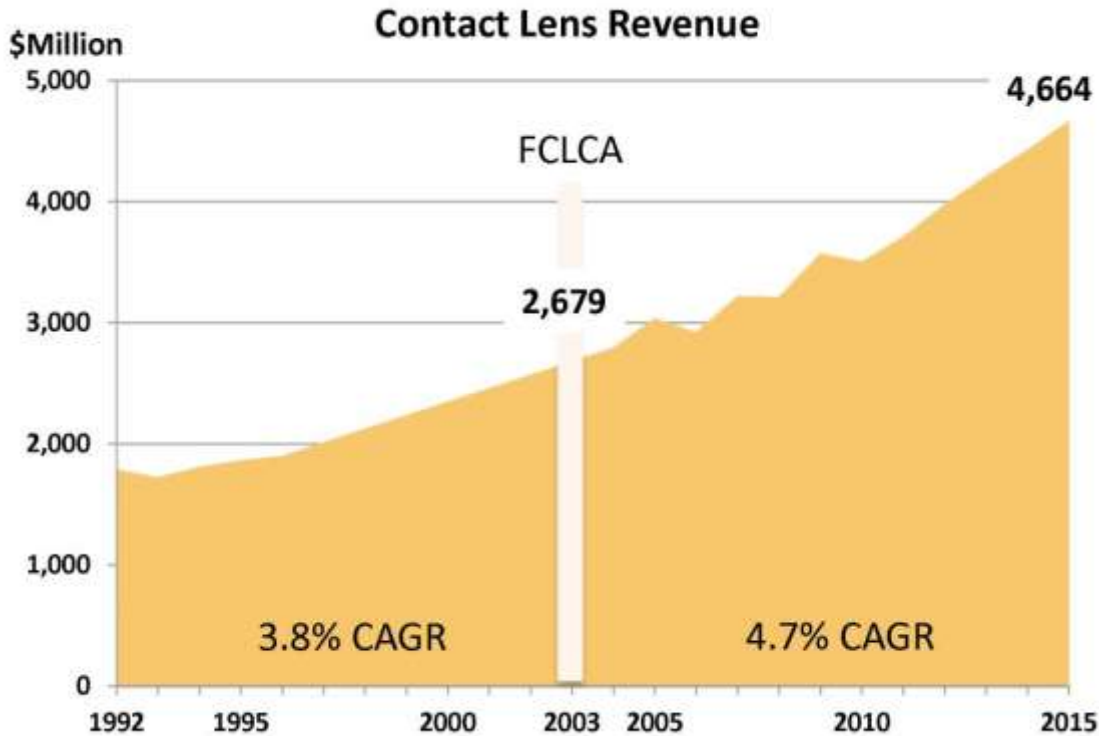
¹² Chart submitted to FTC by Joe Zeidner, 1-800-Contacts General Counsel https://www.ftc.gov/sites/default/files/documents/public_events/pet-medications-workshop/rjzeidner.pdf

¹³ Based on annual CPI increases for medical care commodities

¹⁴ Current comparable product is “Air Optix for Astigmatism”.

¹⁵ <http://data.bls.gov/cgi-bin/cpicalc.pl?cost=19.95&year1=2004&year2=2016>

¹⁶ State of Optometry, 2013, Page six.



Indeed, despite concerns voiced by the optometry industry that the Fairness to Contact Lens Act would harm their profession, four years after the bill's enactment, Contact Lens Spectrum reported that the “ophthalmic sector as a whole” grew “250 percent” over the previous five years, which, it noted was “far ahead of the S&P 500”, and concluding that the contact lens industry had been “graced with growth and product innovation”.¹⁷ The same publication reported in its annual report for 2009 (during the depths of the recession), that as of “September 2009, the ophthalmic sector as a whole was up 44 percent year-to-date...far ahead of the S&P 500.”¹⁸

The next year, the publication proclaimed in its annual report for 2010 that “[m]arket and survey data show that the industry remained largely unaffected in 2010 by the state of the economy” reporting that while “the economy ha[d] been challenging for many [in optometry]. . . .the market again appear[ed] to be weathering the storm,” and that “the ophthalmic sector as a whole remained strong.”¹⁹

The report found “[t]here was a marked slowdown in the ophthalmic market starting in the fourth quarter of 2008, with improvement through 2009 and into 2010,” concluding that “[t]he contact lens industry remains healthy” A year later, in its annual report for 2011, the publication reported that despite the slow growth in the general economy “the contact lens market remained healthy in 2011, with U.S. sales growing 5 percent through the third quarter.”²⁰

¹⁷ Annual Report 2007, Contact Lens Spectrum, January 2008.

¹⁸ Annual Report 2009, Contact Lens Spectrum, January 2010.

¹⁹ Annual Report 2010, Contact Lens Spectrum, January 2011.

²⁰ Annual Report 2010, Contact Lens Spectrum, January 2009. Also, Annual Report 2011, Contact Lens Spectrum, January 2012.

Unfounded Health Claims: One issue focused upon at the workshop on pet medications held by the FTC in 2012 was whether filling one's pet prescription at a pharmacy posed health risks for the pet. The reality is that 67,000 human pharmacies, 23,000 independent pharmacies, and reputable on-line pet pharmacies uphold the high standards of pharmacy regulations, and must do so to retain their licensure.

Pharmacists are effectively Ph.D chemists who have more training in medication than human doctors and veterinarians. If pharmacists can be trusted to dispense critical medications for the health of humans, they certainly exceed the expertise necessary to dispense the medications as prescribed by a veterinarian.

Also, the largest volume forms of prescription pet medications are prepackaged and dispensed according to species and weight. For the majority of medications, a pharmacist will need do no more than read the prescription and pick the corresponding box off a shelf.

The Honorable Kurt Schrader, DVM

- 1. During the hearing, you stated that you were aware of a number of complaints from pet owners 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. Please share the nature of these complaints, to whom they were made, and how these pet owners were advised (i.e. did they report to the state boards of veterinary medicine?).**

A few comments were made during the hearing about how the states are adequately addressing the issue of prescription release through rules requiring veterinarians to issue prescriptions "upon request."

However, it is the federal government that restricts this market, that limits what pet owners can buy. It strikes me as somewhat inconsistent for the federal government to tell Americans that they cannot buy certain products without a prescription, and then not guarantee those consumers a right to a copy of that prescription so they can choose where they purchase those products. Giving pet owners the right to a copy of the prescription is a simple fix, and we know it works.

The market place tells us these state laws are not working. Otherwise many more pet owners would be buying generics and saving 50% -- just like they do with medicines for themselves and their children.

There are three fundamental problems: (1) pet owners rarely receive copies of their pet's prescriptions automatically; (2) when pet owners do request a copy of the prescription, veterinary clinics can use a variety of tactics to discourage the pet owner from purchasing their pet's medications outside the veterinary clinic; and (3) when pet owners request a copy, their request may be denied.

Pet Owners Generally Do Not Automatically Receive Prescriptions: A major VIPPS-certified online pharmacy informs me that only ten percent of its customers have copies of

their prescriptions. This is ten percent of a relatively narrow population of pet owners who have decided they would like to purchase from outside the vet clinic, suggesting that the percentage of the general population of pet owners who receive prescriptions is much lower.

The pharmacy has found no pattern whatsoever suggesting the percentage of their customers in California (where the veterinarian is required to offer the prescription) who have received copies of their prescriptions is any greater than the percentage receiving prescriptions in states with “by request” rules or in states with no rules.

Pet Owners Being Discouraged from Receiving Their Pets’ Prescriptions:

The states which have laws, regulations or board rules calling for veterinarians to release prescriptions “on request” all force pet owners into the uncomfortable position of having to ask their vet for permission to take their business elsewhere.

All of the states leave vet clinics free to charge pet owners a fee, to force them to sign a waiver, to disparage pharmacies, and otherwise discourage pet owners from getting their prescriptions. The FTC reported on use of these tactics:

“Furthermore, some veterinarians may try to actively discourage clients from filling prescriptions elsewhere by providing misleading information about non-veterinary retailers, requiring waivers of liability that exaggerate the dangers of purchasing from non-veterinary retailers, or requiring extra fees for portable prescriptions.”

“Information available to FTC staff suggests that even when consumers are aware that they can request a portable prescription, some may be reluctant to do so for fear of offending their veterinarian.”

“At the workshop and in written comments, stakeholders expressed the view that consumer comfort levels vary with respect to requesting prescriptions.”

“They suggest that affirmatively asking for a prescription can be intimidating to consumers, and that this intimidation factor can be amplified when veterinarians require waivers of liability, make disparaging statements about non-veterinary retailers (e.g., suggesting that the product may be counterfeit), or require extra fees for prescriptions.”

“They further suggest that pet owners do not want to feel that they have somehow degraded or compromised their relationship with their veterinarian, even when they know the veterinarian has a clear economic interest in selling pet medications.”²¹

These observations are consistent with the findings of the online pharmacy referred to above. According to the pharmacy, with 9% of its customers, the vet clinic either denies the prescription or effectively stops the process through excessive delays – even though the verification request is valid. The same pharmacy has 19% of its customers drop their

²¹ “Competition in the Pet Medications Industry - Prescription Portability and Distribution Practices,” Federal Trade Commission Staff Report, May 2015.

purchases because the vet clinic has either (1) required the pet owner to return to the clinic; (2) mandated the payment of a release fee negating the savings offered by the online pharmacy; (3) offered to meet the price of the online seller, or (4) required the pet owner to sign a “waiver of liability.”

At the conclusion of my response to this question, I am providing a sampling of Yelp comments from pet owners. These experiences of 29 pet owners – located across the country in communities large and small -- include being denied prescriptions; veterinarians refusing to transfer prescriptions in a timely manner; making it onerous on the pet owner to receive requested prescriptions; comments about vet clinic prices and pet owners feeling like vet clinics are taking advantage of them; charging unfair fees and using other unfair marketing practices.

Granted, Yelp comments are not necessarily authoritative or verified. But, the experiences of these pet owners are consistent with the FTC’s observations and the daily experience of retail and on-line pharmacies. Keep in mind that these are just the pet owners who took the affirmative step of lodging a public complaint. Certainly there are many more pet owners who have similar experiences but don’t complain on-line or to enforcement agencies for any of a variety of reasons.

Denied Their Pets’ Prescriptions: The FTC report on pet medications acknowledges that despite trying, pet owners are being denied their prescriptions:

“Some state veterinary medical associations have surveyed veterinarians on this issue, however, and the survey responses revealed that some veterinarians refuse to provide prescriptions to clients when requested, even in states having policies requiring them to do so.”

“Consistent with these findings, anecdotal evidence presented in written comments and other publicly available sources indicates that some veterinarians refuse to provide prescriptions to clients when requested.”²²

As an example of a pet owner being denied his pet’s prescription, I have included at the end of this response information related to the experience of Al Mitchell. He was denied a prescription by Banfield, the largest chain of veterinarian clinics with over 800 clinics across the country.

