

**Statement**  
of the  
**American  
Pharmacists  
Association**

**Submitted to the  
Senate Committee on the Judiciary**  
**on “Rogue Online Pharmacies: The  
Growing Problem of Internet Drug  
Trafficking”**

**May 16, 2007**



American Pharmacists Association  
1100 15<sup>th</sup> Street, N.W.  
Suite 400  
Washington, DC 20005

(202) 628-4410  
<http://www.APhAnet.org>

# **Statement of the American Pharmacists Association**

## **Before the Committee on the Judiciary United States Senate**

### **Hearing on**

### **Rogue Online Pharmacies: The Growing Problem of Internet Drug Trafficking**

**May 16, 2007**

The American Pharmacists Association (APhA) appreciates the Committee's efforts to improve patient safety through regulation of Internet access to prescription medications. APhA, founded in 1852 as the American Pharmaceutical Association, represents more than 60,000 pharmacist practitioners, pharmaceutical scientists, student pharmacists, pharmacy technicians, and others interested in improving medication use and advancing patient care. APhA members provide care in all practice settings, including community pharmacies, hospitals, long-term care facilities, community health centers, managed care organizations, hospice settings, and the military.

#### **Legitimate Internet Pharmacy vs. Rogue Internet Drug Sellers**

Internet pharmacy is a growing element of our drug distribution system. Unfortunately, unscrupulous Internet drug sellers are manipulating this process and threatening the safety of our nation's drug supply. The value of prescription medications doesn't materialize if patients receive sub-standard care. As the medication experts on the health care team, and the health professionals dedicated to partnering with patients to improve medication use, we fully support efforts to reign in this dangerous practice of drug distribution.

The ability to access medications through the Internet provides convenient access to patients. But patients need assistance distinguishing between a rogue Internet drug seller and a legitimate Internet pharmacy. Legitimate Internet pharmacies can provide patients safe and effective medications as well as access to the most critical member of the patient's health care team when it comes to medications — their pharmacist. Conversely, illegitimate Internet drug sellers operate outside these protections and pose safety risks to patients. Examples of these safety risks include:

- Failure to provide access to pharmacists. Patients who bypass the expertise of a pharmacist could find themselves taking a new medication that conflicts with another medication, creating a dangerous drug-to-drug interaction. It is always best for a patient's medication regimen to be reviewed by a pharmacist to reduce the likelihood of these occurrences.
- Offering medications "without a prescription", a serious breach of our regulatory system, which circumvents the assistance of doctors and pharmacists.
- Offering to "prescribe" medications without a physical examination, or any interaction with the patient, bypassing the traditional prescriber-patient relationship. As a result, consumers may receive inappropriate medications because of a misdiagnosis.

Evidence of the need to regulate Internet drug sellers can be found as far back as 2004 in two reports by the Government Accountability Office (GAO) that demonstrate the "buyer beware" environment that Internet pharmacy creates for American patients. The report, "Internet Pharmacies: Some Pose Safety Risks for Consumers"<sup>1</sup> details how GAO was able to obtain prescription drugs from domestic and foreign Internet drug sellers and identifies problems associated with the handling, FDA-approval status, and authenticity of the drug samples received from non-Canadian foreign Internet drug sellers. The report, "Internet Pharmacies: Hydrocodone, an Addictive Narcotic Pain Medication, is Available without a Prescription through the Internet"<sup>2</sup> details the ease with which the GAO was able to purchase hydrocodone on the Internet without providing a prescription or being examined by a physician. The report concludes that Internet drug

---

<sup>1</sup> <http://www.gao.gov/new.items/d04820.pdf>

<sup>2</sup> <http://www.gao.gov/new.items/d04892t.pdf>

sellers appear to be in the business of knowingly servicing, and profiting from individuals who may purchase pain medication for illicit purposes.

### **Catching the “Bad Guys”**

Nothing suggests that problems associated with Internet access to prescription medications have been remedied since these reports were released. In fact, data suggests that these sites have proliferated. These situations support the need for review and refinement of our existing safety net, not the expansion of efforts to circumvent or relax the system.

