

## LVM: Session 8

**Author:** Paul Waldau, D.Phil., J.D.

### 1. Drugs as a legal and ethical issue

It is common knowledge that the use of “drugs” (variously defined, but in essence government controlled substances) is subject to both (a) heavy regulation and (c) abuse by irresponsible and greedy individuals. As a professional, you have special obligations and privileges regarding such substances. And, of course, you and your employees will be held to the highest standards of handling, storage, and use with regard to these substances whenever there is a problem.

Interestingly, even though this is a most important topic, the AVMA’s materials do not offer as much help in this area as they do in many other areas. For example, if you search “controlled substances” in the 2006 AVMA Membership Directory and Resource Manual, you will not find any entries. Search “drugs” and you come up with only a few entries—two you know already: PVME Sections III C(2) and XI E (which is part of the PVME’s Glossary). The AVMA annual Reference Manual does include a number of entries mentioning “drugs” in the AVMA’s Model Veterinary Practice Act—importantly, however, the code is *not* official law, but only the AVMA’s proposal for a *model* veterinary code—the actual law enacted in each state varies tremendously from this proposed model code.

The inclusion of multiple references to “drugs” in important AVMA documents like the annual Reference Manual (sent to each member of the AVMA) and the proposed Model Veterinary Practice Act signals how truly important the topic of “drugs” is. Yet this remains a challenging area because the area is constantly changing and thus not easily discussed in generalities. Not much has appeared in JAVMA in the last six years regarding the *general* nature of your obligations in this area. There is, however, much in JAVMA on *specific* controlled substances in the veterinary context.

**The principal and most helpful source of guidelines for veterinarians are the USDA and FDA’s CVM.** Page 334 of the 2006 AVMA Reference Manual includes some *very* valuable resources on drugs in veterinary medicine published by government sources—in particular, there are materials on AMDUCA (Animal Medicinal Drug Use Clarification Act), veterinary therapeutics, veterinary compounding, health hazards in veterinary practice, and veterinary biologics.

The readings for this session include a 2005 article from *Veterinary Economics* regarding online pharmacies—“The Secrets to Fighting Big Pharmacies.” This article has some practical tips that will help you see both how complex and changing the issues in this area can be. The readings also include AVMA materials on extra-label drug use and AMDUCA (Animal Medicinal Drug Use Clarification Act) and compounding. Finally, the November 1, 2001 JAVMA article entitled “Negligence in use of medication and drugs” lays out a number of different legal precedents that will, cumulatively, help you grasp that this area is fraught with complex legal issues.

There’s a good news/bad news story here—the good news is that when you finally get to work as a veterinarian (or student on your way to becoming a

veterinarian), there will surely *already* be in place various procedures to address the complex laws that govern this important area. The bad news, however, is day-to-day practices in some places fall far short of what the law demands of each and every person engaged in the handling of controlled substances.

Thus in this lecture again and again it will be pointed out that your status as a *licensed professional* will require that you have technical, up-to-date knowledge of all drugs you handle, as well as the laws governing them. For these and many other reasons, handle these substances with extreme care.

**Some additional help**—Wilson 1993 has extensive materials on the legal aspects of federal, state, and your profession's concern that drugs be used properly (in particular, see Chapters 9-11 for information on legal use of veterinary drugs, the law governing veterinary biologicals and pesticides, and provisions governing controlled substances generally).

Your profession's publications will help you keep up-to-date on veterinary use of drugs, quality of care, and malpractice concerns. JAVMA has regular features touching on such issues, as do other major veterinary practice publications.

Lastly, Donald C. Plumb has published the *Veterinary Drug Handbook* for a number of years, and the 4th edition is now available from Iowa State Press.

## 2. Readings and Resources

- Drugs as a Legal and Ethical Issue (see above)
- "The Secrets to Fighting Big Pharmacies" (deals with online pharmacies)
- JAVMA, July 15, 2006, at page 204, Letters to editor by Gonder and Swink re antibiotics withdrawal
- AVMA materials on extra-label drug use and AMDUCA (Animal Medicinal Drug Use Clarification Act) and compounding
- JAVMA, November 1, 2001, "Negligence in use of medication and drugs"

### 2.1 Recommended Reading

- There are any number of valuable publications available free to AVMA members through the AVMA website—for example, the booklets "Judicious Use of Antimicrobials" (June 2003), "Veterinary Biologics" (June 2006), and "Veterinary Therapeutics" (June 2006) .
- USDA has a helpful brochure entitled "Veterinary Biologics: Use and Regulation"
- FDA has a booklet entitled "FDA and the Veterinarian", information about which can be obtained at [www.fda.gov/cvm](http://www.fda.gov/cvm)
- The FDA's CVM publishes the newsletter "FDA Veterinarian"—copies of 2006 editions (vols. 1 and 2) are at TUSK—these contain helpful articles on very specific issues