Mr. Mitchell initially contacted the AVMA looking for help to get his prescription released by Banfield. He was told there was nothing the AVMA could do and was directed to the Washington State Board of Health. Mr. Mitchell had to take his case all the way to the Washington State Attorney General’s office and the Washington State Board of Health to compel Banfield to release the prescription. Given Banfield’s operating rules and policies, it can be assumed Mr. Mitchell is not the only pet owner who has been denied a prescription there.

²² “Competition in the Pet Medications Industry - Prescription Portability and Distribution Practices,” Federal Trade Commission Staff Report, May 2015.

Summary: Across the industry there is evidence of consumer frustration, prescription release denials, and pet owners feeling intimidated into purchasing over-priced medication.

Passing the Fairness to Pet Owners Act will significantly improve the following pet owner concerns: (1) eliminate prescription denials; (2) bar prescription release fees that negate savings at a competing pharmacies; (3) eliminate waivers and other deceptive marketing practices designed to disparage pharmacy competition; (4) improve pet owner awareness to market options; (5) improve access to generics; (6) increase the number of pets treated with vet prescribed product; (7) provide basic consumer protection used in all other instances where the federal government empowers a prescriber and bars consumer access to a medication or medical device without a prescription.

YELP COMMENTS

(We have redacted the names of pet owners leaving only their initials and have also redacted the names of veterinarians and their clinics. We have added place holders in capitol letters including VET NAME and VET CLINIC.)

- **G. G., Huntersville, NC**

6/17/2014 Updated review

*Florida Statutes, Section 474.214(1)(pp) requires veterinarians to give their clients prescriptions when requested rather than sell the medication themselves. I know that your veterinary clinic wants to abide by the law, so I expect that my prescription will be authorized today. Thank you so much!

*The AVMA principles of ethics say that a veterinarian should, at a client's request, authorize prescriptions instead of only selling the medication themselves. I am sure that you want to abide by ethical standards, so I expect that my prescription will be authorized today. Thank you so much!

*If your office is willing to sell the prescription medication to me, then you need to authorize it through 1-800-PetMeds . If not, then I would like my money back for my pet's exam. After all, I paid for my prescription when I paid for the exam. Please authorize my prescription today. Thank you!

*I really would like to continue being a client of yours, however I don't think it's fair that you're limiting my rights! Just like my own doctor gives me freedom of choice to fill a prescription at my own pharmacy, I also expect this of you. Please authorize my prescription today. Thank you!

- **S.R., Alexandria, VA**

5/1/2014

I wanted to respond to the comment left by VET CLINIC staff on my review. When I asked for written prescriptions at VET CLINIC, the response I heard several times by at least two different veterinary technicians was, "I'm not sure if we can do that. They don't like to do that." I had to argue and insist for a written prescription at several different appointments. I have never had to do this at any other veterinary clinic.

This is a link from the FDA with guidelines on purchasing pet medication online. They say that it can be dangerous to do so from sites that do not require prescriptions. 1800 Pet Meds requires prescriptions and will refuse to fill orders with no prescription. (Please see fda.gov/forconsumers/con...)

The FDA recommends going to the National Association of Boards of Pharmacy to check if a pharmacy is Vet-VIPPS accredited. "Order from a Web site that belongs to a Vet-VIPPS accredited pharmacy. Vet-VIPPS--the Veterinary-Verified Internet Pharmacy Practice Sites--is a voluntary accreditation program of the National Association of Boards of Pharmacy (NABP). NABP gives the Vet-VIPPS seal to online pharmacies that dispense prescription animal drugs and comply with NABP's strict criteria, including federal and state licensing and inspection requirements, protecting patient confidentiality, quality assurance, and validity of prescription orders. Look for the Vet-VIPPS seal displayed on a pharmacy's Web site or check with NABP (click on "Accreditation Programs") to find out if a pharmacy is Vet-VIPPS accredited. Because this is a new program, begun in 2009, a small number of pharmacies are currently Vet-VIPPS accredited."

1800 Pet Meds is Vet-VIPPS accredited as of March 2010 and is currently in the reaccreditation

process. (Please see nabp.net/programs/accred...)

In the interest of balance, this is a thread of industry professionals discussing 1800 Pet Meds. forums.studentdoctor.net...

You'll find as many comments saying that veterinary owners hate Pet Meds for undercutting the revenue of their practice. There have also, apparently, been cases in Indiana where 1800 Pet Meds filled a heartworm preventative medication in a heartworm positive dog, which can kill the dog, and 1800 Pet Meds did not adequately explain this to consumers. This is indeed questionable and horrible.

But I have never received a box with Chinese writing on it. All the medication I have received has been within expiration dates on the pill packaging inside the box. If they buy stock off of veterinarians, what do I care? If I did receive a medication that was slightly expired, I would probably still give it to my dog because, even with human medications, those expiration dates are most likely to move product and not because the medication itself is inactive.

I should also mention that VET CLINIC does NOT have competitive prices for Triflexis, nor was I ever offered a deal on medication that they negotiated with drug reps. This is why I filled the prescription at 1800 Pet Meds. I have been to FOUR other veterinary clinics (two in Monterey and two in New Mexico) that have been happy to help me fill prescriptions on 1800 Pet Meds. This is the ONLY practice that has made things extremely difficult. They just want people to pay a lot of money at their practice for medication.

If I truly thought there was a risk to my dog, believe you and me, I would pay the extra money and not fill it at 1800 Pet Meds. I would never do anything to deliberately put my dog in danger. (I even go so far as to refuse to give him Greenies because of the stories I've heard, even though he could benefit from a dental chew treat. I just brush his teeth as frequently as I can and get them cleaned every year.)

Go to Oceanview Veterinary Hospital with Dr. Kocher. You'll get much better care there. They don't fleece their clients, and do everything in their power to make it easier for an owner to take care of their dog.

- **K.L., Salt Lake City, UT**

1/31/2015

I lost a wonderful dog to their misdiagnosis. The dog suffered greatly. I still cry over the loss of my beautiful baby. Now I have a new dog. The same breed. After years of being over charged for their services, I'll never go back. The office manager actually said that they only do 2 spays a day and other hospitals are chop shops if they do more. I then asked her why they charged so much for their medications. The office manager proceeded to say that they only dispense high quality medications. Insinuating that other vets sell low quality medications! Most of the vets in this valley use basically the same suppliers as the local pharmacies. When the pharmacy I worked for charged 4.00 for a bottle of 30 tablets, VET CLINIC charged 49.00 for a supply of 15 tablets. Same medication. These people should be under investigation for their bad behavior of taking advantage of the good people who care for animals. Shame on you all there.

- **T. H., Winter Park, FL**

11/13/2014

Update, Oct 2015: After reading VET NAME response saying that she is back and the office staff has changed, I am hopeful. Although I already found another veterinarian that I really trust, I wouldn't hesitate to return if needed. She was always GREAT, it was just the incompetence of the interim vet's and office staff that really got to me.

11/2014

Pros: VET NAME is really nice and knowledgeable.

Cons: Her staff sucks. I have had the same problems as the other reviewers in that I paid for an office visit, expected the medications to be filled by 1800petmeds and the prescription was cancelled and it took many calls to the front desk staff to determine the problem (they don't approve other pharmacies orders, without a written prescription (which is an extra \$5), as they don't want to be "reliable" for it - yes, I was really told that). Then I asked to talk with a supervisor, a tech was put on the phone, he had horrible customer service skills and basically told me (in a rude manner) all the things that should have been communicated at the last visit - my dog is coming up for his vaccines in 1 month, the heartworm prescription can only be given for 1 month without a new prescription. Now why wasn't I told this at the beginning?!? It is 1 month since the last visit and I am still without medications for my dog due to the incompetence of the office staff.

Not to mention that the vet who is working in her absence recommended homeopathic medications (at my request) and after looking them up found that many reviewers said they were toxic and some just ineffective. Unfortunately, in VET NAME absence the clinic has gone downhill.

- **T. T., Benicia, CA**

9/20/2014

After coming to this facility for over 30 years, I am sad to say that I can no longer recommend this facility to anyone who cares about their pet. They have gotten so commercial that they only care about \$\$\$\$.

My dog has been their patient all of his life. He developed a heart problem and VET CLINIC referred us to UC Davis and the great staff there, saved his life....and at about 1/2 the cost that VET CLINIC quoted.

Today, we did not receive my little buddy's medication in the mail. I called VET CLINIC and was told they had the medication in stock but would not provide it without an office VISIT. They did not care that our situation was urgent. I asked them if our doctor at UC Davis could call in a prescription for a few days supply and VET CLINIC told me that would be great and they could help us out.

When my wife arrived to pick up the medication, the doctor from US Davis was on the phone with VET CLINIC and they now refused to honor the UC Davis request.

My wife is now sitting in dead stopped traffic on I-80 trying to get to Davis to get the medication we need. By the way, the medication is for my 4lb. Chihuahua named "Elvis".

Thanks VET CLINIC for being complete and total non-caring JERKS! Your true colors have shown. We will NEVER be back. We will also notify the no less than 50 people we have referred to you over the past 30 years to do the same.

YOU SHOULD BE ASHAMED.

- **M.A., Alexandria, VA**

3/28/2016

While VET CLINIC was fine when I have come in with my dog for her annual appointment; they are a NIGHTMARE when needing anything outside of an office visit. Copies of records - had to request at least 4 - 5 times, prescriptions called in to mail order pharmacy - one order ended up getting cancelled by the mail order pharmacy due to lack of response from VET CLINIC despite them making two fax attempts and me calling twice. I will be taking my dog to another vet once she is due for her annual shots again and have already started taking her to another vet when she was sick.

- **K.W., Washington, DC**

10/19/2009

I will never go to VET CLINIC again.

I went here shortly after I adopted my dog from WARL (which is a fantastic place). In the adoption packet, there was a coupon for a free vet visit. My dog didn't seem to be feeling well since I brought her home and it was near my house, so I figured I'd go to VET CLINIC. The wait wasn't that bad, the front desk staff was only mildly unprofessional, and VET NAME was nice enough. The only problem was that she failed to diagnose a simple sinus infection. I ended up having to bring my dog to Friendship Animal Hospital as an emergency a couple days later when she got even worse (the experience at Friendship was fantastic).

This was enough to make me never want to go there again, but what really gets me is that they refuse to approve prescriptions for online pet pharmacies. I ordered heartworm meds from 1-800-PetMeds and got a note from them explaining that VET CLINIC wouldn't authorize the prescription. When I called them, they said they "don't do that" and directed me to their own online ordering system, which costs about \$20 more.

So over this place.

- **S.R., Washington, DC**

7/15/2015

VET CLINIC over-charged for a blood test by nearly \$300, which was caught only after I called my old vet for a comparison and brought it to VET CLINIC attention. After bringing it to their attention, they were generally unresponsive as I had to follow-up with three phone calls before speaking to someone who could correct the problem.

