Agenda Item: Final regulations resulting from a periodic review of Chapter 20-Governing the Practice of Pharmacy

Staff Note: Proposed regulations were published in the Virginia Register of Regulations on October 13, 2008. Public comment was requested for a 60-day period ending December 12, 2008.

Enclosed:

- Copies of the comments on the proposed regulations in their entirety: **(p. 51-110)**
- A summary of the public comment: **(p. 111-113)**
- A draft of final regulations with a suggestion for amendments to sections 110 (E), 530 (7)(d), and 580 in response to public comment and a statute change. **(p. 114-163)**
- Draft responses to public comment **(handout)**

Action:

1. Consideration of comments and formulation and adoption of Board response to comments.
2. Formulations of any revisions to the proposed regulations with a separate motion for each change.
3. Adoption of response to public comment and final regulations

   Motion: I move to adopt the Board's response to public comment and adopt as final regulations, the proposed regulations as published in the Virginia Register and amended by the Board today.

NACDS NATIONAL ASSOCIATION OF CHAIN DRUG STORES

December 8, 2008

Elizabeth Scott Russell, RPh
Executive Director
Virginia Board of Pharmacy
Department of Health Professions
9960 Maryland Drive, Suite 300
Richmond, VA 23233-1463

Dear Ms. Russell:

Re: Proposed Amendments to 18 VAC 110-20

On behalf of the approximately 1,022 chain pharmacies operating in Virginia, the National Association of Chain Drug Stores (NACDS) thanks you for the opportunity to submit comments on the Virginia Board of Pharmacy's ("Board") proposed amendments to18 VAC 110-20, et seq. Our comments on the various rules that have been proposed by the Board are as follows:

413 North Lee Street
P.O. Box 1417-D49
Alexandria, Virginia
22313-1480

1. **18 VAC 110-20-30(D): Requirements for pharmacy practical experience**

We support the proposal to set the maximum hours for pharmacy practical experience at 50 hours per week. However, we are concerned that requiring an averaged minimum of 20 hours per week would pose difficulties for pharmacy students who are seeking practical experience intern hours. Scheduling and workflow issues in pharmacies may not allow for a part time student in classes to work more than 20 hours a week, as there may be several students wishing to schedule hours with the same pharmacy. Additionally, due to academic demands, a student may be unable to devote 20 hours a week to practical experience. We ask the Board to reconsider setting a minimum number of weekly hours for pharmacy practical experience.

2. **18 VAC 110-20-40(D): Procedure for gaining practical experience**

We thank the Board for proposing to eliminate the prohibition on a pharmacist supervising more than one pharmacy intern during the same time period. Similar to the Board's proposal under 18 VAC 110-20-270 for supervision of technicians, we believe that a pharmacist should be allowed to supervise more than one pharmacy intern pursuant to her professional judgment.

(703) 549-3001
Fax (703) 836-4869
www.nacds.org

3. 18 VAC 110-20-80(I): Renewal and restatement of license

We thank the Board for proposing to allow a licensee 14 days to notify the Board of a change of address of record, as opposed to the current requirement of "immediately." We believe that the proposed 14 days is a reasonable timeframe in which to report a change in address of record. Additionally, we thank the Board for providing a convenient, electronic option for licensees to update their address of record.

4. 18 VAC 110-20-102(H): Criteria for approval for training programs

The Board is proposing to set a two-year expiration for approved technician training programs. We question the need for this two-year expiration. The Board currently requires technicians to pass a board-approved examination, which we believe assesses whether they have been properly trained. This examination requirement motivates employers to ensure that their technician training program adequately trains technicians. Additionally, unless a pharmacy makes substantial changes to a training program, having to be re-approved every two years is merely an unnecessary administrative burden. We respectfully request that the Board reconsider the necessity of this proposed rule.

5. 18 VAC 110-20-104(B): Address of record; maintenance certificate

We ask the Board to clarify the proposed rule that would require a technician to have her registration certificate available for inspection upon request. It seems that the technician would not be able to have the certificate available for inspection if the certificate is maintained at a location other than where the technician happens to be working when the request is made by an inspector.

6. 18 VAC 110-20-110(D): Pharmacy permits generally

We support this proposed rule that would allow, but not mandate, that an outgoing PIC have the opportunity to complete a Schedule II though V inventory. There may be situations in which a pharmacy owner may not want an outgoing PIC to be able to access controlled substances. We thank the Board for recognizing this.

7. 18 VAC 110-20-180(B): Security system

We understand the Board's concern regarding upgrading an alarm system if a break-in with a loss of drugs occurs in a pharmacy; however, it would be impossible for a pharmacy to *immediately* upgrade their alarm system. We suggest that the *process* of preventing future break-ins should be initiated immediately upon discovery of a break-in in with loss. However, we ask the Board to recognize that an alarm system upgrade may not be feasible or necessary, as the break-in and loss may not have been prevented by an

upgraded system. Moreover, if an upgrade is feasible and necessary, it may take weeks to complete.

Additionally, we seek clarification on the definition of "accepted industry standards" for alarm systems. We ask that the Board provide more detail about security system standards and how pharmacies will be measured against such standards, or in the alternative, to strike the language regarding monitoring in accordance with such standards.

8. **18 VAC 110-20-190(A): Prescription department enclosures; access to prescription department**

NACDS would like to thank the Board for allowing more flexibility in the design of the prescription department enclosure. We believe that it is not necessary to impose mandatory requirements for physical barriers that are above and beyond those necessary to prevent unauthorized entry into the pharmacy or access to drugs stored in the pharmacy. We thank the Board for recognizing this in the proposed rules.

9. **18 VAC 110-20-240(A): Manner of maintaining records, prescriptions, inventory records**

We ask the Board to reconsider the proposal to require a perpetual inventory of all Schedule II drugs that is reconciled at least every 30 days. We understand the Board's intent, but do not believe that this requirement would serve the goals of the Board. We are concerned that a perpetual inventory requirement would be extremely labor intensive with little benefit. Our members do not discern a difference in levels of Schedule II diversion among states that require perpetual inventories versus states without this requirement.

10. **18 VAC 110-20-270(B): Dispensing of prescriptions; certification of completed prescriptions; supervision of pharmacy technicians**

We applaud the Board for your proposal to eliminate the 4:1 technician ratio in Virginia and to allow a pharmacist to determine the number of pharmacy interns, technicians, and trainees he can safely and competently supervise at one time. NACDS supports the ability of pharmacists to determine the number of technicians they can safely supervise. Elimination of restrictive technician to pharmacist ratios help increase pharmacists' time available for patient care services, and allow pharmacists to more effectively interact with patients. As the Board may be aware, more than eight years ago, the National Association of Boards of Pharmacy Task Force on Pharmacy Manpower Shortage Committee Report recommended the elimination of pharmacy technician ratios. We are pleased that the Board recognizes this, and will join the almost 20 other states that do not impose these arbitrary ratios.

11. 18 VAC 110-20-270(E): Dispensing of prescriptions; certification of completed prescriptions; supervision of pharmacy technicians

We are concerned about the proposed prohibition on a pharmacist returning a forged prescription to the person presenting it. We are concerned that this prohibition may place pharmacists in the difficult position of having either to violate this rule or place themselves, patients, and other pharmacy personnel in danger of physical harm, or worse, for refusing to return the forged prescription. Moreover, if a pharmacist confiscates what he believes to be a forged prescription, but is actually a legitimate prescription, he would be confiscating personal property, and may be held legally liable for that act. The proposed rule assumes that prescribers and their office personnel always provide pharmacists with correct information regarding whether a prescription is legitimate. Unfortunately, this is not the case, due to hectic conditions at the prescriber's office, at the pharmacy, or both. This is compounded by the fact that the possibility of a forged prescription can be very stressful for everyone involved. We respectfully request that the Board reconsider this proposed rule.

12. 18 VAC 110-20-320(D): Refilling of Schedule III through VI prescriptions

We thank the Board for specifying in rule that an authorized refill may be dispensed early for a valid reason. Patients frequently need to refill their prescriptions early for myriad reasons. We ask the Board to adopt this rule as proposed.

We thank the Board for considering our comments. Please do not hesitate to contact us if we can provide further assistance. I can be reached at 703-837-4183, or knicholson@nacds.org.

Sincerely,

Kevin N. Nicholson, R.Ph., J.D.
Vice President, Pharmacy Regulatory Affairs

cc: Carey Potter, Regional Director, State Government Affairs, NACDS

From: brittleak@comcast.net
Sent: Wednesday, December 10, 2008 3:31 PM
To: Board of Pharmacy
Subject: COMMENTS TO PROPOSED REGULATIONS

Dear Ms. Russell,

I have some concerns about the proposed regulation changes concerning the perpetual inventory. (18VAC110-20-240) I think most pharmacies are already keeping a perpetual inventory on CII medications, however, reconciling every 30 days will be time consuming and redundant if you have a perpetual inventory. Please reconsider the reconciliation portion of this regulation. As a long term care pharmacy, we carry a large volume of CII medications. We have voluntarily done perpetual inventory for years and I believe having to recheck every drug at least every 30 days would tie up too much time better spent elsewhere. Medications are checked every time they are dispensed or received from the wholesaler so this would greatly affect any medications that are not being regularly dispensed, but if they are not dispensed the quantity does not change. I guess I am not sure of the intent of the reconciliation.

Also on 18VAC110-20-110 D, It states that the outgoing PIC shall have the opportunity to take an inventory but is not required. However in the very next subset (E) it states that the PIC shall be responsible for notifying the board, returning the permit, and taking the required inventory. (We just said it wasn't required)

On 18VAC110-20-530 7d, it reads to destroy or return the meds to the pharmacy ***without*** 30 days of the date the drug was discontinued but I believe it should read ***within***.

If you have any questions concerning these comments, please feel free to contact me at 540-249-0431. I would be happy to talk with you further.

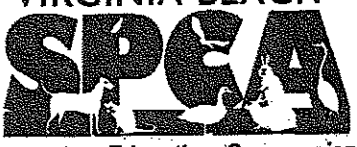
Thank you for your time.

Sincerely,

Angela K. Brittle, RPh
Wellness Concepts

55

VIRGINIA BEACH



Adoption. Education. Compassion.

November 17, 2008

Elizabeth Scott Russell, Executive Director
Virginia Board of Pharmacy
Perimeter Center
9960 Maryland Dr., Ste 300
Richmond, VA 23233-146

Dear Sirs and Mesdames:

I write on behalf of the almost 5,000 animals accepted by the Virginia Beach SPCA annually, its Board of Directors, its 14,000 members and our more than 3,000 individuals and families who adopt from us each year. We are opposed to the second sentence in the Board of Pharmacy proposed regulatory change in 18VAC 110-20-580.The proposed regulatory change reads:

"Drugs ordered by a human society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia."

We believe this second sentence is too overreaching, the terms are too vague and no one is able to adequately explain its regulatory impact. In fact, no one has been able at this moment to even define for me what is meant by "drug", is it all things prescribed by a veterinarian If so, will there be regulations against those companies that sell such "drugs" on line? In addition, it has created such controversy that a working group has been formed with representatives from a number of agencies, albeit none from the regulated community, to explore the entire issue. It makes little sense to adopt a regulation that was described to me as 'unnecessary and simply a restatement of an existing regulations" when there is so much negative reaction. We have no objection to the first sentence of the proposed change, although we are confused about the term Humane Society. Does this mean other shelters and pounds (non Humane Societies) are not affected by this change? We respectfully request that the second sentence beginning, "Humane Societies shall not order or possess...." be **deleted**.

1. This change has the effect of promulgating "a humane society can order and keep drugs to euthanize or kill animals but cannot have drugs to prevent disease, maintain animal health and protect the humans interacting with them". In other words, humane society personnel can be trained to keep and use highly lethal Schedule 2 drugs but not antibiotics, dewormers and other lower control but prescription drugs. This change would prohibit us from carrying out our duty under the law to provide a high level of care to the animals in this shelter notwithstanding the direction of our veterinarian on record.

