

Significant Legislative Rule Analysis

WAC 246-933-350 (New)
a Rule Concerning
Release of a Veterinary Prescription.

April 15, 2016

SECTION 1:

Describe the proposed rule, including a brief history of the issue, and explain why the proposed rule is needed.

The Veterinary Board of Governors (board) received a petition for rulemaking asking the board to consider requiring veterinarians to provide copies of prescriptions when requested and that veterinary clients would be made aware that they have this right.

The Veterinary Board of Governors (board) is proposing a new section, WAC 246-933-350, that would require veterinarians to provide clients a written prescription on request. As an alternative to a written prescription, if requested, the veterinarian would be required to call, fax, or electronically send the prescription to a licensed pharmacy in Washington State.

Honoring a client's request for a prescription in lieu of dispensing is a provision of the American Veterinary Medicine Association (AVMA) Principals of Veterinary Medical Ethics. More than thirty states have adopted rules to require veterinarians to release prescriptions to clients upon request.

The proposed rules would provide pet owners flexibility and cost saving opportunities when obtaining medications for their pets. The cost savings and options for accessing medications would allow pet owners, humane societies, and rescue groups with budget restrictions to provide better care for their pets.

SECTION 2:

Is a Significant Analysis required for this rule?

Yes, as defined in RCW 34.05.328 the agency must prepare a significant analysis on the proposed rule because it presents a significant policy change and a violation of the rule could result in sanctions on a veterinarian's license.

SECTION 3:

Clearly state in detail the general goals and specific objectives of the statute that the rule implements.

The board has the authority to adopt rules necessary to carry out the purposes of chapter 18.92 RCW related to the practice of veterinary medicine and surgery, including prescribing practices. RCW 18.92.030 provides the board the authority to adopt rules necessary to establish requirements for veterinary medical facilities. The proposed rule requires a veterinarian to release the prescription upon request by the client, which is a best practice for veterinary facilities.

SECTION 4:

Explain how the department determined that the rule is needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rule.

Honoring a client's request for a prescription in lieu of dispensing is a provision of the AVMA Principals of Veterinary Medical Ethics. More than thirty states have adopted rules to require veterinarians to release prescriptions to clients upon request. Releasing prescriptions to clients allows them to price shop and find competitively priced drugs. Accessing affordable drugs can ensure that the animals receive the medications they need. Adopting these practices in Washington Administrative Code will make the requirements enforceable. Therefore, there is no effective alternative to rule making.

SECTION 5:

Explain how the department determined that the probable benefits of the rule are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

Description of the proposed rule:

The Veterinary Board of Governors (board) is proposing a new section, WAC 246-933-350, to require veterinarians to provide clients a written prescription on request. As an alternative to a written prescription, if requested, the veterinarian must call, fax, or electronically send the prescription to a licensed pharmacy in Washington State.

Cost/ Benefit Analysis

There are minimal costs associated with requiring veterinarians to release prescriptions to clients upon request. When asked by the client, veterinarians would need to take the time to write the prescription and give it to the client or electronically send the prescription to the pharmacy of the client's choice. If the veterinary facility were to fill the prescription, appropriate veterinary staff would need to retrieve the drug, give it to the client, and keep records of drugs ordered and dispensed. There should not be a significant cost difference between the two scenarios.

Comments received during the rulemaking process also indicate that corporate veterinary practices are much more likely to impose policies that require the client fill their prescription at the clinic. These policies will need to be amended, and there is a minor cost associated with this.

Animal patients will benefit because animal owners and caretakers will have access to possibly more affordable medications. This increased access will help animal owners and caretakers to provide animals the medications they need. Therefore, the probable benefits of the rule are greater than the probable costs.

SECTION 6:

Identify alternative versions of the rule that were considered, and explain how the department determined that the rule being adopted is the least burdensome

alternative for those required to comply with it that will achieve the general goals and specific objectives state previously.

The board considered a version of the rule that would require the veterinarian to notify the client that it is their right to receive a portable prescription for their pet medications. Another version the board considered would have required written prescription upon request, but would have made electronic transmittal a voluntary alternative. The board also considered not proceeding with rulemaking.

The proposed option is least burdensome, as it models best practices adopted by many others states, but doesn't require veterinarians to go above and beyond by providing notice to clients of their right to get a portable prescription. The rule itself provides notice to the client, and it is the client's obligation to understand the rules. Of the thirty-some states that have similar rule language, only two require the veterinarian to notify the client of this right.

The current rule is the least burdensome to those required to comply, while achieving the goals and objectives of the rulemaking.

SECTION 7:

Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The rule does not require those to whom it applies to take an action that violates requirements of federal or state law.

SECTION 8:

Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The rule does not impose more stringent performance requirements on private entities than on public entities.

SECTION 9:

Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The rule does not differ from any applicable federal regulation or statute.

SECTION 10:

Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

The rule has been coordinated to the maximum extent practicable with other applicable laws, and aligns with the AVMA Principles of Veterinary Medical Ethics.