

Gabriel (Gabe) Hamilton

Partner 208.383.3952 Boise gahamilton@hollandhart.com



**Claire Rosston** 

Partner
208.383.3960
Boise
ccrosston@hollandhart.com

## Charging Fees for Online Pet Prescriptions: Is it Illegal? Is it Bad Business?

## Insight — March 28, 2023

The rise of online pet prescription services, and the opportunity to save money, has created more choices for pet parents. Because online pharmacies buy larger volumes of medication at a time, they get better pricing that might be lower (or much lower) than your veterinary practice pays for the same medication. In addition, your practice has overhead costs involving keeping the medications on the shelf and losses if the medication expires and must be discarded.

The question arises when the client or an online pharmacy contacts your practice to authorize the prescription—should you charge a nominal fee to the client to cover your time pulling the records and communicating with the pharmacy?

No federal law prevents veterinarians from charging patients a fee for their services and time invested in writing a prescription. The state laws and guidance are mixed: some states expressly permit veterinarians to charge fees for prescriptions, others prohibit it, and still others are silent.

Similarly, business practices are mixed. In states where it is permitted, some veterinarians charge a nominal fee for writing prescriptions, but others don't.

Practical considerations typically drive whether a practice elects not to charge a fee where permitted by law. When clients are hit with a fee they didn't expect, it can lower their customer satisfaction. It is very easy to file a complaint with the veterinary board, and even if that complaint is triggered by a client angry over these kinds of charges, the boards can investigate and potentially find something unrelated in the medical record that is worthy of discipline.

Experts recommend charging an "administrative fee" or including the cost in another service line to cover this expense during the initial examination. Also, to maintain a veterinarian-client-patient relationship (VCPR), a veterinarian must see a pet regularly—how regularly depends on the pet's health. If a pet is on prescription medicine, a veterinarian may need to reexamine the pet, check blood work, or perform other tests to monitor the pet's response to treatment and determine if the medication needs to be changed. For example, a dog being treated for hypothyroidism needs to be reevaluated regularly to make sure the dosage is having the effect it needs to have.

There is a risk to purchasing online prescription medication. In addition to



human error, the prescription could be damaged in shipping or exposed to hot or cold temperatures that could make the medication ineffective. Take the opportunity to work with your clients and discuss pharmacy options up front. Good service and engagement with the health of your client's pets will usually pay better dividends than charging clients with unexpected fees.

Subscribe to get our Insights delivered to your inbox.

This publication is designed to provide general information on pertinent legal topics. The statements made are provided for educational purposes only. They do not constitute legal or financial advice nor do they necessarily reflect the views of Holland & Hart LLP or any of its attorneys other than the author(s). This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.