Update: Continued problems with VET CLINIC post-visit in getting them to send a prescription to my online pharmacy and in obtaining my pup's medical records (to go to a different vet). With both, I had to call multiple times, and then insist that they keep me on hold while completing the task. The staff has been both evasive and unhelpful in correcting what has been an obvious mishap on their part.

- **K.M., Washington, DC**

9/27/2014

I'm glad that I waited a day to calm down before writing this.

I spent that day switching to a competent and humane veterinarian. The practice at VET CLINIC is neither of competent nor humane. It is a factory, and no one (and I mean no one) is minding the factory floor. I took my pets to VET CLINIC because it is close to my house. I did not mind paying the many upcharges (\$35 to refill a prescription) or general expense (\$500 for an uncomplicated spay of my cat).

I have spent thousands of dollars at VET CLINIC in the last two years, but from the treatment that I received yesterday, when my 18 year old dog needed a refill of his antibiotic for a UTI, you would never know that I had ever been there. Of course that is probably because I never saw the same person twice in my many visits there. No one from the receptionists (talked to two different ones six hours yesterday explaining at length my dog's condition and requesting a call back from whatever random vet was available), to the vet tech (by 4 pm, when it became apparent to me that I was unlikely to get a call back from a vet, I stopped by the practice. I told my story once again to the tech, who looked like she was going to fall asleep). She told me that she would "share my concerns" with the veterinarian who was hiding in the back and could neither see me nor refill the prescription for antibiotics. My dog had had two urinalyses at VET CLINIC2 in the last two months, both revealing gross infections. He had obvious blood in his urine. As I explained to the impassive tech, since he had gone off the antibiotic five days before, all the signs of his previous infections had returned. These included urinating every hour, appearing to be in pain, and blood in his urine. The tech mentioned, helpfully, that approving prescription refills at VET CLINIC requires 24 hours, no matter the condition of my dog.

You see, they have a lot of rules at VET CLINIC, but not a lot of accountability.

It has been a day and a half since I requested that a vet from VET CLINIC -- any vet -- return my call, and still no call. I called there answering machine just now to find that they are now closed and have a practice of not checking their messages for the next two days. Why am I not surprised? The message helpfully suggested that I take my dog to an emergency clinic, which I have now done. He had a urinalysis (which revealed a gross infection), an ultrasound (which confirmed the diagnosis) and had this urine sent out to be cultured to see which antibiotic his infection responds to best. I was in a bad mood going in, wondering whether this vet would be like those at VET CLINIC, but feel great now. Competent, humane care, and the bill was a third of that typical at the VET CLINIC factory.

If you need anything other than shot, run don't walk from VET CLINIC. If you stay, you will be in trouble when you can least afford to be -- when you need a returned call or insist on speaking to the veterinarian who is hiding in the back many hours after they have decided not to return your call.

- **M.M., Chicago, IL**
6/26/2012

I haven't taken my dog here--here's why. Bear with me--this seems like a small matter, but, as I will explain, it is a red flag. We were visiting from Chicago for the summer and I stopped in to see if I could buy a bottle of ear cleaning solution, which we usually pick up from our great vet in Chicago. (We had just run out, and our basset doesn't tolerate other cleaners very well). Although they carry the brand we use, VET CLINIC refused to sell me any--even after I offered to have my regular vet send a "prescription" via fax (it is not a "prescription" brand, you can buy it online)--unless we made an appointment for a check up first. That would have been totally unnecessary since our dog had already had her semi-annual check up in Chicago just a couple of weeks before. This absurd policy seems to be unique to VET CLINIC: it certainly isn't the policy of my Chicago vet, and, it

turns out, it is not the policy of Dupont Veterinary Clinic, where we subsequently have taken our dog while in DC (they are great by the way!) This might seem like a small matter, but it is essentially a policy in favor of gouging owners for unnecessary care, and, in my mind, doesn't bode well for the quality of this clinic.

- **D.P., Nolensville, TN**

3/6/2013

The people at this hospital were very nice, and they were able to provide what I needed for my dogs, but I was taken advantage of financially and lied to repeatedly.

My dogs needed Vitamin K on a Sunday, and this hospital told me on the phone that it was only available by prescription and required exams. I later found out that vitamin K does not require a prescription and that they lied to me. When I called to discuss this, they told me that it was against the law to dispense any medication without an exam, which I told them I didn't believe. They showed me the law, which clearly indicated it only applied to prescription medication. Finally they admitted that they just didn't want to sell medication without also charging money for an exam. At least they came clean about their desire for money eventually. It's worth noting that the dogs were completely asymptomatic and the exams were worthless.

I also questioned the price that they charged me for the vitamin K (3 x the retail price), and they realized that they made a mistake and charged me too much. They did refund some of that money.

Unfortunately, there aren't a lot of options for emergency veterinary care, and if you need it, this may be your only one. I also think that there may be some collusion among all of the hospitals. If you need emergency care, do what you must, but I would be careful what I believe, and check what they charge you to make sure there aren't any more mistakes in their favour.

- **R. R., Modesto, CA**

3/30/2015

The doctors are great and most of the staff also but if you have questions about charges some of the staff get defensive as if you're asking for your money back and out of their pockets. When I asked about a charge one girl actually said "Well you already paid for that. It's not like we're gonna give you that money back." Weird response, right? She's the one with a lip ring and dermal piercing on her hand. Then another girl overhearing our conversation jumped in and was visibly upset with me. You know when someone is so angry they're shaking? Yes, that. She made no attempt to hide it. She spoke in an argumentative tone. I explained when I left that I didn't mean to make anyone upset. As I explained to dermal hand piercing girl, if she were the consumer she would want to understand charges too. But each time I asked questions it only drew another negative response including huffing and facial expressions that espoused utter irritation. I expected empathy as in, "Oh I totally understand. I'd want to know about that too" or "Sure. I'd have questions too." Something along those lines. I'm actually rather offended by the lack of professionalism. If my questions bother you, keep it to yourself. Seriously. I spent a lot of money today and I just wanted to understand every charge. I don't think that's a whole lot to ask, is it? Oh. And ask them for the RX in written form (as opposed to buying it from them) to take to be filled elsewhere and now you've entered a whole new world of dismissal. (Costco has great prices for pet RXs and the meds come from reputable sources just like the ones Vets use by the way). Eye contact pretty much ceased from hand dermal piercing girl at that point and she expressed confusion as to what I was asking. "Um. I have to ask if we can do that." Then I had to sign a waiver as she explained they aren't responsible for what happens with meds from an

outside source, "cuz we don't know where they get there stuff from and we can't be responsible if something happens." This is Costco folks. "It's a real pharmacy," I told her. And by the way, handing out written RXs isn't something novel for them, despite dermal hand piercing girl's look of confusion. The written RX I came home with was on a paper that looked very similar to one you might get from your doctor with the vet's info pre-stamped on it. Obviously they've utilized the forms enough in the past to order them.

- **M.W., Philadelphia, PA**

6/14/2013

I had to jump in. My favorite vet has left Philly and when I was reviewing other vets in the area I came across these comments about my FORMER vet clinic.

The reason that I ended up switching 6 years ago was for many of the same reasons that others have commented on: No computerized records system, rude staff, insistence that I had not given my dog Heartguard regularly, refusal to authorize prescriptions from PetMeds, and - my favorite - VET NAME constantly telling me that my female bulldog was overweight, which was absolutely ridiculous since she was a very healthy and active young dog.

While perusing the comments, I also noticed that some of the reviewers were absolutely pleased with their pets' care here - including my boyfriend, who I didn't even know had posted a review last year!

Which leads me to the conclusion that VET NAME may just be better with small dogs, like Maltese.

- **J.I., Burbank, CA**

7/17/2015

Let me start by saying that VET NAME is the most amazing vet and has been so good to our two doxies.... Especially our younger pup who had ivdd surgery. She truly cares for each and every animal that walks through the door. She deserves 10 stars. The only reason I am not giving 5 stars is because of their medication prices/policy...

Less than an hour after our visit today, my husband and I went online and compared prices of the medications we received and found each one to be \$10-\$16 less. A few dollar difference is understandable, but the difference totaled close to \$50. I called the office immediately to see if they would honor a price match and they said once the medications leave the office there is nothing they can do. We have been clients of theirs for some time now and have referred friends so I was hoping they would be kind enough to make the price adjustment. I guess this is a lesson learned for next time to check pricing before purchasing medications from them!

I would definitely recommend VET NAME, just do your research on the Meds first!

- **J.A., Burbank, CA**

4/17/2014

Update: I do not want more Prozac - I want to exchange the 6mths worth of liquid for pills. Read review. Prepared to submit emails & documents that back up the info provided.

Another vet has already taken care of my cat - @ a fraction of the cost (will happily price compare for fellow Yelpers - but out of review space.

Perhaps NAME (HUSBAND OF VET) would be better suited to countering my claims with facts instead of harassing Yelp to remove the review.

I will start by saying that the contents of this review were conveyed to Name (HUSBAND OF VET), VETS NAME husband & Business Manager 1 day prior to posting. I had hoped that this issue could be resolved amicably, but (HUSBAND OF VET) seems reluctant to put anything in writing except for hollow statements about policy that does not have any bearing on the situation at hand. I prefer documentation, therefore, I have not phoned (HUSBAND OF VET) to discuss the issue.

There is no opinion - instead I will let each Yelper make their own decision.

Timeline of treatment from patient record:

I visited VET CLINIC on 2/24/2014 for excessive howling

Almost \$400 exam - results all good, suggested pain killer for tooth as remedy to howling despite evidence such as "cat looking lost, staring at walls, howling in room alone). Also suggested \$900+ treatment to fix dental issues. Owner requested fluoxetine but was told to try pain meds first and call back.

See following note "VET NAME will fill meds/ owner to call me with response to therapy / VET NAME Pain medication is not working much."

3/10/2014 - owner called to say that there was not change & VET CLINIC agreed to fluoxetine. VET CLINIC asked owner which delivery medium - owner did not know, but agreed to try liquid. Liquid prescribed (171 doses/days worth) & dispensed by VET CLINIC, with instructions to call & let VET NAME know the result. - \$70

3/12/2014 - I asked to switch to chews due to excessive drooling & rejection of liquid meds. Instead of sendin a script to the chew company that I referenced - as asked, VET CLINIC instead ordered on my behalf - at about 3 times the cost quoted by the compounding pharmacy from which they were ordered.

3/14/2014 - given 5 pills to hold me until chew arrive - priced at 5 - 10 times what can be had online.

3/20/2014 - chews arrive & picked up. Within 10 days - cat rejected chews. Owner continued using the remaining pills. Conclusion - pilling is the best method for delivering meds.

4/15/2014 - Owner wrote email stating that the pills worked best, & that he needed to order more pills. The chews & the liquid are of no use. Owner insisted that due to the cost of the pills dispensed by VET CLINIC, he would prefer to order online. At that point, VET CLINIC stated that they would need to perform a \$36 exam before converting the meds to pill.