Virginia Beach Society for the Prevention of Cruelty to Animals
3040 Holland Road, Virginia Beach, VA 23453-2610
(757) 427-0070 FAX (757) 427-5939

Leading the pack for 42 years.

1966 42 2008

2. Should this change be adopted, citizens will not understand or accept that shelters may kill animals but not preserve their health. Adopters expect to receive a healthy animal.

3. Veterinarians routinely provide drugs to farmers to be used for herd health management. This is no different than what should be allowed in a shelter setting. Certainly if shelter personnel can procure a level of training satisfactory to perform euthanasia, they can be trained to safely use these lower scheduled drugs in a preventive manner under the direction of a veterinarian on record.

4. The State Veterinarian has been given a grant of authority allowing him or her to develop guidance documents to permit shelters to acquire and use of certain types of euthanasia drugs: similar oversight could occur for Schedule 6 or other lower classification of drugs.

5. No one at the Board has been able to define what a drug really is. Is it vaccines? Is it medicated shampoos or prescription diet food? Does a tube of panalog, at $10 a tube, have to be thrown away if it isn't completely used on a patient nor may it be saved to use on another patient under a veterinarian of record's care?

6. Should we expose shelter personnel and the public to rabies because we can't have a stock of rabies vaccines administered to shelter animals by an LVT or veterinarian on record?

7. Why is the Board of Pharmacy involved in a matter that has not been part of a public discussion or conversation with the overall shelter or veterinary community? In fact, I was informed by the State Veterinarian that he was completely unaware of this proposed change.

9. Why was the second sentence not part of earlier public discussions by the Board during this regulatory review? Where did the impetus come from?

10. Does the Board of Pharmacy intend to issue the same prohibition to farmers, breeders and individual animal owners? If not, why not?

Elizabeth Yeatts, staff to both Boards of Pharmacy and Veterinary Medicine, stated at Board of Veterinary Medicine meeting on 11/6/08 that this issue was just meant to clarify things and that "more conversation is needed". We agree with the need for conversation. We may have to move for a legislative remedy in which case it would be counterproductive to enact this change under these conditions now. Thank you for the opportunity to comment.

Very truly yours,

Sharon Q. Adams, MPA Executive Director

ROANOKE VALLEY SPCA

- Society for the Prevention of Cruelty to Animals -

1340 Baldwin Avenue, Roanoke, Virginia 24012
Phone 540 344-4840 / Fax 540 342-6730
mail@rvspca.org / www.rvspca.org

William M. Watson, Jr., Executive Director
bwatson@rvspca.org

Received
DEC 2008
Commonwealth of Virginia
Board of Pharmacy

November 24, 2008

Elizabeth Scott Russell, Executive Director
Virginia Board of Pharmacy
Perimeter Center
9960 Maryland Dr., Ste 300
Richmond, VA 23233-146

Proposed Regulation 18VAC 110-20-580

Dear Ms. Russell:

I am the Executive Director of the Roanoke Valley Society for the Prevention of Cruelty to Animals and am writing to express our opposition to the proposed addition of new subsection (1) to Section 18VAC 110-20-580 to the Board of Pharmacy's regulations. The wording of the proposed regulatory change is as follows:

"(1) **Drugs ordered by a humane society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia**."

While we are merely confused by the need for the first sentence, we believe that the second sentence should be deleted entirely because it is too vague and will lead to the degradation in the level and quality of medical care provided to animals at shelters and pounds in Virginia. In addition, this proposed change has created such controversy that a working group has been formed with representatives from a number of agencies, albeit none from the regulated community, to explore the entire issue. It makes little sense to adopt a regulation that has been described "unnecessary and simply a restatement of an existing regulation" when there is so much uncertainty and negative reaction.

Additional concerns and unanswered questions that we have with this proposed regulatory change are set forth in the following numbered paragraphs:

1. This change has the effect of providing that a humane society can order and keep drugs to euthanize or kill animals but cannot have drugs to prevent disease, maintain animal health and protect the humans interacting with them. In other words, humane society

personnel can be trained to keep and use highly lethal Schedule 2 drugs but not antibiotics, dewormers and other lower control prescription drugs. This change would prohibit humane societies from carrying out their obligation under the law to provide a high level of care to the animals in a shelter or pound.

2. Should this change be adopted, citizens may not understand or accept that shelters may kill animals but not preserve their health. Adopters expect to receive a healthy animal.

3. This change is inconsistent with Virginia law regarding the practice of veterinary medicine. Section 54.1-3800 of the Code of Virginia defines veterinary medicine to include, among other things, "the administration of any drug..." Section 54.1-3801 of the Code of Virginia provides that when caring for their own animals, owners are exempt from the provisions of Virginia law regarding the practice of veterinary medicine. For those animals owned by humane societies and pounds (either, for example, because of the relinquishment of ownership rights by the owner of an animal or because of the expiration of the applicable holding period and abandonment of property rights by the owner (See Section 3.1-796.96 of the Code of Virginia)), humane societies and pounds may administer drugs without engaging in the unauthorized practice of veterinary medicine. Any possession of the drugs, however, would be a violation of the Board of Pharmacy's proposed regulation. This seems to be quite an absurd contradiction, and one that the Board of Pharmacy should not create.

4. Does the Board of Pharmacy intend to issue the same prohibition to farmers, breeders and individual animal owners? If not, why not?

5. Veterinarians routinely provide drugs to farmers to be used for herd health management. This is no different than what should be allowed in a shelter setting. Certainly if shelter personnel can procure a level of training satisfactory to perform euthanasia, they can be trained to safely use these lower scheduled drugs in a preventive manner under the direction of a veterinarian of record.

6. The State Veterinarian has been granted authority to develop guidance documents permitting shelters to acquire and use certain types of euthanasia drugs: similar oversight should occur for Schedule 6 or other lower classification drugs.

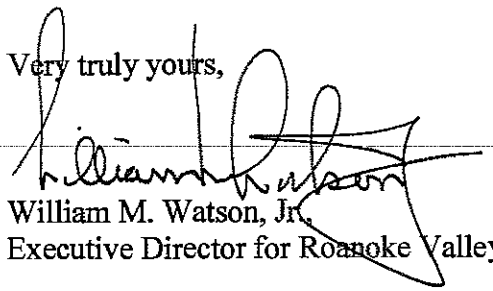
7. Why has this change been proposed without being part of a public discussion with the shelter or veterinary communities? We feel the need to ask this question since we understand that the State Veterinarian was not aware of the proposed change.

We urge the Board of Pharmacy to reconsider this proposed regulatory change and remove it from consideration. We also urge the Board of Pharmacy to communicate more openly with

humane societies in Virginia and to help develop legislation and regulations that advance, rather than hinder, the medical care provide to stray and unwanted animals in Virginia.

Thank you for the opportunity to comment.

Very truly yours,



William M. Watson, Jr.
Executive Director for Roanoke Valley SPCA

cc: Board of Directors,
Roanoke Valley SPCA

Portsmouth Humane Society
2704 Frederick Blvd, Portsmouth, VA 23704, 757-397-6004, 757-397-1900 fax

Received
DEC 2008
Commonwealth of Virginia
Board of Pharmacy

Elizabeth Scott Russell, Executive Director
Virginia Board of Pharmacy
Perimeter Center
9960 Maryland Drive, Suite 300
Richmond, VA 23233-1463

Dear Ms. Scott Russell:

I am writing to you on request from the Virginia Federation of Humane Societies, of which we are a member organization, regarding the proposed changes to legislation regarding drugs in possession of humane societies. My understanding is that the proposed change would read, "*Drugs ordered by a humane society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia.*" As do other humane societies, we feel that this legislation may lead to unintended circumstances and a member of VFHS needs to be included in the discussion process.

First I am concerned over the definition of "drug", which classes of drugs would be included? Over the counter medications? All medications? Are vaccines included in this definition? What about over the counter flea preventives? Deworming products? If so, you need to address the unintended consequences of this. Our organization was recently investigated by you (we still have not received a formal response) and we no longer have stock medications in our facility. Luckily, we are in an urban area where local veterinarians are able to work with us to help control costs. However, other more rural shelters may be at a disadvantage.

From our discussions with you and your investigator, we were able to ascertain that the reason behind this seems to be self administration of drugs without veterinary input. We do not do this and I am fairly certain that most other societies do not do so either. We work closely with the veterinary community to make sure that all of our animals are seen by veterinarians when the need arises. We regularly have local vets come to the shelter to see all of our animals and to help manage group health issues.

In addition, many local humane societies have clinics and clinic licenses are they impacted by this legislation? Also, although you may classify us a "humane society" under current VDACS regulations we are a "pound". Does this legislation apply to both humane societies and pounds as the State Veterinarian puts much weight on the difference between the two types of animal shelters?

You need to carefully consider all of the consequences intended, speak with those who work in animal shelters to address their needs and issues, consult the State Veterinarian so that wording is consistent within the state statutes, and carefully consider what are considered best practices in shelter animal medicine. I would hope too that animal shelters are not being singled out by your organization but similar legislation is being proposed for other large scale animal operations within the state such as farms, feedlots, breeding facilities, and poultry operations. As you are probably well aware, many members of today's society consider animals not just as pets but as family members and unintended consequences affecting their well-being could result in negative public perception.

Sincerely,

Tereza Marks, MS Life Sciences
Executive Director

61

November 1, 2008

Ms. Elizabeth Scott Russell
Executive Director
Virginia Board of Pharmacy
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, VA 23233-1463

Dear Ms. Russell,

I have several dogs, whom I love dearly and take good care of. As an animal lover, I am writing concerning the Board of Pharmacy meeting on November 6. It is imperative for humane society to have drugs that PREVENT DISEASE, such as dewormers, antibiotic medicine, and other prescribed medicines, to give good health to the animals at the shelter, and NOT only have drugs that kill/euthanize animals.

Also, I think it is imperative that a Shelter Medicine Veterinarian, the State Veterinarian's office, VACA, VVMA, VFHS, and AG's office, be included in some type of a work group, so that they can provide recommendations to the Board of Pharmacy meeting on November 6.

Please be advised that I am extremely concerned about this issue and will watch closely for the outcome of the Nov. 6 meeting.

Sincerely,

Susan Wilson

Susan Wilson
1806 Delaney Street
Virginia Beach, VA 23464

City of Virginia Beach

DEPARTMENT OF POLICE
ANIMAL CONTROL
(757) 385-4444
FAX (757) 427-0199

Received
Commonwealth
of Virginia
Board of Pharmacy

VBgov.com

2665 LEROY DRIVE
VIRGINIA BEACH, VA 23456

Elizabeth Scott Russell
Executive Director
Virginia Board of Pharmacy Perimeter Center
9960 Mayland Drive, Suite 300
Richmond Virginia 23233-1463

Dear Ms. Russell,

I am writing to voice concern over the proposed change to 18 VAC 110-20-580 in reference to animal shelters maintaining drugs on the premises. The proposed change will adversely affect the work that many shelters do in the way of medical treatment and preventative care for housed animals.

Collaboration from various interested parties in the form of a work group, I believe, would be beneficial in order to further discuss the proposed change. A group effort such as this would be for the purpose of generating a viable solution that may better suit all agencies than the current proposal. A collaborative approach should include representatives from the State Veterinarian's office, Attorney General's office, Virginia Animal Control Association, Virginia Veterinary Medical Association, Virginia Federation of Humane Societies, as well as a Shelter Medicine Veterinarian; all of which could provide useful insight on this topic.

As the Commander of Virginia Beach Animal Control I have personally seen how positive public perception is critical to the success of a shelter. If this change were to occur as proposed, it is my concern that a negative message would be sent that a shelter may procure drugs for the purpose of euthanasia but not to prevent health problems or maintain healthy animals; both of which can reduce euthanasia; the ultimate goal. Public perception often means the difference between high rate of adoptions and a low rate of adoptions. Additional to public perception, shelters share the common goal of providing the optimal level of care possible for housed animals and a change such as this would hinder those efforts.

Similar to the grant of authority of the State Veterinarian for euthanasia drugs, it may be beneficial for the State Veterinarian to have authority to develop guidance documents to permit shelter to procure and utilize certain types of drugs underneath an overseeing veterinarian.

