

Ohio Veterinary Medical Association

Internet Pharmacy Prescription Fact Sheet

Does a veterinarian have to provide a client with a prescription under Ohio law?

Ohio law does not require a veterinarian to provide a prescription to a client. For a variety of medical reasons a veterinarian may not feel it appropriate to provide a prescription or they may simply chose not to provide one as a business decision.

The AVMA Principles of Veterinary Medical Ethics does state, "Veterinarians should honor a clients request for a prescription in lieu of dispensing." This assumes of course that a valid veterinary- client -patient relationship exists and that you otherwise feel the medication is medically appropriate. The AVMA Principles do not have legal standing, but represent a set of concepts that you may choose to adhere to or not. The OVMA does concur, that if a prescription is medically warranted, it should be provided to the client in lieu of dispensing the medication if the client requests.

Can a veterinarian charge for writing a prescription?

The law does not preclude you from charging a client a fee for writing a prescription. If you elect to do so as a business decision, it should be applied consistently to all prescriptions written to be filled by an outside pharmacy regardless of whether the pharmacy is local or in another state.

What if an internet pharmacy initiates the request for a prescription?

Of course a veterinarian should only honor a prescription if they feel it is medically appropriate to do so, and a valid veterinary-client-patient relationship exists. Generally it is atypical and inappropriate for a pharmacy to initiate a prescription for a new drug not previously prescribed. For refills, it is important that the elements of a valid veterinary-client-patient relationship are in place including that you have "seen the patient recently". The term "recently" is not specifically defined as that is generally left to what you believe is medically appropriate for the medications you are prescribing. Absent other factors, "recently" is generally considered to have been within the past twelve months.

Do I have to fax a prescription to an outside pharmacy?

No you are not required to do so; however you should also be aware that Ohio law does not allow a client to fax a prescription to an outside pharmacy. If it is faxed, it must be done by the prescriber with the original kept in the patient's medical record. A written prescription can be mailed or presented by the client to an outside pharmacy.



What does the Ohio Practice Act say regarding providing prescriptions?

Both the law and sound medical judgment require that a veterinarian have a valid "veterinary-client-patient relationship" before prescribing and/or administering medication. Ohio Administrative Code (4741-1-05) specifically states that "A licensed veterinarian may prescribe, administer or dispense a drug or biologic only in those cases in which he or she has a valid veterinary-client-patient relationship."

The law goes on to state in Ohio Revised Code (4741.04) that this relationship between the pet, the client and the veterinarian have the following three conditions:

" A) A veterinarian assumes responsibility for making clinical judgments regarding the health of a patient and the need for medical treatment, medical services, or both for the patient, and the client has agreed to follow the veterinarian's instructions regarding the patient.

B) The veterinarian has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient. In order to demonstrate that the veterinarian has sufficient knowledge, the veterinarian shall have seen the patient recently and also shall be acquainted personally with the keeping and care of the patient by examining the patient or by making medically appropriate and timely visits to the premises where the patient is kept.

C) The veterinarian is readily available for follow-up evaluation, or has arranged for emergency coverage, in the event the patient suffers adverse reactions to the treatment regimen or the regimen fails."

What if the internet pharmacy encourages the client to contact state agencies (such as the Veterinary Licensing Board, Pharmacy Board and Attorney General), if you do not fill the prescription?

In the past, some internet pharmacies have used "intimidation" techniques such as this when a DVM has refused to provide authorization to fill a prescription. The Ohio Veterinary Medical Association has had numerous conversations with state agencies to insure that our understanding of the law as detailed in the above points is correct. Very simply, Ohio law does not require a veterinarian to issue a prescription to a client and one should not be issued absent all the elements of a valid veterinary-client-patient relationship. If you receive communications from a client indicating they have been instructed to contact one or more state agencies because you refused to authorize a prescription, you may wish to share a copy of OVMA's "Pet Medication Choices- Veterinarians Insure Your Pet's Health Care" to assist the client in understanding that you are following the law.