So - despite already having 171 days worth of meds, VET CLINIC feels it necessary for me to pay more money to get that many days worth of pills.

The following are responses from HUSBAND OF VET

"For VET NAME to prescribe medication there has to be a current exam on file" Is she prescribing something new? Exam was less than 2 months prior and fluoxetine was prescribed.

"For written prescriptions you can request the written Rx during an exam that you can get filled at any

pharmacy of your choice" I did request a script - and was given trial delivery methods by VET CLINIC. My pet prefers pills and now I have none left.

"Since your last visit was at the end of February and VET NAME typically likes to get a check in with chronic pet at max 3 months, we can refill the fluoxetine 10 mg here." Ahhh - they can refill for me - interesting.

"Understandably built into the cost of most meds and items is overhead expenses of running the business" I understand business markup. That is why I chose to order elsewhere.

Now, I can call on 3/10/2014 & get prescribed fluoxetine dispensed by VET CLINIC without further examination. I can call back on 3/12/2014 & get the liquid changed to chews (and get some pills to try) all dispensed or marked up by VET CLINIC - without further examination. But when I try to source meds from a more reasonable supplier - I must now come in for an exam. You be the judge.

Opinion time:

IMHO, VET CLINIC has let the money get to them, & have forgotten the compassion. My cat is 16. He is stressed. Why he needs to be subjected to travel & examination is a mystery to me. I have been currently working on a schedule of visits every 6 months (\$300+), which means he would be due to visit in 4 months anyways.

I will give some advice to those seeking treatment at VET CLINIC:

If the ailment is not serious - there are good vets out there that you can see for much less money.

If the Dr prescribes meds, get the script in paper, & in hand - it can be filled anywhere - even at VET CLINIC. However, this removes the stranglehold that VET CLINIC will have over your future ordering choices. Take only a few day worth of meds to hold you over (petmeds.com typically gets medicine to purchaser in 2 days).

To VET CLINIC - have a heart. Not all of your clients are rolling in money.

- **S.S., Burbank, CA**

11/21/2014

Oh how I wish I could give this place 5 stars. VET NAME is an incredible vet and has the best bedside manner. If this review was just for her, I'd give her 5 stars....but I just can't give five stars because of the pricing and the way this business is run. Approach this vet office like you would an auto mechanic... They will push and push to sell things that your pet may not need (flea medication which you already have, vaccinations your pet is up to date on, etc.) and when you decline, the vet tech may make you feel like you do not have a heart. Not to mention their prices are steeeeeep. It was also disheartening that in addition to the wellness exam fee, there are HUGE charges for tests they may have to do. I have never been to a vet that charges additional fees for these things on top of the wellness exam fee. I suppose we'll just keep going to our old veterinarian whose prices are right but is just a little further away.

- **San Francisco, CA**

9/29/2014

My family has been bringing our pets here since the mid 90's. We had a border collie and VET CLINIC was his vet for the duration of his life. I now have a young, healthy chocolate lab, and have been taking him here since he was a pup.

The professionalism has been in a sharp decline over the past year. Every time I call regarding a simple issue with my dog, they are unwilling to help unless I pay for three or four additional services that aren't related. When I ask for an explanation regarding why I need \$150 of additional tests, I'm not given an explanation.

For example:

Me- I want to get a blood draw for heart worm.

Ok, VET CLINIC can do that, but VET CLINIC also needs you to get your dog a physical exam.

Well why do I need a physical exam, if the blood draw tells you whether or not the dog has heart worms?

Oh well VET CLINIC doesn't write prescriptions without a physical exam.

Ok, so what's done during the exam.

We listen to your dogs heart and give him a head to toe assessment.

Ok so by listening to his heart you can tell if he has heart worms?
No the blood test tells that.

So why do I need the physical exam?

It's our policy.

This no longer feels like a vet that is trying to help animals, but more like a greedy business trying to bilk it's customers out of money. If my dog is 100% healthy, I don't see the need for \$100's in additional, unnecessary testing.

Being in the medical field myself, I know BS medical terminology and when I'm being fed a line vs when I'm actually being given medical rationalization. VET CLINIC won't be receiving any more of my business.

- **ML., Los Angeles, CA**

11/30/2012

This is a no muss, no fuss place with the come on in low office visit price of \$35.

Took my poochie in for a checkup. She had some issues and I will say she seemed much better the next day....VET NAME seemed a pleasant and easy vet to talk to.

The only minus I want to mention is that although the office visit is 'only \$35' - that come on low price is more than offset and made up through excessively high charges for medications and tests.

Whoa! Was I surprised at what they charged when I got home and looked up online the exact same medications...that was not a very nice discovery....when you are unemployed and living on a budget, every little bit really helps a lot so we can all live and survive healthier lifestyles, including our pets.

If your pet can hold off and wait for meds to be ordered online, do it. You can also save money by getting the prescriptions written and take them to Walmart, Target, or even Costco to be filled. Yup, even Costco I've heard.

....such a shame - overhead can't be very high considering you have to wait 'outside' in the parking lot and its practically a hole-in-the wall operation. However, vet seems knowledgeable, but still - not very nice to excessively over charge like that.

I'd give 5 stars but given what I paid what I feel were excessive over charges to make up for the \$35 office visit, 4 stars.

- **J A., Philadelphia, PA**

6/27/2011

If you care for your pet, please read/consider this.

We brought our dog here about a year ago, for what turned out to be Lyme disease. After \$600, and a \$130 prescription for doxycycline, which they filled, Luna only got worse, as she had a reaction to the medicine and couldn't keep it or anything else down, we informed the office a number of times about the situation and they said to keep trying it.

A 55lb dog lost 10lbs in less than two weeks, and seemed days from death, keep in mind she was happy and completely healthy for years. After practically begging, they saw her again, at almost \$250, and gave us the option of either he (french accented vet whose name escapes me) recommended hospitalization at a specific vet, or change prescriptions to amoxicillin.

After a lot of consideration, we called back 12hrs later to ask for the amoxicillin. The receptionist said she needed to ask the Dr, who was "away" 24hrs later, and our once super active German Shepard/Sheltie mix was literally unable to move and soiling herself, refused to eat/drink etc, we get a call that "the Dr really wants you to take her to that hospital"... No, he won't write you the script...

Luckily a friend of a friend is a vet, heard our story, looked over the test result, phoned in a prescription to the local CVS for amoxicillin, which was \$11/

One week later she was 60% recovered, from about two months to present (year later), she is 100%.

I will keep the masses of negative comments and thoughts to myself.

- **E.J., Philadelphia, PA**

8/13/2007

This was the worst vet I've ever been to. They don't have computers, so everything takes a long, long time. We took our cats in for their annual shots and the doctor didn't see us for over 45 minutes.

The staff at the front desk doesn't really seem very together. They kept confusing the two cats and we

had to keep correcting them.

The doctor was nice, but seemed more concerned with trying to get us to buy lots of additional tests and medications than with checking out the cats. Literally, the cats weren't taken out of their carriers for over 30 minutes once we got into the examining room. Instead we were handed tons of brochures for medications and tests to consider.

We stopped by a few weeks later to get a refill on some thyroid medication for one of the cats and the front desk staff kept us waiting for 30 minutes! And we were the only ones there and the prescription was already filled and waiting for us. They only had to put it in a bag and let us pay the bill.

This place is a total mess. I won't be going back. Stay away.

○ **J.O., Costa Mesa, CA**

10/2/2013

My experience with VET CLINIC is consistent with some of the other reviews here. I do feel as if they are money grubbing. I've been hit with various fees which just didn't seem justified. I reluctantly paid up as the fees weren't too exorbitant.. just irritating. I have had positive interactions with the doctors and have nothing negative to say about their care. In fact, this is what prevents me from rating this place a one star rating.

What really irks me is their policy on meds. If you don't buy the meds through them, they make the process very difficult. In order to have your prescription filled elsewhere, you have to get a handwritten prescription from them. They will not fax or mail it to the pet pharmacy of your choice to make life easy on you. Instead you must drive in and pick up the prescription. For some, this might not be an issue. For me, it's a pain... enough to prompt me to find a more convenient vet. They claim that this is to protect the pet from expired meds but I don't buy that. I believe it's an attempt to force the purchase from their source. If it were for the pets protection, fine, I am a big boy and I can read the expiration date

● **C.S., Arvada, CO**

3/29/2016

I purchased a teeth cleaning for my dog. Once my dog was under they called to give me the costs for extractions, which was way higher than expected. But they also wanted to charge me extra on top of the teeth cleaning for medications they knew she would need. I called three other vets and they all told me it was a scam to add the costs of these required prescriptions after the fact. Not only that they all quotes me a much better price for a teeth cleaning, with extractions included.

They clearly advertised a deal and used it as a scam to get people in and charge them a ridiculous amount of money for medications that should have been included.

They tried to charge me \$160 for prescriptions that cost me \$20 with shipping from a pet pharmacy. At first the vet refused to tell me the prescriptions and dosage she prescribed. I had to argue with her just to get the information. Then when I placed the order with the pharmacy the doctor refused to authorize it. I had to call in and argue with the vet some more just to get her to confirm what prescriptions my dog needed with the pharmacy. But since they refused to confirm them right away I had to wait an entire day for my dogs meds. My dog was in pain and crying all night and could

not sleep. This vet made my dog live with the pain all night simply because she didn't like the fact that I received my dog's prescriptions elsewhere.

These people are sociopaths!

- **N.P., Albany, United States**

25/7/2014

This is the most unprofessional vet's office I have ever dealt with. I took my cat here four times. Finally, another vet recommended the appropriate medicine for her condition. I got very lackluster treatment here. I dealt with sullen, bad attitudes by vets and staff. The vets here repeatedly suggested it was time to euthanize my cat. My cat is obviously not in any pain and is completely mobile. Nevertheless, they would have just killed her and charged me for it. On multiple occasions staff have not acted like professionals -- or are even like adults. Regular tasks associated with their position are onerously complicated. It takes five phone calls to get one order or refill correct. I've been told my refill is ready and drove a half hour there to find that no one has filled it. Calling a prescription in to a pharmacy within 24 hours of your visit is a major undertaking. I have made upwards of five phone calls to staff in order to get them to call my prescription in so it is ready by the end of the next day. They have whined at me about having to do basic tasks associated with their job. One staff member complained when she had to look up my cat's record in their computer to find a dosage amount. Couldn't I get it for her? -- she said. Really? I have yet to be greeted in a professional manner when I walk in. Invariably, I stand there for 15 minutes, watching five or six people behind the desk ignore me immaturely. On one occasion, my cat had a serious condition and a vet agreed to see her in a rush before she left that day. When I arrived, no one would tell the vet I was there. I was assertive enough to ask (god forbid in this office) The staff responded by ignoring me in the manner of surly, passive-aggressive teenagers. I mean more than one person at the reception area did this. As I waited, the appointment time passed; the time the vet was supposed to leave approached. No one said hello. I just stood there with my sick cat, watching the staff file papers and take non-essential phone calls. I'd be ashamed to act like that at my job.