Since the legislative session is rapidly approaching, it is critical to address this issue as soon as possible.

I appreciate your time and consideration on this matter and should you need to contact me, please feel free to do so at the information below.

Sincerely,

Lieutenant L. L. Kaiser
Commander Virginia Beach Animal Control
Virginia Beach Police Department
2665 Leroy ~~Road~~ Drive
Virginia Beach, VA 23456
757-385-2011
lkaiser@vbgov.com

10/31/2008

Elizabeth Scott Russell, Executive Director
Virginia Board of Pharmacy
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond Virginia 23233-1463

Received
NOV 2008
Commonwealth of Virginia
Board of Pharmacy

Dear Ms Russell,

I understand the Board of Pharmacy is considering changes to their regulations which will effect 18 VAC 110-20-580.

"Drugs ordered by a human society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia."

A "review" group including parties from the state, and humane society industry leaders needs to be formed to provide recommendations (this discussion needs to occur utilizing those at the highest level in state agencies). UC-Davis has a shelter veterinarian, Dr. Newbery, that I'm sure would be a good advisor.

I do not understand how a humane society can house and use drugs that KILL but is prohibited from using and housing drugs that can be bought at the feed and seed store or ordered online by ANY citizen.

As Executive Director of a humane society located inside of a kill shelter, I personally see animals coming to our shelter neglected and experiencing discomfort – such simple treatments as flea/tick meds, routine vaccinations, and antibiotics relieve discomfort and save the horrors of parvo and distemper and help improve the shelters reputation as a place where "well" animals can be adopted. We also transport animals and we provide the healthiest of animals to receiving shelters. This change would most definitely prohibit us from transporting and more lives would be lost. When we opened our shelter, we did not vaccinate and parvo was ROUTINE. After instituting a vaccine protocol on intake, we only see parvo in animals that for some reason did not receive a vaccine or booster as prescribed by leading vets in the industry. It is horrible to think that the State of Virginia that is supposed to be protecting animals and citizens is actually going to halt a practice that HELPS end suffering, neglect, and death.

Without vaccination of ALL animals in a shelter, you are risking the health of all animals. This is absolutely cost prohibitive if administered and purchased through a veterinarian. This law stains the reputation of the shelter, and basically provides a "sick or dying" animal to the new and excited family adopting the pet, and risks the health of their personal pets in their household.

I don't understand how the State of Virginia can knowingly accept this law and intentionally cause direct injury, pain, and suffering to those adopting pets, not to mention to those that love animals and have their care first and foremost.

Rebecca English

2200 Pleasant Hill Dr.

Pulaski, VA 24301

ruralreality@verizon.net

65

Received
NOV 2008
Commonwealth of Virginia
Board of Pharmacy

311 Captains Point Lane
Heathsville, VA 22473
November 1, 2008

Elizabeth S. Russell
Executive Director
Virginia Board of Pharmacy
Perimeter Center
9960 Maryland Drive, Suite 300
Richmond, VA 23233-1463

Dear Ms. Russell,

As a volunteer at my county animal shelter, and as a pet owner for my entire adult life, I am very concerned about the proposed change to the regulations regarding drugs used in animal shelters, humane societies, and/or pounds.

I have seen first hand the conditions some animals are in when brought to the shelter, whether by the animal control officer, by the pet owner, or by concerned citizens. Most are flea- and/or tick-ridden, have ear mites, several different types of worms, or a myriad of conditions that necessitate treatment. A group of volunteers associated with our county shelter raises funds for the purchase of necessary medications and for visits to the animal hospital, when necessary. We administer whatever drug the veterinarian prescribes, just as parents do with their children under a pediatrician's care.

In the case of worms, fleas, ticks, or ear mites, we are able to successfully treat the animal with the medications kept on hand for that purpose, and in consultation with the veterinarian.

The two dogs who live with me were adopted from the shelter and they both were flea, tick, and ear mite free when they came to live with me. That was before I became involved with the shelter and became aware of just how much love and attention are shown to the unfortunate, unwanted animals by the volunteers.

We do not euthanize any animal at the shelter. If it becomes necessary, due to health or behavior problems, the animal is transported to the veterinarian for that purpose.

I urge the Virginia Board of Pharmacy to reject any regulation that would prohibit shelter, humane societies, and/or pounds from keeping medications on hand that would ease the suffering of innocent animals.

Sincerely,

Stephen E. Thompson

66

GLOUCESTER-MATHEWS HUMANE SOCIETY, INC.

Serving the Middle Peninsula - Northern Neck

November 3, 2008

Received
NOV 2008
Commonwealth of Virginia
Board of Pharmacy

Elizabeth Scott Russell, Executive Director
Virginia Board of Pharmacy
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

BOARD OF DIRECTORS

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Shannon Fedors

Kathy Kauffman

Sally Parkinson

Penny Thompson

Cheryl Walker

Ellen Thacker
Executive Director

Dear Ms. Russell,

Good morning; I am writing to you today on behalf of the Gloucester-Mathews Humane Society in reference to the proposed changes to 18 VAC 110-20-580, concerning the administration and use of prescription drugs in an animal shelter environment, such as ours. It is my understanding that if the proposed change is made, shelters such as ours will be able to purchase and administer drugs for euthanasia purposes only, but will not be allowed to have prescription medications in stock for the treatment of our animals' health issues. This would include the use of anti-biotic drugs and certain types of flea and tick medications.

A change of this type would do a drastic disservice to the animal populations serviced by our shelter, and shelters throughout Virginia. Our primary purpose as an animal shelter is to safeguard the animals in our care, to maintain and improve their health, and to make them available as healthy candidates for adoption to the citizens of our community. If we can no longer purchase and store the medications we need for these purposes and an efficient and cost-effective manner, our ability to fulfill our mission will be greatly impacted.

Additionally, if these types of medications intended to create healthier animals in our shelters are more difficult to come by, there will be a negative impact on the health and safety of our staff members. We must not allow this to happen.

Please do not work in favor of the proposed change to these current policies; many animal lives in our shelter, as well as shelters across the state, will depend on your decision in this matter.

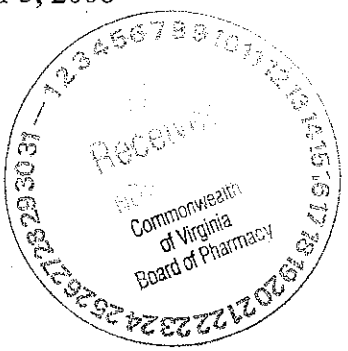
Thank you for your consideration of this request.

Sincerely,

Ellen Thacker, Executive Director,
Gloucester-Mathews Humane Society

P.O. Box 385 • Gloucester, Virginia 23061
9131 Rangtang Road • 804-693-5520 Phone • 804-694-5136 Fax • www.gloucestermathewshumanesociety.org
A 501(c)(3) Non-Profit Organization

101 Rachel Lane
Yorktown, Virginia 23692
November 3, 2008



Elizabeth Scott Russell, Executive Director
Virginia Board of Pharmacy
Perimeter Center
9960 Maryland Drive – Suite 300
Richmond, Virginia 23233-1463

Dear Ms. Russell:

I am writing to express my concern regarding the proposed change to 18 VAC 110-20-580 which states that humane societies and shelters shall not order or possess a stock of drugs for any purpose other than euthanasia.

The condition of today's economy has necessitated the abandonment of many animals. Owners facing this difficult decision need to know that every effort is being made to find their pets good and loving homes. Potential owners need to be confident that their adopted pets are healthy and have received basic medications to treat infections, fleas, worms, etc. If people know that they have to pay large vet bills when they adopt a pet, they will be less likely to do so.

The health and safety of the shelter itself is of concern. Infected animals may not only spread disease throughout the facility, but can also put the health of workers in jeopardy. The fact that staff is trained to euthanize animals but not give them preventative medications to keep them healthy is not "humane" treatment. The State Veterinarian should be given the authority to develop guidelines for shelters to acquire and use certain types of drugs under the supervision of a veterinarian on record.

It is very important that a working group be established as soon as possible to address this issue since the legislative session is about to begin. This group could include concerned parties form the State Veterinarian's office, the AG's office, the VVMA, VFHS, VACA and a shelter veterinarian. The inclusion of a shelter veterinarian is essential in providing actual on the ground experience.

We all want what is best for these innocent animals who find themselves in unfortunate circumstances. Thank you for your consideration of the above matters, Your help is greatly appreciated.

Sincerely.

Marjorie J. Athayde

Marjorie J. Athayde

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Received
NOV 2008
Commonwealth of Virginia
Board of Pharmacy

November 3, 2008

Jan Waldron
2350 Carlton Road, SW
Roanoke, VA 24015

Elizabeth Scott Russell, Executive Director
Virginia Board of Pharmacy
Perimeter Center
9960 Maryland Drive, Suite 300
Richmond, VA 23233-1463

Dear Ms. Russell:

I am writing in regards to the proposed change to 18 VAC 110-20-580 which would limit humane societies to obtain drugs only for euthanasia. I ask that the Board of Pharmacy study this matter further and include the State Veterinarian's office in making a decision that will be better for all involved.

Please consider this request as negative ramifications may result with the current proposal of change.

Sincerely,

Jan Waldron

Jan Waldron

101 Rachel Lane
Yorktown, VA 23692-4745
November 3, 2008

Received
NOV 2008
Commonwealth of Virginia
Board of Pharmacy

Elizabeth Scott Russell
Executive Director, Virginia Board of Pharmacy
Perimeter Center
9960 Mayland Drive, Suite 300,
Richmond Virginia 23233-1463

Dear Ms. Russell,

As a Virginia resident, an attorney (in another jurisdiction) and a pet owner, I am concerned with the proposed changes to the regulations at 18VAC110-20-580. The wording appears to be ambiguous and could lead to misunderstandings by humane societies, animal shelters, and law enforcement officials. More specifically, as written, I believe that the new section 1. would prohibit humane societies and animal shelters from possessing any drug (other than drugs used for euthanasia). This would appear to prohibit possession of drugs such as those used for the treatment of heartworm and other parasitic organisms, for bacterial infections, and for inflammation and pain. How can these animal care and protection facilities provide the required level of care if they cannot treat their patients for these relatively common ailments. Interestingly, as written, the proposed regulation appears to permit the possession of very lethal and highly regulated drugs, while prohibiting the possession of drugs such as antibiotics.

Proposed Section 5 also can be read to require that all drugs be handled only in injectable form by these regulated entities. Many drugs commonly used in routine treatments are provided in pill or capsule form.

As someone who has served on workgroups tasked with drafting Federal regulations, worked as a Federal law enforcement officer, and was appointed by a past governor to the Virginia State Hazardous Material Emergency Response Advisory Council, I know that seemingly innocent, but inaccurate wording can become major headaches for the agency, the regulated community, law enforcement officials, and the courts. The last thing that any regulatory agency wants is a court order requiring it to enforce a law in ways never intended by the drafters, however, in this day of litigation used as a weapon, that scenario is a real possibility in this case.

Clearly, the proposed language needs a detailed review from a highly qualified and experienced group composed of senior representatives of the Attorney General's office, the Virginia Veterinary Medical Association, the Virginia Federation of Humane Societies, the Virginia Animal Control Association, the State Veterinarian, and some experienced shelter medicine veterinarians (who could provide current reality checks in that form of veterinary practice to the group).

It is imperative that the Board act immediately to rectify these problems and to ensure that all who require access to drugs in order to fulfill their duties regarding animal care have timely, appropriate, and legal access to those drugs. Please ensure that this issue is resolved immediately.

Thank you for you attention to this matter.

Sincerely,

William P. Athayde, J.D.

PULASKI COUNTY HUMANE SOCIETY

P.O. Box 1046
Dublin, VA 24084
(540) 674-0089
pchsva@gmail.com
dogsaver.org/pchs

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Elizabeth Scott Russell, Exec. Dir.
Virginia Board of Pharmacy
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond VA, 23233-1463

Received
NOV 2008
Commonwealth of Virginia
Board of Pharmacy

October 31, 2008

Re:18 VA 110-20-580

Mrs. Elizabeth Scott Russell:

It has just come to my attention that there is some talk about changes regarding current shelter medicine regulations. I am not only shocked, but outraged.

