



RxBeat

National Clearinghouse on Internet Prescribing

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Welcome to the first volume of *Rx Beat*, the voice of the National Clearinghouse on Internet Prescribing. The intent is to inform state medical board and law enforcement personnel of Clearinghouse activities as well as to paint a picture of what is happening on the national level on a quarterly basis. My hope is that you find this information both useful and informative.

James Rawson

What is the National Clearinghouse on Internet Prescribing?

The Clearinghouse concept emerged from a meeting of regulatory authorities and pharmacy industry representatives in January 2000 to discuss the challenges associated with the regulation of prescribing and dispensing of medication via the Internet. There was a consensus that the Federation was in a unique position to assist regulatory authorities in their investigation of websites and associated physicians. In September 2000, the Clearinghouse was established to collect and disseminate information on “rogue” Internet pharmacy websites offering prescribing and dispensing of prescription medications to consumers.

Purchases

The responsibilities of the Clearinghouse include purchasing medication from suspected “rogue” websites and pursuing complaints against associated physicians and pharmacists. Clearinghouse staff placed three orders for medication in the first quarter of 2005, of which two were approved. Overall, the staff has placed 44 orders, with 40 being approved.

www.multimed.com

Order was placed and approved in February and payment was accepted. Shipment was never made and repeated requests to contact website have been futile. This represents the first time staff has paid for medication and not received the shipment.

www.kwikmed.com

Order was placed and approved in March, with shipment arriving shortly thereafter. Details include that the pharmacy was located in Alabama, website was based in Arizona, and prescribing physician is licensed in Utah and Nevada. Typical for an Internet based pharmacy that offers prescription services for medication.

News of Interest

- Canadian authorities seem to be intent on cracking down on the practice of physicians co-signing prescriptions for patients they had not personally seen. This is an issue that has arisen as more and more companies engage in filling prescriptions for United States citizens at Canadian pharmacies. In fact, regulatory authorities in Ontario, Manitoba, and Saskatchewan have all taken disciplinary action against physicians for engaging in this practice.
- Six bills of interest have appeared before state legislatures so far in 2005 that relate to Internet pharmacies. A bill in Kentucky (SB 63) was enacted that requires Internet pharmacies to be certified by VIPPS, the Verified Internet Pharmacy Practice Sites program run by the National Association of Boards of Pharmacy.

- Federal legislation has been introduced again this year titled the Ryan Haight Act (SB 399 & HR 840) to address the sale of prescription drugs through the Internet. Internet sales without an appropriate medical relationship are prohibited, and state Attorneys General would be given the power to issue nationwide injunctions. FSMB and the Clearinghouse fully support this legislation.
- Clayton H. Fuchs, 34, one-time pharmacist/owner of numerous pharmacies on the Internet, was sentenced to 20 years in prison for his role in improperly dispensing drugs via an Internet pharmacy.

Federal Perspective

Each issue will focus on one Federal agency and important news to remember as related to Internet prescribing. The first agency focus is on the Drug Enforcement Administration. The DEA outlined guidance for prescribers, pharmacists, regulatory authorities, law enforcement authorities, and the public in the April 27, 2001 *Federal Register*. In the section titled DEA Registrant Questions About Internet Pharmacies, the question of "Some Internet Pharmacies have Doctors who Prescribe Substances Based on an online Questionnaire. Is this Legal?" The response states that "Completing a questionnaire that is then reviewed by a doctor hired by the Internet pharmacy could not be considered the basis for a doctor/patient relationship. A consumer can more easily provide false information in a questionnaire than in a face-to-face meeting with a doctor. It is illegal to receive a prescription for a controlled substance without the establishment of a legitimate doctor/patient relationship, and it is unlikely for such a relationship to be formed through Internet correspondence alone."

Testimony

Another facet of the Clearinghouse is that staff can and will testify in cases for medical boards. Recently, staff provided testimony via the telephone for the Washington Medical Quality Assurance Commission on a complaint filed by Clearinghouse staff in October 2003. In 2004, testimony was provided for cases in Florida and North Carolina, also involving the Clearinghouse.

Coming Attractions

Keep an eye open for the Federation's new website. The Clearinghouse will have a page on the new website, where information about it and documents such as the chart of state actions, maps of state laws and state medical board actions, and other information, including useful links, will be available. Please contact the Clearinghouse if there is anything you would like to see addressed or included in future issues.

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