- **D.M.E., Orlando, FL**

9/29/2015

I have brought my pets to VET NAME for about 3 years. No complains on service and quality.

My only comment, which has plagued the majority of veterinarian businesses is the up-charge and "extras" they sell you on top of what you actually need. I get it, capitalism, land of opportunity, who doesn't want the best fir their "best friend" yadda yadda. Sometimes I feel like i'm buying a used car... but that said - their care is excellent and professional.

Tip: They will match 1-800 petmeds prices if you show them what your pet's prescription is selling for online vs at their clinic.

- **A.N., Sunnyvale, CA**

2/19/2013

This is a hard review for me to write.

Mainly because I have been going to this vet clinic for years and years... (I think the first time I went to them was about 1996 or so for shots for my two new (at the time) kittens.

We took a stray little kitten that had been thrown away by some idiot who lived in the next building over from us, and they saved his life, he was that sick when we found him, it was life or death. We've taken our current cat family (2 boys and 2 girls) here for spaying, neutering and just about everything else.

The doctors here are TOP NOTCH, I cannot stress that enough, the doctors themselves are really on the ball.

I've referred people to them, talked them up for saving the strays' life and never regretted a dime we've spent there.

BUT when one of our cats recently had to have emergency surgery, we were treated very roughly and unprofessionally by the front office staff, and our family member came back to us completely matted and the mats on his back legs were urine-stanky from a leak in the catheter. They had clearly taken no time to assist him with calming down or comfort grooming.

He's got a lot of long fur and three coats so a day of stress-free home life does not go by with a little brushing cause of potential mats, in a situation where he is freaked out, doped up, in pain, and clearly not inclined to clean (not to mention they had an e-collar on him and he couldn't reach his back legs to groom even if he'd felt like it) he's gonna need a little brushing, not only does it save him the pain of mats pulling his skin, but he loves it and it would have gone a long way to calming him down, not to mention he automatically loves and trusts anyone who brushes him.

When we brought him home he smelled of pee, and there were not two inches of him that didn't have giant, hard chunks of matted fur. Although I would like to note that they did let me leave a tee that "smells like mommy" for him to soothe on, the tee came back fresh as a daisy with no pee smell and folded up exactly like I'd given to them... almost like they didn't give it to him at all! (there's some sarcasm there)

They also could not figure out how to get his collar off or something, cause it came back looking like they'd ripped it off at the safety elastic (fyi, when you have a big mellow cat and you can slip your entire hand between him and his collar... try just slipping it over his head. he's never lost it, it was on that loose for a reason.)

Plus it took them 20 minutes to find what was left of his collar and when they finally brought it to me, broken, the bell was missing... (?!? I mean it's a 1\$ bell who cares, but, what happened there? are they selling second hand cat bells out the back of the clinic?)

The dosing info I was given was wrong, she told me one thing then told me something else, and when I called later cause I was confused they corrected it, and the front desk told me to bring him in for stitch removal in 10 to 14 days. They STRESSED that, they wrote it on his discharge papers. When the doctor called to check up on him, she said

"No its all internal he doesn't have to come back at all!"

Then they treated me like I was planning on stiffing them because (since it was emergency surgery) I didn't have the money right then and needed to be billed.

I have been going to this vet for YEARS and have ALWAYS paid my bill. ALWAYS. I resent being

treated like I am trying to stiff them. Then after setting up a payment schedule they tried to run the charge 10 days earlier than we agreed on!

I'm not even going to discuss the high pressure prescription food scares-pitch which we bought him and he refused to eat and when I went to research alternatives found that the Rx food had an IDENTICAL ingredient list to what he'd already been eating. (we did manage to find him something that had a more legitimate claim on helping his issue that he will eat, so he's okay now, but it was tense few days hoping it was low appetite cause of the meds and worrying he was gonna starve)

also they said he bit someone so we had to have a visit from animal control to make sure he wasn't vicious. If you know anything about Maine Coons I'm sure your first thought on hearing this was "What did they do to your cat?", well not only was that my first thought, but it was also the first thing the Animal control officers both said to me on seeing him. Maine Coons are not known for their offensive prowess... they are big, dopey, sweet, cowardly wusses. And ours has a case of ragdoll reflex to boot. I mean I am not one of those people who think their pets can do no wrong, if this had been our other boy cat and they told me he'd bitten someone i'd have been all "Yah sorry about that, he's kind of an a**hole".

But this cat just isn't a fighter... he's a hider, and a cuddler.

So this makes me think that someone there did something either stupid or excessively mean to him.

- **M.N., Orlando, FL**

They do everything to get money out of you!! The drug store requested the prescription from them for flea protection, they denied it.and they told me they can sell without the drug store (which they used to do before but 30% more expensive). They don't give you options. My friend called them to ask how much the spay surgery cost, they said you hve to make an appointment, they can't tell you even the approximate price. Now I'm looking for a new vet.

- **I.N., Washington, DC**

While the staff is friendly and the doctors knowledgeable, the hospital lacks capacity to perform some advanced procedures.

For what can be done in-house. VET CLINIC tends to overcharge and make efforts to inflate your final bill. I recently left the palce with a 300 dollar bill for curing and putting a bandage around a relatively a deep cut (the bandage has fallen two days later). The doctor prescribed a number of remedies for discomfort and swelling and oral antibiotics (today I discovered I paid 3x the price for the antibiotics they prescribed, as I compared the price to what my colleague got chared for similar prescription for her dog elsewhere).

I also found out they put a sticker on top of the official expiration date on a medicine they sold to me, to reduce the official expiration date by many months to force me to buy it again. I found this kind of practice unethical.

- **R.J.H., Overland Park, KS**

6/29/2013

I most definitely would NOT have gone to VET CLINIC had it not been for the fact that my pet needed urgent care. This business is rude, unprofessional and misrepresents the actual exam that was performed vs the pre-written document I was given stating they had performed all of these tasks during the exam. They are strictly in it for the \$\$ and not for the love of pets or for building a business based on personal, friendly approach to working with clients. I DEFINITELY DO NO RECOMMEND THEM TO ANYONE!! I will make it my purpose to post my thoughts to other consumer based sites to make people aware!

- **K.M., Malden, MA**

6/20/2013

My bf always brought his pet here so when I moved I figured I'd try them. I had all my pet's records sent over along with my dog's Rx for a med that always cost me \$82. My bf picked up the Rx for me and VET CLINIC charges \$120?!?! Also apparently this med is backordered till end of summer. Can you say PRICE GAUGING?? I even called to verify there wasn't an error. I'm sorry, I love my dog but a \$40 difference? I would have returned it if I wasn't out of it and don't have time to find it anywhere else, but I'm online now looking and I'll be calling other vets in the area. On top of that, there's 1 girl at the front desk that's a flake and another one from another time had the personality of a wet rag. There is ONE front desk person that seems to have a clue. Really glad I haven't brought my pets here yet.

Al Mitchell Case Study

Banfield denied Al Mitchell's requested prescription and unlike most customers, Mr. Mitchell contacted the Washington State Attorney Generals office. After being contacted by the AG's office, Banfield released the prescription and claimed that its policy is to release, despite refusing Mr. Mitchell's request until the AG's office got involved.

Banfield's response demonstrates the current enforcement problem – Banfield in fact denied Mr. Mitchell a prescription, and then claims in their letter that their policy is to release upon request. No matter their stated policy they do not strictly follow it. Mandatory “by request rules” are often unenforceable as it creates a “he said, she said” situation when a complaint is made after a healthcare professional refuses to release the requested prescription.

Banfield, the largest veterinary hospital chain with over 800 veterinary clinics, in fact, appears to have a policy not to release prescriptions even upon request. Despite making the claim that it releases prescriptions upon request (which it did not do for Mr. Mitchell) in its letter, Banfield implicates Elanco, claiming that it is honoring the wishes of Elanco by not releasing the prescription – despite the AVMA code that requires release upon pet owner request.

Pet owners like Al Mitchell should not be put in a situation where the burden is on them to realize their right to a copy of their pet's prescriptions. Across the country pet owners face this dilemma every day.

It is also worth noting that Mr. Mitchell initially contacted the AVMA looking for help to get his prescription released by Banfield. He was told there was nothing the AVMA could do and was directed by the AVMA to contact the Washington State Board of Health.

Despite having an ethical code, the AVMA does not compel or censure its members for failing to comply. Given that not all vets are members of the AVMA and the AVMA's inability to enforce its ethical code, no illusions should be made to the AVMA's ability to create adequate consumer protections.

It is also unclear from Mr. Mitchell's experience as to who is the enforcement agent for prescription release rules. Most pet owners are likely unaware of the role of the AVMA, their states attorney general, their states board of health, or the FTC.

Mr. Mitchell's complaint to the AG's office resulted in the following Banfield and Elanco letters.



471912
RECEIVED -A

- SEP 28 2015

CONSUMER PROTECTION DIVISION
SEATTLE

September 25, 2015

Attorney General of Washington
800 Fifth Ave., Suite 2000
Seattle, WA 98104-3188
RE: Al J Mitchell; File #: 471912

Dear Jamie,

Thank you for your letter dated September 14, 2015, relating to the above referenced File No.

As of today, Mr. Al J Mitchell, has already picked up his requested prescription for Trifexis.

We follow Elanco's policy that limits the distribution of our products to licensed veterinarians; hence, have contacted the manufacturer, Elanco Animal Health regarding this case. We were advised that it is their company's policy to only sell products within an active Patient/Doctor/Client relationship and strongly recommend their products be purchased only through a veterinarian to ensure product efficacy and quality. Elanco has recently identified products being sold through unauthorized sources which was illegally imported from outside of the United States. If a product is purchased outside of a Client/Veterinarian relationship, Elanco cannot guarantee that the product has not been tampered with or was handled according to label requirements.

Our hospital recognizes the client's request for a prescription in lieu of dispensing. A copy of Elanco's handout was provided during Mr. Mitchell's visit at our hospital (attached is a copy for your perusal).

Should you require additional information, please call me at 360-698-0850.

Sincerely,



Shannon Woods, Practice Manager

cc: Al J Mitchell

Elanco argues to Al Mitchell and other pet owners, that given their restrictive distribution policy veterinarians are justified to refuse releasing prescriptions for Elanco medications.

Banfield and Elanco argue that purchasing from a pharmacy is purchasing outside the "veterinary-client-patient-relationship." A human physician must have a patient relationship in order to prescribe a person medication. Where the prescription is filled has nothing to do with the required prescriber-patient relationship whether you are a human doctor or veterinarian.

Companion Animal Health

Dear Valued Client:

Elanco is a leading manufacturer of FDA-approved veterinary pharmaceutical products, including Comfortis® (spinosad) and Trifexis® (spinosad + milbemycin oxime). These products are restricted, under federal law, for use only by or on the order of a licensed veterinarian.