I do not know who came up with this ridiculous idea to corner organizations such as our own and to debilitate those persons trying to provide regular and routine care for a community's animals, but the responsible parties should be ashamed of themselves. And as the new proposed change reads: "Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia."

According to our filings with the Virginia Department of Agriculture and Consumer Services as a 501(c) (3) Non-Profit Organization, our objectives include, but are not limited to:

- Fostering the humane treatment of animals.
- Regularly and consistently improving the overall welfare of animals in our Community.

By being denied use of and storage of necessary drugs, this proposed change to regulation would cut off the much needed care to our county's animals. I do not see the humane treatment in that. By revoking use of drugs such as de-wormer, vaccinations, antibiotics, even some flea treatments—you would be putting these animals at risk of death and disease that could be easily avoidable. Why is it that anyone can walk into a feed store and buy a distemper combination vaccine or de-wormer for animals in that person's possession, yet humane societies would be forbidden to treat animals **also under their possession** in the same manner? There is a fine line between regulation and unlawfulness and I truly believe that this proposed regulation has crossed that line.

The upcoming meeting by the Board of Pharmacy needs to also assemble a FORMED WORK GROUP which would consist of persons whose positions include: THE VIRGINIA STATE VETERINARIAN (as opposed to a representative of that office) SHELTER MEDICINE VETERINARIANS, Animal Control Officers, Humane Society Directors and the like.

Obviously, a close working relationship is needed by humane society representatives and the contracted Veterinarian-in-charge in order to maintain expected procedures by the Veterinarian. However, it is a SLAP IN THE FACE to propose that a HUMANE society can possess and store drugs that are manufactured to KILL ANIMALS, while denying the right to that same organization to store and possess drugs that PREVENT DISEASE and protect any humans interacting with them.

I besiege you and other "heads" involved in this proposal to take into account the culpability that you will incur by attempting to push this new regulation any further.

Regards,

Keely Tolbert

Keely A. Tolbert, Office Manager
Pulaski County Humane Society

Elizabeth Scott Russell
Executive Director Virginia Board of Pharmacy
Perimeter Center 9960 Mayland Drive
Suite 300
Richmond, VA 23233-1463

Received
NOV 2008
Commonwealth
of Virginia
Board of Pharmacy

November 2, 2008

Dear Ms. Russell,

I received an email from a coworker regarding a possible change in policy that would prohibit animal shelters from using any drug other than drugs used to euthanize. Drugs such as antibiotics, dewormers and the like would be banned. I can't imagine this would be true since that would mean shelters would be reduced to providing inadequate care (or worse killing animals because they were sick and not adoptable).

I would like to see a formation of a group made up of such parties as the State Veterinarian's Office, the Attorney General's Office, VVMA, VFHS, VACA and a shelter veterinarian to provide their recommendations. Shelters cannot provide adequate care without proper medicine. I hope that you will be able to facilitate the formation of such a group.

Sincerely,

Ruth McInroy

PS. I adopted a dog in January and he's provided much joy. I hope that many others can have that experience also.

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SUPERVISORS

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Heathsville, VA 22473
District V

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Heathsville, VA 22473
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Callao, VA 22435
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Wicomico Church, VA 22579
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Wicomico Church, VA 22579
District IV

Received
Commonwealth of Virginia
Board of Pharmacy

Northumberland County, Virginia

Board of Supervisors

P.O. Box 129 • 72 Monument Place
Heathsville, Virginia 22473

COUNTY ADMINISTRATOR

Kenneth D. Eades
Heathsville, VA 22473
804-580-7666 (Voice)
804-580-7053 (Fax)
keades@co.northumberland.va.us

COUNTY ATTORNEY

W. Leslie Kilduff, Jr.
804-435-0851 (Voice)
804-435-0551 (Fax)

November 5, 2008

Elizabeth Scott Russell
Executive Director
Virginia Board of Pharmacy
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond Virginia 23233-1463

Dear Ms. Russell:

It is my understanding that the Board of Pharmacy is considering changes to 18 VAC 110-20-580 that will affect animal shelters, among others, and that the impact of these proposed changes would prevent animal shelter use of such essential drugs as antibiotics, dewormers, and lower-control drugs. If that is correct, then the proposed changes would adversely affect the level of care provided the animals, and we ask that the proposal be reconsidered.

We are a rural shelter and strays we take in inevitability are in poor health and in need of treatment for parasites and other common diseases. Our shelter is committed to rehabilitation of these animals rather than to euthanasia, the objective being to restore them to health and adopt them to a good home. We have been quite successful at that but cannot conceive of how we can continue to save these animals and serve our community without recourse to drugs to treat the most common diseases. We must address these basic health needs in the shelter and we do so by administering the drugs under the guidance of a veterinarian. To take these animals to the veterinarian for direct treatment is out of the question due to the expense.

If there is a problem with the use of these drugs in a shelter setting, then we urge that the State Veterinarian be involved in the search for a solution. All shelters have a State legal mandate to provide the highest level of care to the animals and we cannot do that as successful as we have in the past if the regulatory changes are imposed.

Sincerely,

Kenneth D. Eades
County Administrator

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MARGARET FLEET
1623 Broadfield Rd
Norfolk VA 23503

Ms. Russell

I am writing in regards to the proposed change to the 18 VAC 110-20-580 regulation. I am the proud owner of 2 rescue dogs who were well taken care of by the SPCA before I got them. Why are we now trying to prevent the SPCA from taking care of animals and only going to allow them to have the drugs that will be used to kill them and not the drugs to help heal and prevent disease? Rescued animals are the best and with all the puppy mill that have been brought down and thankfully the various SPCA stepped in and took the animals, spayed and neutered them and helped the sick ones back to health it would be a big mistake to change the regulation. I am not one to speak up about to many issues but this one I must. Please do not change the regulation the SPCA needs to keep doing the great job they are doing.

Thank You

Margaret Fleet

Margaret Fleet & Buddy

SPCA rescue and now a Therapy Dog

Received
NOV
Commonwealth of Virginia
Board of Pharmacy

76

Comment on Proposed Regulations – Humane Societies and Animal Shelters
Board of Pharmacy

The following comment was received in writing or electronically:

From: lhavern@cox.net [mailto:lhavern@cox.net]
Sent: Monday, November 03, 2008 7:21 AM
To: Russell, Scotti
Subject: proposed change to 18 VAC 110-20-580 (Meds at Dog Pounds)

Good morning.

I believe there is a meeting this week (11/06) about a proposed change that could prevent shelters and humane societies from having medication for anything other than euthanasia.

I am concerned if that means humane societies can keep drugs for euthanasia; but can not have drugs to prevent disease, maintain animal health and protect the humans interacting with the animals. Is this true? It seems to me that this could virtually prevent many (most?) animal adoptions. Where can I learn about the Board's perceived benefits?

Also, before the change is made, please consider formulating a committee made up of the State Veterinarian's office, the AG's office, the VVMA, the VFHS to discuss the pros and cons and alternate methods for administration of all medications other than euthanasia meds.

Thank you.

From: Jones, Jennie [mailto:Jennie.Jones@danahermotion.com]
Sent: Friday, October 31, 2008 1:54 PM
To: Russell, Scotti
Subject: Proposed Change to 18 VAC 110-20-580
Importance: High

Please do NOT put into place the proposed change as follows:

"Drugs ordered by a human society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia."

Humane Societies need to be able to keep certain drugs to treat animals such as antibiotics, dewormers and other lower control but prescribed drugs. Humane Societies are not all about killing animals, we need to be able to help them. Please allow the State Veterinarian a grant of authority, similar to that which exists for euthanasia drugs, allowing him or her to develop guidance documents to permit shelters to acquire and use of certain types drugs, under the supervision of the veterinarian on record.

Please do not make this change without the necessary provisions so that we can continue to keep the drugs required to treat our animals. Without treatment so many animals will needless suffer or be euthanaized.

Thank you,
Jennie Jones
Pulaski County Humane Society, Secretary
EVS Project Manager
Danaher Motion
201 Rock Road W, Radford VA 24141
p: 540-633-4113
f: 540-731-0847

From: Alan Yamamoto [mailto:vze2tytw@verizon.net]
Sent: Friday, October 31, 2008 5:26 PM
To: Board of Pharmacy
Subject: 18 VAC 110-20-580
Importance: High

Dear Ms. Russell,

My name is Sandra Yamamoto and I am a member of the Board of Directors of the Animal Welfare League of Alexandria, Virginia, (AWLA) which operates the Vola Lawson Animal Shelter under contract to the City of Alexandria.

It has recently come to my attention that the subject regulation (18 VAC 110-20-580) has been proposed to be changed to read as follows:

"Drugs ordered by a humane society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia."

I am deeply concerned that the restrictive language of the second sentence will have a drastically adverse impact on our ability to treat and properly care animals in our shelter. The mission of the AWLA is: ***"To inspire compassion for all living things, to provide shelter to animals in need, and to promote adoptions, animal welfare, and responsible pet ownership in our community."***

With that in mind, having the Commonwealth preclude our ordering or possessing any drugs for health issues other than euthanasia, clearly undermines our mission. It is guaranteed to increase the number of animals euthanized, instead of our being allowed to treat them medically and return them to health. Likewise, it will ensure the spread of disease (i.e., respiratory infections, etc.) throughout shelter animals, which will again result in increased euthanasia - something no one, least of all those in the animal care community, wishes to have happen. I am quite sure that the general public, especially those citizens of the City of Alexandria, which prides itself on being animal friendly, would have major objections to this potential catastrophe.

Therefore, I am requesting that the second sentence be removed from the proposal as unnecessary and, in fact, quite harmful. I would also recommend that, before enactment of any portion of regulatory changes, a working group be appointed. At a minimum, I believe that working group should consist of representatives from the Commonwealth's Veterinarian's Office and a Shelter Medicine Veterinarian, along with other professionals from the field and associated groups and interested citizens.

I appreciate your consideration and anticipate your reply.

Sincerely,

Sandra Yamamoto

From: Francis Mardula [mailto:fmardula@yahoo.com]
Sent: Saturday, November 01, 2008 10:06 AM
To: Board of Pharmacy
Subject: The proposed change to 18 VAC 110-20-580, WHICH WILL AFFECT POUNDS AND SHELTERS

The proposed change to 18 VAC 110-20-580, WHICH WILL AFFECT POUNDS AND SHELTERS reads:

Drugs ordered by a human society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia.

This is wrong-headed and unnecessary. This unneeded change will prevent shelters from maintaining any drugs to treat sick or injured animals - while allowing only those drugs used to euthanize. Please remove the second sentence as unnecessary with the potential to cause the death of those animals which may end up being euthanized rather than being treated and prepared for adoption. A better approach is to form a work group to appropriately address any potential revisions to the regs.

Thank you,

Francis Mardula
1213 Westgrove Blvd
Alexandria, VA 22307

From: Gail Collins [mailto:gchome20@comcast.net]
Sent: Saturday, November 01, 2008 12:54 PM
To: Board of Pharmacy
Subject: Proposed change to 18 VAC 110-20-580

Dear Ms. Russell,
I am writing to express concern about what I understand is a proposed change to pharmacy regulations (18 VAC 110-20-580) that would adversely affect the ability of shelters and humane societies to provide humane care to the animals they are sheltering temporarily. Based on the information I received, it appears that the proposal would limit shelter's ability to store any type of drug other than those used for euthanasia. This proposal would seriously impair the mission of shelters, preventing them from treating even minor ailments, such as worms or upper respiratory infections commonly found among pets in shelters. These are pets who could easily be reunited with families or placed for adoption in another home.

Surely, whatever goal the pharmacy board may be trying to address could be achieved without imposing such a blanket restriction that would, in effect, allow shelters to kill animals but not to have access to drugs to prevent disease, maintain animal health and protect the humans interacting with animals.

I urge you to reject the proposed change.