Therefore, APhA supports creating requirements, new “hooks” with which we can catch illegitimate web sites and prevent their proliferation. We support the creation of uniform certification standards, which require Internet pharmacies to:

- comply with all State pharmacy practice laws and all laws relating to controlled substances;
- ensure a prescription drug is dispensed only pursuant to a valid prescription even in circumstances when a prescription is not required for the drug by the country from which it is mailed;
- display on their website several pieces of critical information including contact information for the pharmacy, information about the pharmacist in charge or supervising pharmacist, information regarding its ownership and management, the seal provided to certified pharmacies (for example, the National Association of Boards of Pharmacy’s VIPPS program<sup>3</sup>), and a statement that the pharmacy will not dispense a prescription medication without a prescription;
- provide opportunities for patients to consult with a licensed pharmacist;
- create systems for adverse drug event and medication error reporting, for patient complaints, to facilitate communication between the pharmacy and consumers regarding drug recalls, and to address patient confidentiality; and,
- develop quality assurance standards.

Furthermore, we support limiting the source of payments to rogue Internet drug sellers by prohibiting credit card payments for illegal Internet drug purchases, prohibiting website advertising that “no prescription is needed”, and prohibiting websites from accepting advertising from uncertified (and therefore also unlicensed) Internet drug sellers.

However, while supportive of regulating the rogue Internet drug industry, we caution against creating new federal requirements for pharmacies that are already licensed by State Boards of Pharmacy or as a federal pharmacy (e.g. pharmacies that serve the Department of Defense). For legitimate Internet pharmacies to remain a viable option, we recommend working within the current pharmacy regulatory infrastructure that retains State Boards of Pharmacy as the primary regulatory authority for State licensed pharmacies. Creating new federal licenses, instituting new federal licensing fees, or creating new reporting requirements could cause domestic pharmacies to remove the Internet as an access point for their patients.

### **Important Collaborations**

Our commitment to proper medication use continues through the life of the medication and is not limited to ensuring appropriate Internet access to prescription medications. As the largest professional society of pharmacists and an organization dedicated to promoting the proper use and distribution of life saving medications, APhA is also committed to ensuring that medications are handled responsibly. Through the daily work of pharmacists, abuse and illegal diversion abuse is limited.

Recently, APhA’s work in this area has included establishing important collaborative relationships. For example, APhA is working with the White House Office of National Drug Control Policy (ONDCP) to ensure that law enforcement officials, educators and other healthcare providers have the necessary resources to educate the public about the risks associated with medication misuse. APhA is also working with the U.S. Fish & Wildlife Service, the Environmental Protection Agency, and other government organizations to address the proper disposal and handling of unused medications in the home and workplace. This approach not only ensures the medications don’t end up back in the distribution chain or are used for illicit purposes, but helps safeguard public health and the environment by curbing disposing of these medications in our waterways.

---

<sup>3</sup> <http://www.nabp.net/>

APhA also supports educating parents about the dangers of prescription drug abuse by children. In recent years, prescription drug abuse has risen due to what appears to be a false perception by children that prescription drugs are safer than street drugs and are therefore safe for recreational use. In recognition of the essential role parents play in the prevention of drug abuse in children, APhA has partnered with the Partnership for a Drug-Free America as they begin developing new resources to help parents become better educated about prescription drug abuse.

### **Conclusion**

APhA strongly agrees that enough safety concerns arise with patients accessing prescription medications through the Internet to warrant regulatory oversight. As beneficial as some of the deals may appear for medications purchased through the Internet, some of these deals have a price — significant health risks. These potential risks require immediate attention and we commend you for drawing attention to this public health issue. We support efforts to help patients in distinguishing between legitimate pharmacies and illegitimate Internet drug sellers and that may curb abuses by illegitimate Internet drug sellers.

Medications, a critical aspect of patient care, are only safe and effective when patients understand how to use them appropriately and for what side effects they should watch. Legitimate Internet pharmacy can provide a service to those homebound, or with challenges to receiving their medications from their local pharmacist, or who prefer this mechanism. Any efforts to regulate Internet access to prescription medications must strike a balance between shutting down illegitimate drug sellers and allowing the legitimate Internet pharmacies to continue to serve patients.

APhA looks forward to working with the Committee as you seek ways to better ensure patient safety within the realm of Internet access to prescription medications.