Elanco has maintained a strict policy that limits the distribution of our products to licensed veterinarians. Unauthorized sources of Elanco products, including Internet, big box retail and warehouse club pharmacies do not purchase Elanco products from Elanco or any of our authorized veterinary distributors.

It has come to our attention that some of these online and retail pharmacies are tampering with our packaging to avoid adherence put in place to ensure our strict quality standards. This includes defacing original packaging and/or repackaging tablets in non-tested bottles and paper or plastic bags. Once removed from their intended packaging, we can no longer account for the distribution of our products.

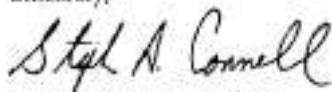
To ensure product efficacy and quality, we strongly recommend you purchase Elanco products only through your veterinarian. If a product is purchased outside of the veterinary-client-patient relationship, the following may occur:

- The product may have been outside a documented chain of custody and we cannot ensure it has been handled according to label requirements
- A product acquired through unauthorized sources, with or without a prescription, will not qualify for any product guarantee reimbursements or be eligible for any consumer promotional offers
- We cannot guarantee the product hasn't been tampered with in some way
- The product may have been defaced and important information may be missing
- The product may be counterfeit

Since 2010, Elanco has identified close to 400 veterinarians/diverters who failed to meet our corporate sales policy and their ability to purchase Elanco Companion Animal products has been revoked. Elanco is constantly evaluating new ways to identify and stop those who choose to participate in this deceptive action.

We are committed to bringing high-quality, innovative products to pets. We believe your veterinarian is your best resource in recommending these products to you — and in keeping your best interests at heart. We encourage you to purchase veterinary products through your veterinarian, who is trained to make the best recommendations for you and those you love.

Sincerely,



Stephen A. Connell, DVM
Director of Technical, Academic and Consumer Services

If you are able, please also share how the complaints received compared across the states—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.

A leading on-line Vet-VIPPS pet pharmacy reports that California pet owners are no more likely to have a prescription than pet owners across the country when they seek to purchase prescription medications on-line.

Often pet owners who do not have a copy of their prescriptions request on-line pet pharmacies and human pharmacies to call veterinarians to request a prescription transfer. A leading on-line Vet-VIPPS pet pharmacy reports that prescription transfer calls to veterinary clinics in California and Arizona experience similar denial and rates of delay as the other states despite differences in state laws.

This is consistent with a recent blog post of a prominent pet blogger from California:

<http://dogthusiast.com/2015/02/06/surprising-truth-veterinarian-prescriptions-rights-california/>



Recently I have had some level of difficulty convincing a veterinarian to release a written prescription to me. The scenario was this: I had a non-urgent visit for a long-term problem with one of my pets. Some tests were ordered, and the results would determine what prescriptions were needed. The experience I encountered thereafter led to some research about your rights to receive a written prescription in the state of California. It's when I found out that not one of the many vets I've visited in the past have really followed the letter of the law as it's written in California. Many other states have similar protections, and I'll add some resources to help you find your own rights at the end of this post.

Following is a survey of prevailing state laws related to the release of prescription medication and the number of enforcement actions taken in each state. In the majority of states there have been no enforcement actions. It appears that despite the frustration of pet owners and the daily reality of prescription medication customers attempting to purchase at pharmacies

without having a copy of the prescription, the lack of enforcement actions are a clear indication that enforcement processes are basically useless. The lack of enforcement actions at the state level is further evidence that a federal solution is necessary.

State	Cite	Language	Language in AVMA Study Accurate?	Details of any inaccuracies or missing information in AVMA description	Number of complaints/enforcement actions, according to State Board representative
Arizona	Arizona Administrative Code R3-11-801. Notification That Prescription-only Drugs Or Controlled Substances May Be Available At A Pharmacy	A. A dispensing veterinarian shall notify an animal owner that some prescription-only drugs and controlled substances may be available at a pharmacy by: 1. Stating the availability at or before the time of dispensing; 2. Posting a written statement that is visible to the animal owner; or 3. Providing the animal owner with written notification. B. A dispensing veterinarian may provide a written prescription to the animal owner if requested by an animal owner.	Yes		None
California	Business and Professions Code Sec. 4170, Article 12 Prescriber Dispensing See also California Code of Regulations, Title 16, Division 20, Sec. 2032.2	The prescriber, prior to dispensing, must offer to give a written prescription to the patient that the patient may elect to have filled by the prescriber or by any pharmacy. The prescriber must provide the patient with written disclosure that the patient has a choice between obtaining the prescription from the dispensing prescriber or obtaining the prescription at a pharmacy of the patient's choice.	Yes		Yes there have been complaints, but there is no way to provide a count.
Colorado	State Board of Veterinary Medicine 4 CCR 727-1 Veterinary Medicine Rules and Regulations 6.08 Prescription Drugs	In determining whether a licensee has acted with negligence, the board may consider standards of care and guidelines published by the American Veterinary Medical Association including, but not limited to, guidelines for the use, distribution and prescribing of prescription drugs	No	The AVMA study mixed up the descriptions of the Connecticut and Colorado laws. Colorado's law provides: Veterinarians are charged with knowledge of the pharmacy practice act provisions that apply to their	1 enforcement action

				practice, as well as the laws and regulations of the food and drug administration. When a client requests a copy of a prescription for their animal under current treatment, the veterinarian must provide it to the client.	
Connecticut	Connecticut General Statutes Chapter 384 Veterinary Medicine 20-202 Disciplinary action; grounds	Veterinarians are charged with knowledge of the pharmacy practice act provisions that apply to their practice, as well as the laws and regulations of the federal food and drug administration. When a client requests a copy of a prescription for their animal under current treatment, the veterinarian must provide it to the client.	No	The AVMA study mixed up the descriptions of the Connecticut and Colorado laws. Connecticut's law provides: In determining whether a licensee has acted with negligence, the board may consider standards of care and guidelines published by the American Veterinary Medical Association including, but not limited to, guidelines for the use, distribution and prescribing of prescription drugs	No enforcement actions. Several years ago, the Board issued advisory letters to veterinarians in response to complaints, but never had to bring a veterinarian before board on the issue.
Delaware	Delaware Code 24 Del. Admin. Code CSA 8.0	Before dispensing any controlled substance the patient must be advised that the prescription may be filled in the practitioner's office or any pharmacy.	Yes		None
Florida	Florida Statutes, Chapter 474 Veterinary Medical Practice 474.214. Disciplinary proceedings	(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken: (pp) Failing to give the owner of a patient, before dispensing any drug, a written prescription when requested.	Yes	AVMA description accurate, but did not include applicable disciplinary guideline: For failing to give the owner of a patient, before dispensing any drug, a written prescription when requested, The usual action of the Board shall be an administrative fine of two thousand dollars (\$2,000.00). For a second or subsequent offense, the usual action of the Board shall be an administrative fine from three thousand dollars to five thousand dollars	*Could not reach board representative

				(\$5,000.00).	
Georgia	State Board of Veterinary Medicine 700-8.01 Unprofessional Conduct	Within the meaning of GA. Code subsection 43-50-21(a)(7), unprofessional conduct means: (e) Prescription Drugs: 1. After a valid veterinary/client/patient relationship has been established, a veterinarian must make available, upon request, at a reasonable cost, a written prescription. (amended 10/12/11)	Yes		None
Hawaii	Hawaii Revised Statutes 471-10. Refusal to grant and revocation or suspension of license	The board may revoke or suspend the license of any veterinarian or fine the licensee, or both, for any cause authorized by law, including but not limited to the following: (12) Conduct or practice contrary to the recognized principles of medical ethics of the veterinary profession as adopted by the Hawaii Veterinary Medical Association and the American Veterinary Medical Association. The AVMA principles provide that veterinarians should honor a client's request for a prescription in lieu of dispensing.	Yes		None
Idaho	Board of Veterinary Medical Examiners Chapter 01. Rules of the State of Idaho Board of Veterinary Medicine	The Idaho Administrative Code adopts the Principles of Veterinary Medical Ethics, published by the American Veterinary Medical Association and violation of such principles constitutes unprofessional conduct. These principles provide that veterinarians should honor a client's request for a prescription in lieu of dispensing.	Yes		None
Indiana	Chapter 4. Practice; Discipline; Prohibitions 25-38.1-4-5 Prescriptions written by licensed veterinarian; veterinarian-client-patient relationship requirement	(d) If a veterinarian prescribes a drug for the client's animal, upon request, the veterinarian shall provide the prescription to the client, unless prohibited by state or federal law or to prevent inappropriate use. This requirement does not apply to livestock.	Yes		None
Iowa	Administrative Code, Veterinary Medicine	A licensed veterinarian is subject to disciplinary action for the violation of	No	According to phone call with Iowa's State Veterinarian on	None

	Board 811-10.6 (2) Grounds for discipline.	any of the following: a. Engaging in unethical conduct which includes, but is not limited to, a violation of the standards of practice as set out in 811—Chapter 12, and which may include acts or offenses in violation of the AVMA Principles of Veterinary Medical Ethics. These principles provide that veterinarians should honor a client’s request for a prescription in lieu of dispensing.		7/16/15, veterinarians may, but are not required to, issue a prescription. They can charge a reasonable fee if they choose to issue a written prescription.	
Kentucky	Kentucky Administrative Regulations 201 Ky. Admin. Regs. 16:110	(2) A veterinarian may refuse to write a prescription if it is not directly requested by a client with whom there is, in the veterinarian's opinion, a current and existing veterinarian-patient-client relationship.	Yes		*Could not reach board representative
Louisiana	Louisiana Administrative Code §705 Prescribing and Dispensing Drugs	G. Providing Prescriptions 1. A client is not obligated to purchase a prescription medication from the prescribing veterinarian. Therefore, when a veterinarian-client-patient relationship exists and a veterinarian has determined that a prescription medication will be used in a patient’s treatment or preventive health plan, it shall be considered a violation of the rules of professional conduct, within the meaning of RS 37:1526(14), for a veterinarian to refuse to provide a written prescription to the client so long as the following conditions exist: a. the veterinarian has determined that he patient’s life is not endangered without the immediate administration of the prescription medication; and b. in the veterinarian’s medical opinion, the prescribed substance is medically safe for in-home administration.	Yes		No enforcement actions, but some veterinary clients have called with complaints. In response, the board contacted the veterinarians to inform them of the requirement to issue written prescriptions upon request.
Massachusetts	Massachusetts Board of Veterinary Medicine Policy Statement adopted in 2006	Upon request of the consumer, a veterinarian shall provide prescription information to a pharmacy of choice. The method of providing prescription information shall be at the discretion of the	Yes	The description of the policy statement is accurate, but there’s an applicable regulation the AVMA did not list: A licensee’s practice	*Could not reach board representative

		prescribing veterinarian.		shall conform to currently-accepted professional and scientific standards in the profession of veterinary medicine such as but not limited to AVMA Principles. 256 CMR 7.01.	
Michigan	Michigan Administrative Code R 338.4923	Dispensing or prescribing a prescription product; veterinarian-client-patient relationship required. (1) If a veterinarian recommends a specific medication for a patient, the veterinarian shall honor a client's request for a prescription in lieu of dispensing a prescription product.	Yes		Yes there have been complaints, but no way to provide number.
Mississippi	Mississippi Board of Veterinary Medicine Policy statement adopted June 17, 1975	Veterinarians shall abide by the AVMA Code of Ethics as set forth in the AVMA Directory. The AVMA's Principles of Veterinary Medical Ethics provide that veterinarians should honor a client's request for a prescription in lieu of dispensing.	Yes		None
Missouri	Missouri Veterinary Medical Board 20 CSR 2270-4.031 Minimum Standards for Practice Techniques	(3) Dispensed Drug Labeling (F) All clients shall have the right to receive a written prescription from their veterinarian to take to the pharmacy of their choice so long as a valid veterinarian-patient-client relationship exists.	Yes		None
Montana	Montana Board of Veterinary Medicine §24.225.410 Record-Keeping Standards	If a veterinarian, based upon his or her medical opinion, is willing to dispense medication, then the veterinarian must also provide a prescription in place of said medication should the owner request a prescription. If a veterinarian, based upon his or her medical opinion, is not willing to dispense medication, then the licensee should deny a request for a prescription.	Yes		None
Nebraska	Board of Veterinary Medicine and Surgery Memorandum, March 4, 2013	Failure to provide a prescription upon client request in appropriate circumstances could be considered unprofessional conduct, and a ground for discipline against the license.	Yes		None