Yours sincerely,

Gail Collins
1002 Janney's Lane
Alexandria, VA 22302

From: Paulette Dean [dahsinc@yahoo.com]
Sent: Friday, October 31, 2008 12:32 PM
To: Board of Pharmacy
Subject: Animal Shelter Regulation

Ms. Russell:

You will receive a hard copy on letterhead of this communication, but I felt the message was urgent enough to send an e-mail to you.
I am the director of the Danville Area Humane Society. We operate the municipal shelter for Danville, and also have a contract with Pittsylvania County to house cats.
We receive about 5,500 dogs and cats each year. Because we are open-admission, our animals come to us in varying stages of health. We vaccinate and de-worm, which allows us to prevent major disease outbreaks. We also take many animals to veterinary clinics, and then follow-up their care by administering the prescribed medication.
We have a veterinarian who serves on our board, and all of the veterinary clinics in our area recognize our efforts to help the animals. Each clinic has helped us train employees in the recognition and prevention of disease.
A change in regulation 18 VAC 110-20-580, which would prohibit our ability to store and administer medications and drugs (except the euthanasia drugs) would have a horrifying effect on our ability to maintain an animal shelter.
Open-admission animal shelters face a constant barrage of animals, and most sincerely try to do their very best to help animals. Some members of the public still perceive shelter animals to be neglected, diseased, or unadoptable. The change in regulation would strengthen that perception.
Please allow us to continue to help the animals who come to us.
Paulette Dean
Danville Area Humane Society

From: Leslie N German [mailto:Leslie_N_German@Progressive.com]
Sent: Monday, November 03, 2008 7:51 AM
To: Board of Pharmacy
Subject:
I am sending this e-mail to express my concern on the proposed change to 18 VAC 110-20-580. I am requesting the removal of the second sentence as unnecessary with the potential to cause the death of those animals which may end up being euthanized rather than being treated and prepared for adoption.

Leslie German

From: Rosemary Pollard [mailto:RPollard@bdlaw.com]
Sent: Monday, November 03, 2008 7:57 AM
To: Board of Pharmacy
Subject: 18 VAC 110-20-580
This message is for Elizabeth Scott Russell, Executive Director, Virginia Board of Pharmacy.

Dear Ms. Russell,

My name is Rosemary Pollard and I am a member of the Board of Directors of the Animal Welfare League of Alexandria, Virginia, (AWLA) which operates the Vola Lawson Animal Shelter under contract to the City of Alexandria.

It has recently come to my attention that the subject regulation (18 VAC 110-20-580) has been proposed to be changed to read as follows:

"Drugs ordered by a humane society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia."

I am deeply concerned that the restrictive language of the second sentence will have a drastically adverse impact on our ability to treat and properly care animals in our shelter. The mission of the AWLA is:

"To inspire compassion for all living things, to provide shelter to animals in need, and to promote adoptions, animal welfare, and responsible pet ownership in our community."

With that in mind, having the Commonwealth preclude our ordering or possessing any drugs for health issues other than euthanasia, clearly undermines our mission. It is guaranteed to increase the number of animals euthanized, instead of our being allowed to treat them medically and return them to health. Likewise, it will ensure the spread of disease (i.e., respiratory infections, etc.) throughout shelter animals, which will again result in increased euthanasia - something no one, least of all those in the animal care community, wishes to have happen. I am quite sure that the general public, especially those citizens of the City of Alexandria, which prides itself on being animal friendly, would have major objections to this potential catastrophe.

Therefore, I am requesting that the second sentence be removed from the proposal as unnecessary and, in fact, quite harmful. I would also recommend that, before enactment of any portion of regulatory changes, a working group be appointed. At a minimum, I believe that working group should consist of representatives from the Commonwealth's Veterinarian's Office and a Shelter Medicine Veterinarian, along with other professionals from the field and associated groups and interested citizens.

I appreciate your consideration and anticipate your reply.

Sincerely,
Rosemary Pollard

From: lolaandnapoleon@verizon.net [mailto:lolaandnapoleon@verizon.net]
Sent: Sunday, November 02, 2008 8:47 PM
To: Board of Pharmacy
Subject: 18 VAC 110-20-580

This message is for Elizabeth Scott Russell, Virginia Board of Pharmacy

Dear Ms. Russell,

I am a long-time volunteer at the Animal Welfare League of Alexandria, Virginia (AWLA). Recently I have chaired the AWLA's Long-Term Planning Committee.

I am very concerned about the proposed change to regulation 18 VAC 110-20-580:

"Drugs ordered by a humane society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia."

The first sentence of this change makes perfect sense to me; I am surprised that this is already not embodied in regulatory or statutory law. However, the second sentence makes no sense at all.

Why should a humane society be allowed to keep drugs that kill animals but not those needed to care for them? This is contrary both to their mission and to the public understanding of their purpose. This regulatory change would not only undercut the care of the animals in their charge, but public support for them. I cannot imagine the Board of Pharmacy doing more harm to animals and the people that care for them than enacting this proposed regulation.

I would point out that animals in the care of humane societies like AWLA are not only abandoned or stray animals, but are often lost pets. Enacting this change is not only inhumane, it is bad public policy. People will not understand why shelters are not allowed to keep drugs to care for their pets. Eventually, the Board of Pharmacy will come to be blamed for the illnesses or even deaths of pets temporarily housed in shelters which do not have the most basic drugs in stock – ones which even farmers are allowed to keep on hand – just as pet food manufacturers were blamed for the contamination of pet food in the melamine scandal. This will hurt both the Board of Pharmacy and humane societies.

I would urge the deletion of the second sentence of this proposed regulation. Failing that, I would suggest some accommodation be made allowing the State Veterinarian to develop guidance to shelters to permit them to acquire, store, and use certain drugs under veterinarian supervision. These exceptions already exist for euthanasia drugs, which are generally far more hazardous to both animals and to people if mishandled than the drugs this regulation would take out of shelters.

Sincerely,

Michael R. Horn

From: Horn [mailto:doddhorn@verizon.net]
Sent: Saturday, November 01, 2008 3:18 PM
To: Board of Pharmacy
Subject: 18 VAC 110-20-580

This message is for Elizabeth Scott Russell, Executive Director, Virginia Board of Pharmacy.

Dear Ms. Russell,
I am a member of the Board of Directors and an officer of the Animal Welfare League of Alexandria, Virginia, (AWLA), which operates the Vola Lawson Animal Shelter under contract to the City of Alexandria.
As an officer of AWLA and as a person with a deep respect for sentient beings, I am extremely concerned about the proposed change to regulation 18 VAC 110-20-580:

"Drugs ordered by a humane society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia."

The restrictive language of the second sentence has the potential to prevent animal shelters in the state of Virginia from carrying out our duty under Virginia law to provide a high level of care to the animals in our care. It would do so by preventing us from administering drugs prescribed for the treatment of various medical conditions. This will result in the increased spread of contagious disease throughout the

population of healthy shelter animals, which will ultimately increase the number of adoptable animals that are euthanized. That is an outcome that no one wants, certainly not animal welfare workers and certainly not the residents of our community. Our supporters expect us to do everything we can to avoid euthanizing adoptable animals, and those expectations certainly include treating minor illnesses.

Shelter personnel are trained to safely administer drugs to perform euthanasia, and they can be trained to safely administer drugs to treat medical conditions. This is analogous to farmers administering Veterinarian-prescribed drugs for herd health management, a common and useful practice that ensures the health and welfare of livestock throughout Virginia. Our companion animals are no less important to the community and deserve no less consideration and compassion.
I urge you to ensure that the second sentence is immediately removed from the proposed language. I further urge you to form a working group including the State Veterinarian's office, the AG's office, the VVMA, VFHS, VACA, and a shelter medicine veterinarian to develop recommendations related to this critical issue. Finally, the State Veterinarian should be granted authority to develop guidance for shelters regarding the acquisition and use of
certain drugs under the supervision of a veterinarian.
Thank you for your consideration.
Sincerely,
Gayla Dodd Horn
Treasurer
Animal Welfare League of Alexandria
4100 Eisenhower Avenue
Alexandria, VA 22304

From: Genie Flahie [mailto:genief@verizon.net]
Sent: Saturday, November 01, 2008 11:26 AM
To: Board of Pharmacy
Subject: Proposed change to 18 VAC 110-20-580

I am concerned about the proposed provision that would not allow humane societies to keep drugs other than those used for euthanasia. This change would prevent shelters from maintaining drugs to treat sick or injured animals. The effect of this change would be to euthanize more animals rather than treat sick or injured animals so that they may then be placed with a family. Please reconsider this provision and, if helpful, appoint a commission to look at the issue of drugs maintained in shelters.

Thank you.

Regina M. Flahie
Falls Church, VA

From: Diana Waller [mailto:diana@chasingdragons.com]
Sent: Sunday, November 02, 2008 3:57 PM
To: Board of Pharmacy
Subject: proposed change to 18 VAC 110-20-580

Virginia Board of Pharmacy
Elizabeth Scott Russell, Executive Director
9960 Mayland Drive, Suite 300
Richmond Virginia 23233-1463

Dear Ms. Russell,

As an owner of several past and present Shelter and Rescue dogs, and a past member of the Board of Directors for the Animal Welfare League of Alexandria, I am writing to ask you to please remove the proposed sentence: "*Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia.*", for 18 VAC 110-20-580.

This new restriction will cause animals to be euthanized rather than be treated and prepared for adoption. It would severely impact the ability of the trained Shelter staff to administer vaccines to keep animals safe from disease in the building, and restrict them from administering antibiotics to help them recover from simple illnesses.

Please do not let this proposed restriction so severely hurt our animal population, instead allow the Shelter staffs to continue to have the resources to provide healthy animals long lives in loving homes.

Sincerely,
Diana Waller
Former Board of Directors member, Animal Welfare League of Alexandria

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From: Carol Carson [mailto:clc216@hotmail.com]
Sent: Saturday, November 01, 2008 12:58 PM
To: Board of Pharmacy
Subject: Proposed changes to 18 VAC 110-20-580

Dear Members of the Pharmacy Board:

I understand that the Board of Pharmacy is considering changes to their regulation that would affect humane societies and animal shelters. Reportedly the proposed changes to 18 VAC 110-20-580 read: 'Drugs ordered by a humane society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia.'

The first sentence would limit the options of animal control officers, especially in cases involving accidents. ACOs assist police when accidents occur that involve animals (both pets and livestock). If an animal is fatally injured and/or trapped in wreckage, the ACO would have no choice but to wait for the animal to be freed, transport the animal to the humane society/shelter facility, and then euthanize the animal. The ACO should be able to end the suffering of the animal at the accident site when appropriate. This ability protects those trying to free the animal. Having read news reports of similar incidents on the Beltway, this is the first example that comes to mind. I am sure there are numerous other examples that could be provided by ACOs.

The second sentence would result in changing shelters from havens of hope for abandoned and stray animals into death traps. Whether stray or surrendered by owners, animals in a shelter environment are under severe stress. This stress compromises their immune systems so that they are more susceptible to common animal illnesses, including upper respiratory infections and diarrhea.

- Most stray animals that must be kept for a certain number of days would become ill if no medications (which would include vaccines to prevent illness and parasite-control drugs) can be given. An ill animal is not an animal that will be readily adopted, even if it were placed up for adoption.

- Owner-surrendered animals need to be given a chance to recover from the shock of losing their families and homes. It takes time for them to settle in enough for us to determine whether they are safe to place in a new home. If given this time, the animals are likely to become sick.

- This is especially true in an 'open shelter' where any and all animals are accepted. Minor illnesses abound, and, if not treated, become life-threatening illnesses.

- Shelters need to be able to have medications and vaccines on hand so that when a veterinarian prescribes a course of treatment, that treatment can be carried out as quickly as possible.

Few shelters have veterinarians on staff, but they do have veterinarian advisors. The wording in the second sentence appears to mean that even if a veterinarian were on staff, a humane society would not be able to 'order or possess a stock of drugs for any purpose other than euthanasia.'

