



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health- Veterinary Board of Governors

- Preproposal Statement of Inquiry was filed as WSR 14-20-049 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_ ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)

WAC 246-933-350 Release of a veterinary prescription. The Veterinary Board of Governors (board) is proposing to adopt a new rule to require veterinarians to provide clients a written prescription on request. Alternatively, if requested, the veterinarian must call, fax, or electronically send the prescription to a licensed pharmacy.

**Hearing location(s):** Courtyard Richland Columbia Point  
Riverside Hall  
480 Columbia Point Drive  
Richland, WA 99352

Date: 6/20/2016

Time: 10:00 a.m.

**Submit written comments to:**

Name: Lorelei Walker, Program Manager  
Address: Department of Health  
Veterinary Board of Governors  
P O Box 47852  
Olympia WA 98504-7852

e-mail: <https://fortress.wa.gov/doh/policyreview/>  
fax (360) 236-2901 by (date) 06/06/2016

**Assistance for persons with disabilities:** Contact

Lorelei Walker by 06/06/2016

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 06/20/2016

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposed rules require veterinarians to provide clients a written prescription for prescribed medications on request. Alternatively, if requested, the veterinarian must call, fax, or electronically send the prescription to a licensed pharmacy in Washington State. The proposed rules will provide pet owners flexibility and cost savings when obtaining medications for their pets.

**Reasons supporting proposal:**

Honoring a client's request for a prescription in lieu of dispensing is a provision of the American Veterinary Medicine Association Principals of Veterinary Medical Ethics. More than thirty states have adopted rules to require veterinarians to release prescriptions to clients upon request. The cost savings and options for accessing medications may allow pet owners, humane societies, and rescue groups with budget limitations to provide better care for their pets.

**Statutory authority for adoption:**

RCW 18.92.030

**Statute being implemented:**

RCW 18.92.030

**Is rule necessary because of a:**

Federal Law?  Yes  No

Federal Court Decision?  Yes  No

State Court Decision?  Yes  No

If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: May 04, 2016**

**TIME: 10:17 AM**

**WSR 16-10-102**

**DATE** 05/04/16

**NAME** (type or print)

Kathy Schmitt

**SIGNATURE**

**TITLE**

Deputy Director, Health Professions and Facilities

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Department of Health - Veterinary Board of Governors

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Lorelei Walker, Program Manager	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947
Implementation.... Lorelei Walker, Program Manager	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947
Enforcement..... Lorelei Walker, Program Manager	111 Israel Road SE, Tumwater WA 98501	(360) 236-4947

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Lorelei Walker

Address: 111 Israel Road SE  
Tumwater, WA 98501

phone (360) 236-4947

fax (360) 236-2901

e-mail [loralei.walker@doh.wa.gov](mailto:loralei.walker@doh.wa.gov)

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Lorelei Walker

Address: 111 Israel Road SE  
Tumwater, WA 98501

phone (360) 236-4947

fax (360) 236-2901

e-mail [loralei.walker@doh.wa.gov](mailto:loralei.walker@doh.wa.gov)

No: Please explain:

**Small Business  
Economic Impact  
Statement**

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; an explanation of why the proposed rule is needed; and a brief description of the probable compliance requirements and the kinds of professional services that a small business is likely to need in order to comply with the proposed rule.**

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. Alternatively, 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 Principals (AVMA) 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 savings opportunities when obtaining medications for their pets. The cost savings and options for accessing medications will allow pet owners, humane societies and rescue groups with budget restrictions to provide better treatment for the pets in their care.

## SECTION 2:

**Identify which businesses are required to comply with the proposed rule using the North American Industry Classification System (NAICS) codes and what the minor cost thresholds are.**

2013 County Business Patterns – Washington – Major Industries

### Threshold calculation

NAICS code	NAICS code description	Total establishments	Paid employees	Annual payroll (\$1,000)	Average annual payroll (\$1,000)	1% of Average annual payroll
541940	Veterinary Services	769	8,409	278,869	362,638	3,626

### Number of establishments by employment-size class

NAICS code	Industry code description	Total establishments	1-4	5-9	10-19	20-49	50-99	100-249	250-499	500-999	1000 or more
541940	Veterinary Services	769	216	231	223	89	7	3	0	0	0

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## **SECTION 3:**

**Analyze the probable cost of compliance. Identify the probable costs to comply with the proposed rule, including: cost of equipment, supplies, labor, professional services and increased administrative costs; and whether compliance with the proposed rule will cause businesses to lose sales or revenue.**

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, if they choose, call or fax 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.