Nevada	Nevada Revised Statutes §638.140 Statutory or regulatory violations;	The following acts, among others, are grounds for disciplinary action: 9. Willful failure to comply with any provision of this chapter, a regulation, subpoena or order of the Board, the standard of care established by the American Veterinary Medical Association or an order of a court;	Yes		Years ago there were several complaints; in the past year, no complaints.
New Hampshire	New Hampshire Board of Veterinary Medicine Chapter 500 Ethical Standards	New Hampshire board rules require all licensed veterinarians to comply with the Principles of Veterinary Medical Ethics, published by the American Veterinary Medical Association. These principles provide that veterinarians should honor a client's request for a prescription in lieu of dispensing.	Yes		None
New Jersey	New Jersey Administrative Code 13:44-4.1 Veterinary prescription items	(e) A licensed veterinarian, in the course of professional practice and an existing veterinarian-client-patient relationship, shall, upon request, provide a written prescription to a client who does not wish to purchase a prescription item directly from the licensed veterinarian.	Yes		None
New Mexico	New Mexico Rules 16.25.9.17 Pharmaceutical Services	H. Veterinarians shall honor client requests to dispense and/or provide a written prescription for a drug that has been determined by the veterinarian to be appropriate for the patient.	Yes		None
New York	Rules of the Board of Regents Part 29 Unprofessional Conduct	Based on a conversation with the New York Board of Veterinary Medicine on Nov. 30, 2011, it would be considered unprofessional conduct for a veterinarian not to provide a written prescription to his or her client upon request. It would be a violation of section 29.1(b)(2) which states that unprofessional conduct includes exercising undue influence on the patient or client, including the	Yes		None

		promotion of the sale of services, goods, appliances or drugs in such a manner as to exploit the patient or client for the financial gain of the practitioner or of a third party.			
North Carolina	North Carolina Veterinary Medical Board Statement , website	If a veterinarian, based upon his or her medical opinion, is willing to dispense medication, then they (veterinarians) must also provide a prescription, in place of said medication, should the owner request a prescription. If a veterinarian, based upon his or her medical opinion, is not be willing to dispense medication, than it would also be appropriate to deny a request for a prescription.	Yes		None
Oklahoma	Oklahoma Statutes Title 59 Chapter 8 Section 354. Prescription as property right of patient – Duty to provide reference copies and transfer prescriptions	C. No licensed practitioner shall refuse to honor the request of his or her patient to have his or her prescription transferred to the licensed pharmacist or licensed pharmacy of the patient's choice.	Yes		A number of complaints filed under statutory provision 5 years ago; today, no complaints.
Oregon	Oregon Administrative Code 875-015-0030 (6)(d) Minimum Veterinary Practice Standards	If requested, a prescription shall be provided to a client for medications prescribed by the veterinarian under a valid VCPR.	Yes		No enforcement actions, but some veterinary clients have called with complaints. In response, the board contacted the veterinarians to inform them of the requirement to issue written prescriptions upon request.
Rhode Island	Rules and Regulations for the Licensure of Veterinarians Section 10.6 Record of Animals Receiving Veterinary Services	Any veterinarian licensed in the state of Rhode Island who writes a prescription for an animal patient shall provide a copy of that prescription to the owner of the animal patient, upon request of the owner, for the purpose of filling the prescription with a licensed pharmacy.	Yes		None
South Carolina	South Carolina Code of Regulations 120-8 Misconduct	Licensed veterinarians shall comply with the American Veterinary Medical Association Code of Professional Ethics.	Yes		None
South Dakota	Veterinary Medical Examining Board policy	Policy based on AVMA Principles of Veterinary Medical Ethics provision	Yes		None

		that veterinarians should honor a client's request for a prescription in lieu of dispensing.			
Tennessee	Position Statement, Tennessee Board of Veterinary Medical Examiners Adopted December 9, 2014	It is a violation of Rule 1730-01-.13 for a veterinarian to refuse to honor a client's request 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. 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. It is within the veterinarian's (not the pharmacy's) purview to determine the medical criteria whereby a drug is indicated. It is not unethical for a veterinarian to charge a reasonable professional fee for a prescription.	Yes		None
Utah	Utah Administrative Code Unprofessional conduct Rule R156-28-502	Unprofessional conduct includes failing to conform to the generally accepted and recognized standards and ethics of the profession including those established in the Principles of Veterinary Medical Ethics of the American Veterinarian Medical Association. These principles provide that veterinarians should honor a client's request for a prescription in lieu of dispensing.	Yes		None
Vermont	Board of Veterinary Medicine Administrative Rules	(a) Licensed veterinarians and applicants are subject to discipline for unprofessional conduct as defined by 26 V.S.A. § 2431 and 3 V.S.A. § 129a. Unprofessional conduct includes failing to comply with provisions of federal or state statutes or rules	Yes		None

	3.5 Professional Standards	governing the practice of the profession. 3 V.S.A. § 129a(a)(3). (b) In determining whether an applicant or licensee has engaged in unprofessional conduct, the Board may refer for guidance to the AVMA principles of Veterinary Medical Ethics.			
Virginia	Virginia Board of Veterinary Medicine 18 VAC 150-20-140 Unprofessional conduct	Unprofessional conduct shall include the following: 12. Refusing to release a copy of a valid prescription upon request from a client.	Yes		Information on number of complaints/enforcement actions not available, according to Board Executive Director.
Wyoming	Wyoming Rules and Regulations Ch. 4, Sec. 1 (b) Standards of Professional Conduct for the Practice of Veterinary Medicine	Wyoming Rules and Regulations adopt, incorporate and enforce as standards for professional conduct, the Principles of Veterinary Medical Ethics, published by the American Veterinary Medical Association Judicial Council. These principles provide that veterinarians should honor a client's request for a prescription in lieu of dispensing.	Yes		*Could not reach board representative

2. Does True Science manufacture Truprofen and Heartshield Plus?

No. True Science enjoys an exclusive license from leading pharmaceutical companies to distribute and sell these products in North America.

3. I notice you sell your products through a number of pharmacy chains and big-box retailers, including Wal-Mart. Wal-Mart, for example, advertises the availability of pet medications in their store and advises consumers to ask for a veterinary prescription. Why should the government create a mandate like the one proposed in H.R. 3174, the Fairness to Pet Owners Act?

The federal government already has a mandate in this space. It mandates that no pet owner can purchase certain medications without the approval of a licensed veterinarian. As noted

above, it is inconsistent for the federal government to tell Americans that they cannot buy certain products without a prescription, and then not guarantee them a right to a copy of that prescription so they can choose where they purchase those products.

Whenever the federal government comes in and restricts a market, it will cause disruptions, and create opportunities to limit competition. The market for pet medications is no exception.

We know the marketplace is broken – that pet owners are not getting prescriptions, whether it is because they do not know to ask, have their requests denied, or are dissuaded by their vet clinic from taking their prescriptions.

Otherwise, why would so few pet owners be buying generics -- even though they could save up to 50% at a time when they are looking to save money and are accustomed to buying generics for themselves and their families?

With human medications, over 80% of all prescriptions are filled with a generic equivalent. Based on our experience with pet medications, we estimate that aside from simple antibiotics, less than 5% of all pet medication prescriptions are filled with a generic.

We know from a major online retailer that only about 10% percent of its customers intending to purchase prescription pet medication show up with prescriptions. Given that a subset of pet owners are aware of the availability of pet medications at retail and on-line pharmacies, the percentage of pet owners getting prescriptions is likely much less than 10%.

It is no surprise this market is broken. Federal law puts pet owners squarely in the middle of the conflict of interest where their vet is also the retailer, and the consumer is forced to ask permission to take her business elsewhere.

There is nothing today – not a federal law, not a state law -- to stop vet clinics from exploiting the Federal prescription requirement. They can charge pet owners a fee, or force the pet owner to sign a waiver, or use their position of authority to disparage their pharmacy competitors or otherwise discourage their clients from shopping around.

On the other hand, as the FTC has stated, there is no better, more efficient way to let consumers know they have a choice than to put a copy of the prescription in their hands.

It is a simple fix, and it works. It is what we do for human medications, eyeglasses and contact lenses. We should be doing it for pet medications.

Are there obstacles preventing you and the retailers you use from advertising your products to the public?

There are rules limiting the way prescription medications can be advertised, but there are no obstacles for True Science or pharmacies to advertise the availability of convenient and more affordable pet medications at pharmacies across the country.

However, it makes no economic sense to market and advertise prescription medication available at pharmacies across the country if pet owners are unable to secure the prescriptions required to purchase the advertised products – whether that be because their requests for prescriptions are denied, because they are reluctant to ask a health provider for permission to purchase the medications from a competitor, or because they are being dissuaded from taking their prescriptions.

Likewise, a lack of pet owner access to prescriptions and the resulting constrained demand make the significant costs to gain FDA approval for generic medications an untenable investment. Similarly, it is not in a pharmacy's best interest to stock pet medications if limited demand, given the lack of pet owner access to prescriptions, results in unsold pet medication going out-of-date and needing to be discarded.

Today's prescription pet medication market is significantly underdeveloped as a result of pet owners being barred from purchasing certain medications without a prescription, and having prescribing veterinarians too often denying or making it difficult for pet owners to receive or fill their prescriptions.

4. From your website, it appears you have two FDA-approved drug products for animals. Can you tell us about your products, the process to obtain those FDA-approvals and if this process, in any way, affects your marketing and distribution decisions?