I hope that before further consideration of such changes, the Board will form a working group that includes, at the very least, the State Veterinarian's office, a shelter medicine veterinarian (shelter and clinic medicine are very different), and individuals well acquainted with shelter issues to review the full ramifications of the changes. I would also expect that any changes will be proposed in the Virginia Register and that a public meeting will be held prior to finalization of any changes.

I was privileged to work 9 years as a volunteer and then as a staff member at the Animal Welfare League of Alexandria. We worked very hard to provide both a safe environment and hope to the animals in our care. The shelter benefits not just the animals cared for, but also the people that adopt the animals and the entire community. I would hate to see over 60 years of dedication compromised because of a two-sentence change in the State regulations.

Thank you for your consideration.

Sincerely,
Carol Carson
currently of 107 Silo Valley Dr., Wentzville, MO 63385, cell phone: 703-795-6485
previously of 4544 Little River Run Dr., Annandale, VA 22003

From: Carol Berlauk [mailto:berlauk@gmail.com]
Sent: Sunday, November 02, 2008 10:15 AM
To: Board of Pharmacy
Cc: Board of Veterinary; DelWArmstrong@house.state.va.us; district20@sov.state.va.us
Subject: Proposed changes in Board of Pharmacy Regulations

TO: Elizabeth Scott Russell, Executive Director Virginia Board of Pharmacy

Ms. Scott Russell:

I am writing as an animal adopter, active volunteer, and board member of a rescue facility. Your proposed change to
18 VAC 110-20-580 will cause shelters and animal rescues across this state to close their doors.

As I understand it, if this proposal is passed, it will read **"Drugs ordered by a humane society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other thau euthanasia."**

It's okay for us to kill the animals, but not maintain a healthy animal? It's okay to carry Schedule 2 euthanasia drugs, but not antibiotics, dewormers and other lower controlled drugs? Most people who adopt from shelter expect to be getting a reasonably healthy animal. If this isn't true, adoption rates will decrease exponentially. Shelters should basically provide "herd health management" because they deal

with a large number of animals in close proximity. I'm afraid that the general public will be outraged when this becomes a media event...and it will, if passed.

Shelter medicine has a major impact on the health of all animals adopted from these facilities. I believe there is a Shelter protocol for intaking animals(originating in California by Shelter Medicine professionals). As a private citizen, I can go to the local farm feed store and purchase distemper shots and dewormers for my pets. Yet, through your proposal, immunizations and deworming would be prohibited. We might as well leave them on the streets; they'd be healthier!

Might I be so forward as to suggest you form a work group which includes the State Veterinarian's office, the AG's office, the VVMA, Virginia Federation of Humane Societies, VACA, and a Shelter Medicine Veterinarian to provide you with recommendations regarding this issue. I realize the State Board of Pharmacy is not an animal specific agency. Don't you think consulting with animal professionals would be beneficial before making your changes? The State Veterinarian deals with all the shelters and animal control agencies in the state. He is familiar with guidelines the shelters should implement.

Respectfully,
Carol Berlauk
1138 Liberty Street
Martinsville, Virginia 24112

From: Scott Stone [mailto:scott-stone@comcast.net]
Sent: Saturday, November 01, 2008 8:21 PM
To: Board of Pharmacy
Subject: regulations

I AM WRITING IN RESPONSE TO THE BOARD OF PHARMACY PROPOSAL OF REGULATING AN ANIMAL SHELTERS ABILITY TO HAVE NECESSARY DRUGS AVAILABLE FOR THE TREATMENT OF HOMELESS & ADOPTABLE ANIMALS.

THESE DRUGS ARE NECESSARY TO PREVENT DISEASE,MAINTAIN ANIMAL HEALTH AND PROTECT THE HUMANS INTERACTING WITH THEM.

TO ALLOW SHELTERS THE ABILITY TO KEEP DRUGS TO EUTHANIZE OR KILL ANIMALS BUT NOT TO PREVENT DISEASE IS INSANE.

IF SHELTER PERSONNEL CAN PROCURE A LEVEL OF TRAINING TO PREFORM EUTHANASIA, THEY CAN BE TRAINED TO SAFELY USE THESE LOWER SCHEDULED DRUGS IN A PREVENTIVE MANNER.

I WOULD LIKE TO SEE A FORMATION OF A WORK GROUP MADE UP OF CONCERNED PARTIES INCLUDING THE STATE VETERINARIAN'S OFFICE,THE A.G.'S OFFICE,THE VVMA,VACA AND A SHELTER MEDICINE VETERINARIAN TO PROVIDE RECOMMENDATIONS RELATED TO THE
ISSUE.

SINCERELY,

SCOTT STONE

From: Lori Pullen [mailto:LPULLEN@pepsicva.com]
Sent: Monday, November 03, 2008 8:57 AM

To: Board of Pharmacy
Subject: Regulatory change

I would like to respond to the proposed regulatory change on humane society's ability to use drugs for issues other than euthanasia. I cannot believe that there would be a proposal to impede the ability to help humane society's and shelters to nurse animals back to health, but it is perfectly okay to euthanize them. Having antibiotics, dewormers, vaccinations, and other lower control but prescribed drugs is imperative to these organizations duty to provide high quality care in their facilities. I don't think the public would accept the fact that humane societies who are supposed to be a savior for those animals otherwise slated for demise under county or city guidelines are unable to provide no more than the original facilities that housed these animals. The average person can go into any local coop or tractor supply or equine distributor and pick up antibiotics, dewormers, vaccinations and a slew of other medications for treatment without the consent or express direction of a veterinarian. Why would you require a shelter or humane society to cease treating animals when the medication is indeed under the express authority of a licensed veterinarian?

I don't understand the necessity to bind the hands of the ones who are taking their own precious time and resources to provide a second chance to otherwise unwanted animals. It would seem to me that rather than carteblanche the euthanasia of animals with a highly controlled drug, that we certainly could permit the usage of low control yet prescribed drugs. If these facilities can be trusted to use a lethal drug, then couldn't they be trusted to handle Amoxicillin?

If the concern is the proper usage of these drugs, wouldn't a work group be more effective to educate. Shelters and Humane Societies are not in the business of diagnosis of diseases, but certainly with the oversight of a licensed veterinarian they are capable of following instructions. The medications are the same if they are sent direct or given at a vets office, but the costs are significantly lower as well as treatment can be more expeditious. They don't have to wait for a vets appt if they can consult with the licensed vet associated with their organization. They develop rapport and gain education and training from the vets.

I think the best thing that could be done is to define your concern and develop a committee that involves voices from every angle including a shelter medicine veterinarian and the state veterinarian and folks in shelters and humane societies. Once the committee is developed, you can explore your defined concerns and then appropriate training and education and guidelines can be developed. For the animals sakes.....don't pull the rug out on their second chance.

Lori Pullen
Credit-Collections
Pepsi-Cola Bottling Co of Central VA.
PO Box 9035
Charlottesville, VA. 22906

From: Penn, Lynn [mailto:Lynn.Penn@**usdoj.gov**]
Sent: Monday, November 03, 2008 8:10 AM
To: Board of Pharmacy
Subject: The proposed change to 18 VAC 110-20-580

The proposed change to 18 VAC 110-20-580, WHICH WILL AFFECT POUNDS AND SHELTERS reads:
Drugs ordered by a human society for euthanasia shall only be stored and administered at the address of

the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia.

I would like to know immediately what the reasoning is behind such a cruel and thoughtless change! Who made this decision? Was there a group formed to examine the consequences of such a decision? If not, a working group at the highest level must be formed immediately before something so heinous as this would happen.

What kind of people are you?
This would affect the entire process of pet adoption, the health and safety of the poor, defenseless animals, not to mention the people who work with animals.

I am going to contact my Congressman and every government official in VA to see that this change does not occur.

God Have Mercy on You!

From: kirby blevins [mailto:kblevins@sitestar.net]
Sent: Monday, November 03, 2008 3:07 PM
To: Board of Pharmacy
Cc: Board of Veterinary; DelWArmstrong@house.state.va.us; district20@sov.state.va.us
Subject: Proposed changes to 18VAC110-20-580

To: ElizabethScott Russell, Executive Director
Va. Board of Pharmacy

I am writing to express my opinion on the proposed
regulation change by the Board of Pharmacy to the 18 Vac
section of the code. As I understand the proposal, humane shelters and pounds will not be able to vaccinate and treat animals in their care. The new regulation would only allow
drugs for euthanasia to be stocked.

My comments come from 38 years in humane society work as well as 22 years working in veterinary hospitals. I have had the priviledge of seeing incredible changes in both fields. We have all experienced the world wide change in the attitude and efforts to make this world a better place for the animals we have placed in our care. So it is with total disbelief that I find this change being considered in our progressive state!

Humane societies have changed their mission to no longer being the "killing field" of their communities. It was certainly not working to correct the problems and it was most certainly not working for the staff who had to kill dozens of animals weekly as part of their job. This regulation would throw up back into that field. One has to only participate in mass euthanasia one time to fight for a better way.

That better way is here and it works. Our SPCA Board of
Directors pledged 4 years ago to step up to taking better care of the animals in our shelter. We raised money to provide vaccinations, testing, deworming and antiobiotics when needed. No longer were we facing sick dying animals. We had healthy animals to place for adoption!
The guidance for this change came abot due to the Shelter Medicine program developed by the U.C. Davis Veterinary

School and expanded to the University of Georgia Veterinary School. They developed new protocols for shelters and guided us through problems as they developed. They are now graduating veterinarians prepared to specialize in shelter medicine.

I feel the Board of Pharmacy is out of touch with the times with regard to shelters. BEFORE any change is made in the regulation, I would ask the Board of Pharmacy,the Board of Veterinary Medicine and representatives from all areas affected by this proposal to form a study group to make a decision on facts and on the mission of shelters to give good care to animals. I would hope a member of a shelter medicine program would be a part of this group. To not do so would be a giant step backwards and a death sentence to many animals.

Alice Ann Blevins
735 Stonewall Jackson Trail
Martinsville, Va. 24112

From: Tara Blot [mailto:tblot@alexandriaanimals.org]
Sent: Monday, November 03, 2008 2:50 PM
To: Board of Pharmacy
Cc: elizabeth.carter@dhp.virignia.gov
Subject: proposed change in regulation affecting animal shelters

Hello - I'm writing today to express our concern over a proposed change in regulations that will affect humane societies and shelters throughout the state of Virginia.

We ask that the second sentence of the proposed change to 18 VAC 110-20-580, which reads "Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia" be removed.

For the state to come out and say that shelters should only have drugs to kill animals, but not to help them is appalling. Vaccinations, dewormers, and antibiotics are critical in the care of herd management, which is what shelters deal in. With the numbers of animals in shelters across the state, the health of the individual can affect the entire population (the herd) in the facility. If my pets ever got away and landed in a shelter, I'd certainly want to know that they were able to be protected from whatever illnesses other animals in the facility contracted or came in with.

Our organization strongly supports the formation of a workgroup with representatives from various organizations such as VACA, the VVMA, the State Veterinarian's office, and vets experienced in shelter medicine, to address this issue and make reasonable recommendations.

We ask that the proposed change be amended to remove the second sentence, and also that a workgroup be formed to address the issue.

Sincerely,

Tara Blot
Executive Director
Animal Welfare League of Alexandria
703-838-4774 x212

From: Alice Thompson [mailto:Athompson@ccaglobal.com]
Sent: Tuesday, November 04, 2008 10:23 AM
To: Board of Pharmacy
Subject: Proposed Change to 18 VAC 110-20-580

To whom it may concern: the 2nd sentence of this proposed change will severely limit shelters & humane societies ability to care for sick and injured animals by restricting the available drugs necessary to treat animals. Please work to appropriately reword this sentence so that animal shelters & humane societies can provide the care & respect for animals that we all expect. Thank you for doing the right thing.

Alice Thompson
Senior Membership Operations Coordinator CCA Global Partners, Inc.
4301 Earth City Expressway
St. Louis, MO 63045-1334

From: Donna Krochak [mailto:uwvet@cox.net]
Sent: Tuesday, November 04, 2008 9:50 AM
To: Board of Pharmacy
Subject: Re: 18 VAC 110-20-580

I am sending this email to address concerns I have with the proposal to stop all humane societies and shelters from maintaining medications and pharmaceuticals to treat sick or injured animals.

