



May 23, 2016

Representative Michael Burgess, M.D.
Chairman, Subcommittee on Commerce, Manufacturing, and Trade
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Burgess,

Thank you for the opportunity to appear before the Subcommittee on Commerce, Manufacturing and Trade on Friday, April 29, 2016, and testify at the hearing entitled “The Pet Medication Industry: Issues and Perspectives.” In response to an additional question submitted for the record, please find our reply below.

The Honorable Michael C. Burgess, M.D.

- 1. During the hearing, the question was raised as to waivers of liability a veterinarian may require a client to sign before receiving a copy of the prescription.**
 - a. Under the AVMA’s Principles of Medical Ethics, may a veterinarian require a client to sign a waiver of liability prior to fulfilling that client’s request for a copy of the prescription?**

The AVMA’s [Principles of Veterinary Medical Ethics](#) (PVME) do not speak specifically to waivers of liability. Section VII.f.iii. of the PVME states “A veterinarian shall honor a client's request for a prescription or veterinary feed directive in lieu of dispensing, but may charge a fee for this service.” We are also not aware of any state laws, regulations, or policies which allow or prohibit use of waivers. When we unofficially polled veterinarians following the first introduction of the Fairness to Pet Owners Act (2011), we heard from very few veterinarians who ask clients to sign a waiver and these were often for those seeking medications online.

- b. What liability does a veterinarian have for medications incorrectly filled by a pharmacy or other alternative retailer?**

It is our understanding that the prescribing veterinarian is not liable for errors made by the pharmacy or alternative retailer dispensing the medication as the negligent party carries the liability.

We welcome the opportunity to further discuss the pet medications industry and hope you will utilize the American Veterinary Medical Association as a resource. Please contact Ashley Morgan (amorgan@avma.org; 202-289-3210) with any additional questions or concerns.

Respectfully,

Mark T. Lutschaunig VMD MBA
Director
Governmental Relations Division