The Food and Drug Administration (FDA) process to bring any medication to market is technical, time consuming and expensive. Our supply partners have registered our prescription medications with the FDA. As with all other medications approved by the FDA, our applications include a review of the formulation, efficacy, safety information, health claims and packaging design. In addition to our in-house technical and regulatory experts we also retain third-party regulatory and legal experts to help us complete our applications correctly eliminating delays and additional cost.

The cost and effort to register pet medications has had a significant impact on our business – it has limited the amount of registration applications available to our company. In order to see a positive return on the investment to register a new medication with the FDA there has to be a customer and market for the approved medication.

No matter how great the savings or functional benefits of a new registered medication, the retail pharmacy market can only be as large as the number of pet owners who secure their prescriptions from the veterinarian. The other market-limiting factor for a new FDA registration has been the restrictions placed by large pharmaceutical companies on the leading distributors of medications and supplies to veterinary clinics.

We also face the risk that these “blocking agreements” between pharmaceutical companies and distributors can restrict the distribution of our products if they contain the same active ingredients as leading branded items. If pet owners automatically received copies of prescriptions from their veterinarians and had ready access to pet meds at their family pharmacy, it would change the risk profile of pursuing an FDA approval and bringing new products to market. The investment in FDA registration, plus marketing and distribution

costs would be more financially viable if there was an open and fair market and a greater ability to compete for and win pet medication customers.

5. It is our understanding that you only distribute to pharmacies, not to veterinarians. Can you tell us a little bit more about how you market and distribute your products?

True Science was founded in 2010 with the initial objective to expand pet owner access to leading medications at pharmacies and retail stores where pet owners frequently shop.

Shortly after starting our business in 2010, we launched several equivalent value brands as an alternative to off-patent medications. We now provide licensed pharmacies and retail stores a range of proprietary over-the-counter and prescription medications.

As mentioned above, with human medications, over 80% of all prescriptions are filled with a generic medication, with pet medications, other than simple antibiotics, that figure falls to less than 5% of all pet medication prescriptions. We believe pet owners who buy generic equivalent medication for themselves will realize dramatic savings by gaining access to generic pet medications available at pharmacies across America.

We would very much like to distribute our generic products directly through veterinary clinics. As you are aware, the primary means for vet clinics to access medications is through the large national distributors of pet medications.

Our attempts to sell our generics through those distributors have been denied, which we presume is the result of “blocking agreements” entered into with the manufacturers of the major pharmaceuticals for whose brands we have generic equivalents.

Efforts to distribute our generics directly to singular vet clinics would be a relatively expensive process. Our company is best equipped to transact and distribute larger quantities that then benefit from the distribution infrastructure of large retailers. That said, we would welcome the chance to make our world-class equivalent medications for off-patent medications available to pet owners who are looking for a better value at the veterinary clinic.

We are unaware of any AVMA policy urging its members to provide clients with generic equivalents or calling upon distributors to make generic equivalents available to them. We would look forward to working with the AVMA to make generics more widely available to consumers, and encourage the Association in that regard.

However, there is no better, more efficient or effective means for making generics available to the pet owner than providing that pet owner with a copy of his or her pet’s prescription. The veterinarian occupies a position of great influence with pet owners – the advice they provide is trusted and often followed. When a veterinarian withholds pet owner options (does not provide a copy of the prescription) or reserves their prescription for items that optimize their financial interest, a pet owner is less likely to respond or be persuaded by the

marketing efforts for comparable products, for generics, and for items that are ultimately a better value for the customer.

The marketing proposition of many pharmaceutical companies often include commitments to distribute exclusively to veterinary clinics thereby promoting the opportunity for vets to prescribe and sell medication with less market competition shielding the vet from price competition and protecting the veterinarian's high profit margins.

Receiving a prescription automatically from the veterinarian would be familiar to pet owners who receive prescriptions from human physicians the same way. A received prescription will empower the pet owner with an awareness of options, a realization of available FDA approved generic equivalents, and the confidence that like human medication, alternative equivalents sold by trusted pharmacies are safe and affordable options.

- 6. 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. The FTC report also 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. So lots of people are using portable prescriptions and competition is increasing. How could this expansion be taking place if owners are not aware of their opportunity to fill prescriptions outside of the veterinary office and why does the government need to create a new mandate in this environment?**

The number of pet owners who purchase their pets' prescription medications outside of the vet clinic remains relatively small.

You cite Pet Med Express, one of the largest online retailers of pet medications. If, as you state in your question, half of the company's sales are of prescription medications, that would suggest its customer base for those medications is 1.75 million households – or just 2.27% of the market.

With respect to brick and mortar pharmacies, we estimate that 85% of pet medication revenue was for over-the-counter (OTC) medications not requiring a prescription and only 15% of revenue was realized on pet medication requiring a prescription.

This breakdown is reverse of what one would expect if consumers were actually exercising choice on where they purchase their pet's prescription medication. Given the fact that approximately 75% of the \$7.02 billion spent by Americans on pet medications is for medications requiring a prescription, one would expect that pharmacy revenues for prescription pet medications would far exceed that of OTC medications, not the other way around.

If consumers had ready access to prescriptions, given the significant savings available at pharmacies for both branded and generic prescription medications, prescription medication sales at pharmacies would account for a far greater portion of sales, likely in line with the overall breakdown of OTC to prescription spending on pet medication.

The FTC is accurate about the traditional model of pet owners purchasing medications directly from their veterinary clinic being challenged by alternative retailers. But, available market data suggests the challenge is relatively minimal.

While the FTC correctly concluded that “continued growth of retail distribution could increase competition and lead to lower prices for pet medications in both veterinary and retail channels,” it failed to note how experience with opening up markets for prescription goods suggests that if pet medications are made more convenient to obtain and less expensive, the market will grow to the benefit of all stakeholders – pet owners, manufacturers, veterinarians, retailers – and pets.

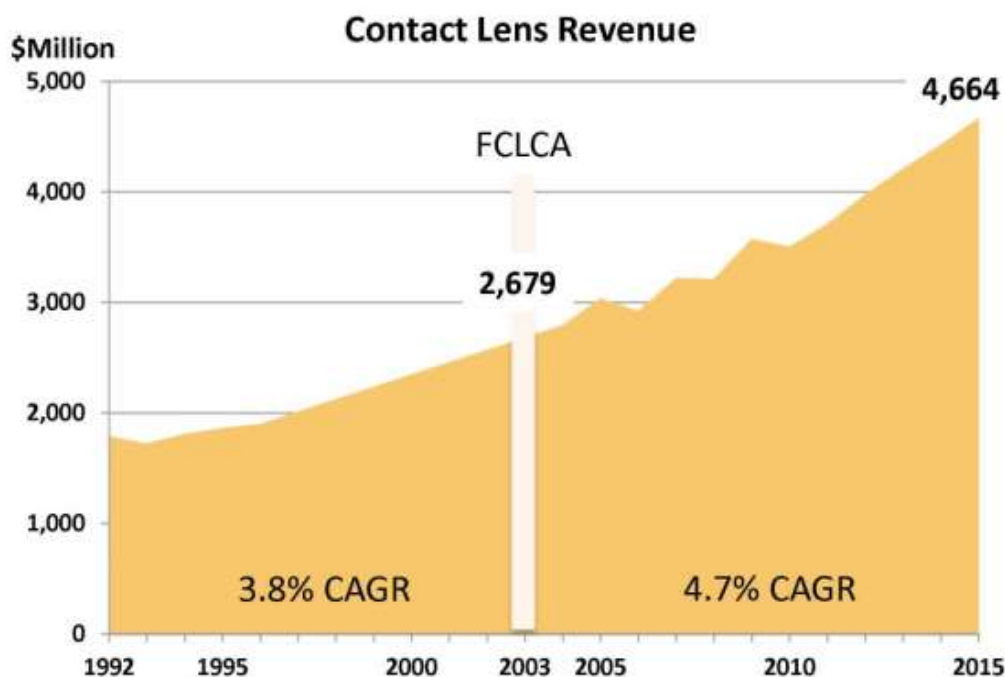
In the wake of the Fairness to Contact Lens Consumers Act, contact lenses became more affordable and easier to obtain, and the market grew accordingly to the benefit of prescribers, retailers, manufacturers and consumers alike.

According to a 2013 study commissioned by the American Optometric Association the state of optometry, the number of American adults wearing contacts increased by 40% between 2001 and 2012, and that the percentage of American adults wearing contacts increased by nearly 25% over that same period.²³

When the Fairness to Contact Lens Consumers Act was considered by Congress, claims were made by some opponents that creating competition in the sale of replacement contact lenses would harm optometry as an industry. Similar sentiments were raised during the hearing about the veterinary profession with respect to the release of prescriptions for pet medication.

As the following chart documents, optometry has benefited as more Americans became contact lens wearers and as purchases of contact lenses increased dramatically. The Fairness to Contact Lens Consumers Act, effectively drove the eyewear market right through the recession, increasing revenues despite the fact prices for contact lenses declined in adjusted dollars (and in some cases in real dollars).

²³ State of Optometry, 2013, Page 6.



Indeed, despite concerns voiced by the optometry industry that the Fairness to Contact Lens Act would harm their profession, four years after the bill's enactment, Contact Lens Spectrum reported that the “ophthalmic sector as a whole” grew “250 percent” over the previous five years, which, it noted was “far ahead of the S&P 500”, and concluding that the contact lens industry had been “graced with growth and product innovation”.²⁴ The same publication reported in its annual report for 2009 (during the depths of the recession), that as of “September 2009, the ophthalmic sector as a whole was up 44 percent year-to-date... far ahead of the S&P 500.”²⁵

The comments made during the hearing to the effect that the veterinary profession will suffer from competition in the sale of prescription medications assumes a static marketplace. But as the contact lens marketplace demonstrates, the market could very well respond by growing, and significantly so, especially as underserved consumers enter the market.

There is reason to believe that the market for pet medications will respond similarly. As I mentioned in my submitted testimony, the market for pet medication is bifurcated – between those on one hand who can afford unnecessarily expensive medications and that have reasonable access to veterinary clinics. They are spending more on their pets and driving growth in the industry.

On the other hand, there are pet owners with lower incomes whose situations are made even more challenging by stagnate real wages and the aftermath of the recession, and those who do not have ready access to vet clinics – whether that be because they are elderly and homebound or because they live in an underserved urban core or in a rural area. These pet

²⁴ Annual Report 2007, Contact Lens Spectrum, January 2008.

²⁵ Annual Report 2009, Contact Lens Spectrum, January 2010.

owners are finding it tougher to care for their pets, and they are buying less veterinarian recommended medication and spending less on their pets.

If these pet owners can be brought into the marketplace, more people will be likely to have pets, to keep them longer, to care for them better and replace them when the time comes. Veterinarians will have more pets for which to care, those involved in the manufacture and sale of pet medications will see greater sales, and pets will benefit from greater care.