As a veterinarian and a colleague of the local shelter I understand firsthand the issues surrounding this decision. I am not clear that those who have made this proposal fully understand the rammifications that will come with going ahead with this proposal. Before a final decision is made I would like to see a Work Group set up to discuss this issue in full depth with representatives from all aspects sharing their opinions so that a group decision can be made that properly takes in the concerns of all interest groups who would be affected by this proposal.

Please do not proceed with this proposal to not allow human societies and shelters to possess any medications other than drugs for the purpose of euthanasia.

Sincerely,

Dr. Donna Krochak
Alexandria Animal Hospital
Alexandria, VA 22312

From: Rosemarie Kroscher [mailto:rkroscher@ccaglobal.com]
Sent: Tuesday, November 04, 2008 9:06 AM
To: Board of Pharmacy
Subject:

Please remove the sentence the second sentence of the proposed change to 18 VAC 110-20-580 and create a work group to appropriately address any potential revisions.

Rosemarie Kroscher
Member Operations Coordinator

From: dilamm@comcast.net [mailto:dilamm@comcast.net]
Sent: Monday, November 03, 2008 7:03 PM
To: Board of Pharmacy
Subject: The proposed change to 18 VAC 110-20-580, WHICH WILL AFFECT POUNDS AND SHELTERS

With reference to the above, please remove the second sentence of the following paragraph:

Drugs ordered by a human society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia.

The second sentence that is very disconcerting because it will prevent shelters from maintaining any drugs to treat sick or injured animals - while allowing only those drugs used to euthanize. It is unnecessary with the potential to cause the death of those animals which may end up being euthanized rather than being treated and prepared for adoption.

Please do no harm to helpless animals who need our protection.

Diane S. Lamm

From: Gwen [mailto:gwen.j@verizon.net]
Sent: Sunday, November 23, 2008 6:19 PM
To: Board of Pharmacy
Subject: 18 VAC 110-20-580
This message is for Elizabeth Scott Russell, Executive Director, Virginia Board of Pharmacy.

Dear Ms. Russell,

My name is Gwen Jennier and I am a member of the Board of Directors of the Animal Welfare League of Alexandria, Virginia, (AWLA) which operates the Vola Lawson Animal Shelter under contract to the City of Alexandria.
It has recently come to my attention that the subject regulation (18 VAC 110-20-580) has been proposed to be changed to read as follows:
"Drugs ordered by a humane society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia."
I am deeply concerned that the restrictive language of the second sentence will have a drastically adverse impact on our ability to treat and properly care animals in our shelter. The mission of the AWLA is:
"To inspire compassion for all living things, to provide shelter to animals in need, and to promote adoptions, animal welfare, and responsible pet ownership in our community."
With that in mind, having the Commonwealth preclude our ordering or possessing any drugs for health issues other than euthanasia, clearly undermines our mission. It is guaranteed to increase the number of animals euthanized, instead of our being allowed to treat them medically and return them to health. Likewise, it will ensure the spread of disease (i.e., respiratory infections, etc.) throughout shelter animals, which will again result in increased euthanasia - something no one, least of all those in the animal care community, wishes to have happen. I am quite sure that the general public, especially those citizens of the City of Alexandria, which prides itself on being animal friendly, would have major objections to this potential catastrophe.

Therefore, I am requesting that the second sentence be removed from the proposal as unnecessary and, in fact, quite harmful. I would also recommend that, before enactment of any portion of regulatory changes, a working group be appointed. At a minimum, I believe that working group should consist of representatives from the Commonwealth's Veterinarian's Office and a Shelter Medicine Veterinarian, along with other professionals from the field and associated groups and interested citizens.
I appreciate your consideration and anticipate your reply.

Sincerely,
Gwen Jennier

From: Wendy Patterson [mailto:wpatterson@ccaglobal.com]
Sent: Tuesday, November 04, 2008 12:04 PM
To: Board of Pharmacy
Subject: proposed change to 18 VAC 110-20-580

To whom it may concern,

Please remove the second sentence of the proposed change to 18 VAC 110-20-580 and create a work group to appropriately address any potential revisions.
There seems to be some confusion with this and it may need further explanation.
Thank you,

Wendy Patterson
St Louis, MO

From: Rita Anderson [mailto:anderson532@embarqmail.com]
Sent: Tuesday, November 04, 2008 3:32 PM
To: Russell, Scotti
Subject: Proposed changes to 18 VAC 110-20-580

Dear Director Russell,

I am writing in reference to 18 VAC 110-20-580, and the proposed change which would include the following language: "Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia."

This would enable shelters and humane societies can keep drugs on hand to kill animals, but not to prevent disease and maintain or restore animal health. As I'm sure you are aware, humane society shelters subsist on donations, and municipal shelters' budgets are a mere afterthought. Neither can afford a trip to the vet for every animal that comes through the door. Preventing shelters from keeping drugs such as antibiotics, dewormers, and vaccinations on hand will exponentially increase euthanasia rates at these shelters—animals will be euthanized for easily preventable and curable illnesses. This language would prevent shelters from preserving the health of animals until they go home to the families that have lost them or are adopted by citizens expecting to receive a healthy animal. The public will not understand nor will they tolerate this.

Additionally, veterinarians routinely provide a supply of drugs to farmers for herd health management and to breeders for maintaining the health of their "commodities," which is no different than what should be permitted in a shelter setting. If shelter personnel can be certified to perform euthanasia using highly lethal Schedule 2 drugs, they can certainly be trained to safely use lower scheduled drugs in a preventive manner.

The State Veterinarian should be given a grant of authority allowing him/her to develop guidance documents to permit shelters to acquire and use certain types of drugs under the supervision of a veterinarian.

It is my understanding that there is a Board of Pharmacy meeting on November 6. I believe it is imperative that a work group is formed and should include the State Veterinarian, the VVMA, VFHS, VACA, and a shelter medicine veterinarian to provide recommendations related to this issue.

Thank you in advance for your attention to this very important matter.

Rita M. Anderson
177 Whispering Pines Rd
Max Meadows VA 24360

From: S Martin [mailto:medtrans88@yahoo.com]
Sent: Wednesday, November 05, 2008 9:27 PM
To: Russell, Scotti
Subject: 18 VAC 110-20-580

Ms. Russell,

There was an editorial letter in today's edition of the Martinsville Bulletin that disturbs me regarding a proposal to change 18 VAC 110-20-580. This letter to let you know that I object to this change as it is my understanding that if the change takes place a humane society would not be allowed to keep drugs in the facility to prevent disease or maintain the health of the animals but only to kill them. This would totally change the function of a humane society, in my opinion, from a responsible, caring organization to one that does not value life. I pray that the Board will reconsider this change.

Thank you for listening,
S. Martin

From: deloma lusk [mailto:just_me_dee3@yahoo.com]
Sent: Wednesday, November 05, 2008 11:25 AM
To: Russell, Scotti
Subject: Do Not Change

Dear Scotti Russell
Please Do not change 18 Vac 110-20-580! Animals in Pounds and Shelters should be helped to have pain free lives!
Thank you for listening Dorothy Hylton

From: Carolyn Carter [mailto:carolync@mdcu.org]
Sent: Friday, November 07, 2008 1:37 PM
To: Russell, Scotti
Subject: 18 VAC 110-20-580

Elizabeth Scott Russell
Executive Director
Virginia Board of Pharmacy

Dear Ms. Russell:

I am writing to inform you of my disapproval of the proposed change to 18 VAC 110-20-580. I was shocked and alarmed to read of this proposed change in the Letters to the Editor section of the Martinsville Bulletin on Wednesday, November 5, 2008. The mere thought of the Virginia Board of Pharmacy allowing such inhumane treatment is absurd. I feel that shelters and humane societies have a duty and an obligation to provide a high level of care to the animals in their facilities. EVERY life is precious and should be treated as such.

Sincerely,

Carolyn J. Carter
carolync@mdcu.org

From: Earl Lawrence [mailto:fang@kimbanet.com]
Sent: Wednesday, November 05, 2008 7:54 PM
To: Russell, Scotti
Subject: Animal drugs

I am writing in regard to the limitation on drugs that can be used to treat animals at SPCA and shelters whose purpose is to make the animal healthier and more comfortable. Often these animals are brought in in bad shape and need TLC which may include wormers and meds to treat skin problems. Are these humane drugs being restricted too? Look at who is to profit from the proposed restriction that only deadly drugs can be
administered at the shelter. This is the most unreasonable consideration I
have ever heard of. Taking an animal to the vet is expensive and often is unnecessary. Please do not approve this proposed change in regulations.

Thank you
Carolyn Lawrence

From: Earl Lawrence [mailto:fang@kimbanet.com]
Sent: Wednesday, November 05, 2008 8:04 PM
To: Russell, Scotti
Subject: Do you hate animals?

Ms Russell
Please don't cave to the Vet lobby. Don't limit drugs SPCA.
Earl Lawrence

From: Deborah Powell [mailto:deborahpowell@embarqmail.com]
Sent: Thursday, November 06, 2008 12:16 AM
To: Russell, Scotti
Subject: 18 VAC 110-20-580

Please vote to allow the medications needed to prevent diseases, maintain animal health and protect the humans interacting with them. Please allow them to keep the necessary Schedule 2 drugs as well as antibiotics, dewormers or other lower control prescribed drugs.

We had our family dog for 18 years and he needed care for cataracts, kidney stones, arthritis, and 2 bulging disks. If it had not been for the love and medical care and medications that he received for his medical issues especially the painfull arthritis and disk surgery his 18 years would not have been possible and a big part of our lives and families. Please give the animals and loving family members the

medications that they may need to have a long and healthy happy life. We lost our family dog on July 24, 2006 this left a large hole in our family. Thanks to our local SPCA we adopted our new family dog in October 2007 our family is whole again.

Thank you for your consideration.

Deborah A. Powell 1409 Chatham Rd. Martinsville, VA 24112

From: ccassady [mailto:ccassady@kimbanet.com]
Sent: Wednesday, November 05, 2008 10:35 PM
To: Russell, Scotti
Subject: changing bill 18 VAC 110-20-580 ?? Attention: Elizabeth Scott Russell

As a concerned citizen I would ask that you do not try to change this bill 18VAC 110-20-580 I feel that shelters and rescue organizations need to have on hand more drugs than just the ones to euthanize animals...these include antibiotics, wormers, and general drugs to treat ill and abused animals .
If you could enlighten me on this subject or justify these changes, I would like to hear from you....
Cecelia Cassady

From: Bobby Dalton [mailto:bgdalton@comcast.net]
Sent: Wednesday, November 05, 2008 3:40 PM
To: Russell, Scotti
Subject: VA Board Of Pharmacy--18VAC 110-20-580 Attn: Elizabeth Scott Russell, Ex. Dir.

Dear Elizabeth Russell,

I was shocked! For I am lover of ALL animals. Why would your Board want to change 18VA110-20-580 to ban any antibiotics, dewormers and other lower control but prescribed drugs?? What are people who have pets that are like members of their family who love and get love in return from our pets??

I feel our animals have a right to a pain-free and healthy life and those animals who may be lost and are retained in a pound or have been left at a SPCA until they can be returned to their owners deserve medical treatment, if needed, and that includes necessary drugs. I have an 11 year old cat that was adopted from our local SPCA when he was about 5-6 weeks old. He is a JOY to us! I'm glad this rule was not in effect when Pepper was brought to the SPCA!!

Please think again on this proposal.

Thank you,

Greta Dalton
Martinsville, VA

From: Lorraine Alippe [mailto:gramrain@live.com]
Sent: Wednesday, November 05, 2008 2:43 PM
To: Russell, Scotti
Subject: Possible Changes to 18 VAC 110-20-580

I find it hard to believe just when all over the country animal shelters are becoming "no kill" facilities that

you
would take away the ability of the staffs to keep the animals in good health. The only drugs you would allow would be to kill the animals!!! What are you thinking???