Veterinary facilities may lose revenue by complying with the proposed rule. Potential lost revenue is difficult to determine, as there are a number of variables that contribute to whether a client would fill their prescription at the veterinary clinic or at a pharmacy. Factors could include:

- Client preferences for convenience of filling the prescription at the veterinary clinic versus cost-savings of filling the prescription at a pharmacy.
- Client confidence in obtaining a pet prescription through a pharmacy rather than the veterinary practice.
- Whether the drug is available through veterinary clinic only, or is widely available at pharmacies.
- The degree to which the veterinary clinic already offers clients written prescriptions in accordance with best practices. 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.

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## **SECTION 4:**

**Analyze whether the proposed rule may impose more than minor costs on businesses in the industry.**

The department has determined the proposed rule will not impose more than minor costs on businesses in the industry.

When asked by the client, veterinarians would need to take the time to write the prescription and give it to the client or, if they choose, call or fax 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.

The Oregon Veterinary Medical Association conducted a membership survey in 2012 related to veterinary prescriptions and retail pharmacies. At the time, Oregon did not require a veterinarian to release a prescription to the client upon request. Oregon received responses from twenty-one percent of the veterinary practices across the state. Ninety-five percent of respondents reported that they honor a client's request to have a prescription filled outside of the veterinary practice. Ninety-three percent said that they do not charge a fee when the client fills the prescription outside of the veterinary practice.

Based on these responses from the Oregon survey, most veterinary practices currently release prescriptions. Anecdotal evidence and comments received during the rule drafting process indicate that this is a common practice for private veterinary practices in Washington too. This rule would not impose additional costs for businesses that already follow this practice.

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.

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## **SECTION 5:**

**Determine whether the proposed rule may have a disproportionate impact on small businesses as compared to the 10 percent of businesses that are the largest businesses required to comply with the proposed rule.**

Although potential lost revenue is difficult to determine because of multiple variables, the rule may have a disproportionate impact on small businesses. As outlined in section 2, 759 of the 769 veterinary businesses are small, employing fewer than 50 people. Small businesses serve the vast majority of patients, including issuing prescriptions. Since results of the Oregon study indicated most veterinary practices currently release prescriptions, and anecdotal evidence indicates that this is also true in Washington, this rule is expected to have a minimal impact on most small businesses.

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## **SECTION 6:**

**If the proposed rule has a disproportionate impact on small businesses, identify the steps taken to reduce the costs of the rule on small businesses. If the costs can not be reduced provide a clear explanation of why.**

The proposed rule adds minimal costs and therefore does not have a disproportionate impact on small businesses.

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## **SECTION 7:**

**Describe how small businesses were involved in the development of the proposed rule.**

The small businesses potentially impacted by this rule are small veterinary clinics owned by licensed veterinarians. The Washington State Veterinary Medical Association (WSVMA) is a major representative of the veterinarians who own their practices. The board has worked closely with the WSVMA in the development of the rule, and WSVMA does not have major concerns with the potential lost revenue to veterinarians. The board notified interested parties about the rule-making and asked for comments. The board has not received any comments from veterinarians regarding potential lost revenue with the potential implementation of this rule.

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## **SECTION 8:**

**Identify the estimated number of jobs that will be created or lost as the result of compliance with the proposed rule.**

The department does not anticipate any jobs created or lost as a result of compliance with the proposed rule.

NEW SECTION

**WAC 246-933-350 Release of a veterinary prescription.** (1) If requested by the client, a veterinarian must provide a written prescription for any medication prescribed by that veterinarian under a valid veterinarian-client-patient relationship.

(2) As an alternative to a written prescription, if requested by the client, the veterinarian must call or fax the prescription or send the prescription by electronic means to any pharmacy of the client's choosing that is licensed to do business in the state of Washington.