

State Medical Board Efforts

Several state medical boards are in the process of examining or updating their position on the practice of medicine via the Internet. To date, 29 boards have issued a statement, rule, or guideline on this topic. Another 15 states have enacted legislation addressing Internet medical practice or Internet pharmacy operation. Information regarding state medical board positions on Internet prescribing can be accessed on the NCIP webpage at http://www.fsmb.org/ncip_resources.html. Current efforts to further address the practice of medicine via the Internet include:

- Legislation recently enacted in South Carolina (SB 881) stating that it is “unprofessional conduct for a licensee to initially prescribe drugs to an individual without first establishing a proper physician-patient relationship.” The requirements for such a relationship are detailed, and the legislation further states that “prescribing drugs to individuals the licensee has never personally examined based solely on answers to a set of questions is unprofessional.”
- The Arizona Medical Board recently approved the creation of a subcommittee for drafting a substantive policy statement on Internet prescribing to alleviate confusion on the issue and to inform the general public about the hazards of obtaining prescription drugs via the Internet.
- The Massachusetts Board of Registration in Medicine is considering a proposed regulation that would include as unprofessional conduct issuing a prescription by means of the Internet or other electronic process, without taking an ad-

equated medical history, without conducting an appropriate physical and/or mental status examination, or without recording the results of said examination.

Purchases

The responsibilities of the Clearinghouse include purchasing medications from suspected “rogue” websites and pursuing complaints against associated physicians and pharmacists. Clearinghouse staff placed and received two orders for medication in the second quarter of 2006. Overall, staff has placed 56 orders, with 51 being approved.

www.deliveredfastrx.com

An order for Levitra was placed and received in June 2006. The pharmacy is located in Pennsylvania, the website based in Nevada, and the prescribing physician licensed in Puerto Rico.

www.lightpharm.com

An order for Tamiflu was placed and received in June 2006. The pharmacy is located in Florida, the website based in Washington, and the prescribing physician licensed in Kentucky and Ohio.

News of Interest

- The North Carolina Board of Pharmacy has shut down several Internet pharmacies in recent months, including Kwic Fill Pharmacy, United Care Pharmacy, Woody Pharmacy in Mooresville

and Woody Pharmacy-Waterside in Denver. All of the pharmacies were accused of dispensing drugs based on illegal prescriptions obtained over the Internet.

- A federal jury in Philadelphia convicted Akhil Bansal and Fred Mullinex of operating an illegal Internet pharmacy in April, according to a *Philadelphia Inquirer* story published April 18, 2006. Authorities contend that these men were part of a 17-person conspiracy to distribute morphine, cough syrup, Xanax, Valium, Prozac and Viagra without a prescription. Sentencing is expected soon.
- Physicians from Louisiana and Florida have pled guilty to illegally selling prescription drugs over the Internet. Doctors Mario Diaz, Juan Gonzalez, Magalay Bethencourt, and Carlos Barrera of Florida, and Dr. Edward Schwab of Louisiana, await sentencing on their guilty pleas. At least five more physicians from other states face similar charges, and as many as 50 more await charges in this scheme. These physicians were affiliated with the site, buymeds.com, and a pharmacy in Iowa.
- The National Center on Addiction and Substance Abuse at Columbia University (CASA) reported in a press release on June 19 that the number of websites selling controlled prescription drugs has risen for a third straight year. These sites offered drugs such as Vicodin, Oxycontin, Xanax, Librium, Valium, Adderall and Ritalin without the need for a prescription or with a prescription issued via an online consultation. The press release may be seen on the CASA website at <http://www.casacolumbia.org/>.

Disciplinary Actions

The following is a partial list of recent disciplinary actions taken against physicians who prescribed medicine via the Internet.

- Florida Board of Medicine—Mario Diaz, M.D., license suspended on May 17, 2006.

- Arizona Medical Board—Bruce Hunter, M.D., license revoked on June 8, 2006.
- Arizona Medical Board—Michael Herion, M.D., letter of reprimand on June 9, 2006.

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