PLEASE do NOT make these changes. It is unacceptable. Please keep me informed of your future proposals..

Thank you,

Lorraine Alippe

From: Mary Louise Deel [mailto:mldeel@kimbanet.com]
Sent: Wednesday, November 05, 2008 8:19 PM
To: Russell, Scotti
Subject: 18 VAC 110-20-580

Attn; Elizabeth Scott Russell

Please let us have the ability to help our animals at the SPCA have a pain-free and healthy life until we find a home for them by not changing 18 VAC 110-20-580 which would eliminate our ability to order and possess a stock of drugs for purpose other than euthanasia.
This change would severely limit our mission.

Mary Louise Deel, volunteer

From: Phil Theis [mailto:pctheis@comcast.net]
Sent: Thursday, November 06, 2008 7:53 AM
To: Russell, Scotti
Subject:

Virginia Board of Pharmacy
Elizabeth Scott Russell, Director

I have read of the proposed change to 18 VAC 110-20-580 allowing humane society animal shelters to only possess drugs for the purpose of euthanasia and am opposed. To strip animal shelters of their ability to prevent disease is to reduce these shelters to what we used to call "Dog pounds"
Not where are society should be heading.....

Philip Theis
74 Patrick Avenue
Fieldale, Virginia

November 4, 2008

Elizabeth Scott Russell
Executive Director
Virginia Board of Pharmacy
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

Dear Director Russell:

On behalf of our over 285,000 Virginia members and constituents, we are contacting you to express our deep concern about possible changes to drug requirements and the impact on animal shelters in the state. Under the proposal, drugs needed to treat illnesses, inflections and to prevent other medical problems in shelter animals would not be allowed. The only drug use that would be allowed in a shelter would be for the purpose of euthanasia of animals, a practice that often is necessary but is also anathema to the many individuals who work in these shelters with the goal of saving animals, not ending their lives.

This matter obviously needs great study and oversight. We request that you put together a working group of key parties to review this matter and make necessary recommendations. The State Veterinarian should be a key member as well as a representative from the Attorney General's office, the Virginia Federation of Humane Societies, Virginia Animal Control Association, the Virginia Veterinary Medical Association, a veterinarian who practices within an animal shelter and a shelter director.

We urge you to halt any fast tracking of this sweeping change. The good system currently in place should be reviewed before a new system is adopted that could greatly jeopardize the health of animals and their potential adoptions.

Sincerely,

Ann Church

Ann Church, Director
Eastern Mountain Regional Office
The Humane Society of the United States
402 Maple Avenue W
Vienna, VA 22180

From: cora [mailto:meadowlarkom@cyberwind.net]
Sent: Thursday, November 06, 2008 6:10 AM
To: Board of Pharmacy
Subject: 18 VAC 110-20-580

I am a volunteer with the Nelson County VA HS/SPCA. Our no kill shelter needs to be able to order and stock drugs to provide good care for our animals. The propsed regulatory change will hinder good quality care for our animals.
Cora Pennell

From: Allison Deanne [mailto:mylallie@yahoo.com]
Sent: Wednesday, November 05, 2008 10:09 AM
To: Board of Pharmacy
Subject: 18 VAC 110-20-580

The second sentence of this proposed change is completely unnecessary and desperately needs to be removed!!

PLEASE.... listen to the people that love and support shelters, all the volunteers involved, all of the hard work that is given on a daily basis and last but certainly not least, all of the animals that will be affected negatively with this one sentence alone. PLEASE

The second sentence of this proposed change is completely unnecessary and desperately needs to be removed!!

PLEASE.... listen to the people that love and support shelters, all the volunteers involved, all of the hard work that is given on a daily basis and last but certainly not least, all of the animals that will be affected negatively with this one sentence alone. PLEASE

From: Paige Cox [mailto:paigercox@comcast.net]
Sent: Friday, November 07, 2008 3:31 PM
To: Russell, Scotti
Subject: 18 VAC 110-20-580 (medications for animals)

To Whom It May Concern:

It was recently brought to my attention that the VA Board of Pharmacy may make it impossible for animal shelters to obtain and/or administer useful drugs for sick animals, but will only be allowed to obtain and administer euthanizing drugs. I would hope that this is not true! Animals with simple infections of wounds, worms, or other easily treatable illnesses deserve the opportunity to be treated and not killed because of it. If this were to be true, then we cannot call animal shelters the HUMANE society or society for the PREVENTION of cruelty to animals. Please do whatever you can to make it possible for helpless animals to recieve the kind of treatment fo which many of us donate money to these organizations.

Thank you for any help that you can provide.

Paige Cox
Martinsville, VA

From: Sandra Lamb [mailto:aloe2health@yahoo.com]
Sent: Thursday, November 13, 2008 1:34 PM
To: Russell, Scotti
Subject: 18VAC 110-20-580

What happened to this bill??????????????????
By the time I got the information, apparently this was taken care of and I didn't get my two-cents worth in AGAINST it. I explicitly oppose a bill that endangers rescued animals, even MINE if it were pick up (and injured in some way) by someone and taken to a shelter!
The thought of only allowing euthanasia drugs to be housed and used in a humane society is horrible. It's bad enough that the American public is bombarded with TV advertised drugs, but our animals being at the mercy of an enacted bill such as this is totally uncalled for. Let me know if it was passed or not..Thanks Sandra aloe2health@Yahoo.com

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From: Virginia Bourdon [mailto:vbourdon@cox.net]
Sent: Sunday, November 16, 2008 2:10 PM
To: Russell, Scotti
Subject: 18VAC110-20-580

Dear Ms. Russell,
I had thought our conversation regarding the proposed change in regulations (18VAC110-20-580) was pretty thorough. However, there is need for additional information and I was given some particular questions to pursue. As I said earlier today, I thought it would be easier to email you the list of additional

questions of interest so that you have a chance to review them and consider your responses. I know you won't be back in the office until Monday and, after a long weekend, are probably already pretty busy, so I'll try to wait until later in the day on Monday to call you. With the same questions in front of both of us, I'm sure we can go much faster. However, if you do feel it would be quicker/easier for you to reply by email, please do so. I'd just as soon have something in writing so I don't misinterpret any of the information. Thanks so much again for your help and cooperation. I have listed the questions in an attached Word Document so you'd have something you could print and work off of.

Sincerely,
Ginny Bourdon

From: Mary Louise Deel [mailto:mldeel@kimbanet.com]
Sent: Wednesday, November 05, 2008 8:19 PM
To: Russell, Scotti
Subject: 18 VAC 110-20-580

Attn; Elizabeth Scott Russell

Please let us have the ability to help our animals at the SPCA have a pain-free and healthy life until we find a home for them by not changing 18 VAC 110-20-580 which would eliminate our ability to order and possess a stock of drugs for purpose other than euthanasia.
This change would severely limit our mission.

Mary Louise Deel, volunteer

From: ccassady [mailto:ccassady@kimbanet.com]
Sent: Wednesday, November 05, 2008 10:35 PM
To: Russell, Scotti
Subject: changing bill 18 VAC 110-20-580 ?? Attention: Elizabeth Scott Russell

As a concerned citizen I would ask that you do not try to change this bill 18VAC 110-20-580 I feel that shelters and rescue organizations need to have on hand more drugs than just the ones to euthanize animals...these include antibiotics, wormers, and general drugs to treat ill and abused animals .
If you could enlighten me on this subject or justify these changes, I would like to hear from you....
Cecelia Cassady

From: SUsanne Kogut [mailto:edcaspca@yahoo.com]
Sent: Thursday, November 06, 2008 10:08 AM
To: Carter, Elizabeth A.; Carter, Elizabeth A.; Russell, Scotti
Cc: Virginia Kilmer
Subject:

To: Elizabeth Carter, Executive Director, Board of Veterinary Medicine

Scotti Russell, Executive Director, Board of Pharmacy

The Virginia Federation of Humane Societies ("The Federation") understands that revisions to the Board of Pharmacy regulations with respect to the operations of humane societies and animal shelters are intended solely to clarify existing law. It is also our understanding that Elizabeth Carter, Executive Director for the Board of Veterinary Medicine, is coordinating input from several state agencies to include the Boards of Veterinary Medicine and Pharmacy and the

State Veterinarian, to look into a recommendation to resolve this issue. We respectfully request that the process to resolve this issue also include input from the Federation to represent the interest of Humane Societies and animal shelters, the organizations impacted by these regulations. Input on the front end from our organization will enable us to represent our member organizations and properly communicate all changes and the reason for changes to our member organizations. We believe it is essential that all of the agencies and organizations work together for the betterment of the animals in our Commonwealth and we hope you will include representatives of the affected organizations in this process.

Our designated representative on this issue is Susanne Kogut and she can be reached at edcaspca@yahoo. com and telephone (434) 964-3323 . We look forward to working with you.

Respectfully, Virginia Kilmer, The Virginia Federation of Humane Societies

From: Teresa Biggs [mailto:tcbiggs698@comcast.net]
Sent: Tuesday, November 04, 2008 10:46 AM
To: Carter, Elizabeth A.
Subject: Thank you

For your recent e-mail. I gained my information from those who attended a recent conference. I am not employed by nor in any way vested in shelters, pounds, etc. However, I am interested in how regulations become changed , as my employer has long held public hearings , requested written information regarding proposed changes, and very little feedback from the citizens of Virginia.
So, who is responsible for the process of administering to shelter animals, and how was the code changed?
Thank you for your assistance in this matter.
Teresa Biggs
365 Airway Road
Spencer, Va 24165

From: Dockery [mailto:dockery@naxs.net]
Sent: Wed 11/5/2008 9:51 AM
To: Russell, Scotti
Subject: Proposed Regulation

Dear Ms. Russell,

My name is Teresa Dockery and I live in Abingdon, Virginia. For the past 20 years I have been working in animal welfare in Virginia. My work has included serving grass-roots organizations, the state humane organization - the Virginia Federation of Humane Societies and working with several National organizations.

For most of those 20 years I have been the animal welfare lobbyists to the General Assembly. I've implemented many programs to provide assistance to shelters and have been responsible for providing training to animal control officers and shelter workers across the state.

I wish to weigh in on your recent proposal to restrict shelters' ability to have treatment drugs that veterinarians are working with the shelter to have so they can provide care for the animals in their charge.

I find the revision to be in contrast with current laws that require that shelters provide adequate care and medical treatment for the animals. I also believe that it restricts the rights of the veterinarians assist with providing these medications.

I encourage you to establish a working committee of experienced professionals and allow the state vet the authority to establish guidelines for the use of the drugs. Please include a veterinarian with shelter medicine experience in this working group. It is important that someone with that expertise is involved.

Currently, I am not with a state or national organization. I do work with a local organization in Bristol and run a high-volume spay/neuter clinic. My legislative work is independent of that organization.

If I can be of any assistance to you or the Board in addressing this issue please do not hesitate to contact me.

Teresa Dockery
24237 Mock Knob Road
Abingdon, VA 24211
dockery@naxs.net
888.850.0240

From: j Peele <jpeele2001@yahoo.com>
Subject: Proposed changes
To: Scotti.Russell@DHP.VIRGINIA.GOV
Date: Tuesday, November 4, 2008, 2:49 AM

Dear Ms Russell,

Reference the proposed change to 18 VAC 110-20-580, I question the assertion that this change "clarifies" existing law. Currently the law states,

A humane society or animal shelter, after having obtained the proper permits pursuant to state and federal laws, may purchase, possess and administer any drug approved by the State Veterinarian to euthanize injured, sick, homeless and unwanted domestic pets and animals provided that these procedures are followed:

which is obvious to the most casual reader that this is a regulation PERMITTING the obtaining and storing of euthanasia drugs (because of their controlled status) under certain guidelines, and NOT restricting the entities to possession of those drugs only. If the purpose of this change was truly to clarify and address the purported issues of controlled and prescription drugs on premise, then the change would have read

A humane society or animal shelter, after having obtained the proper permits pursuant to state and federal laws, may purchase, possess and administer any ***controlled or prescription*** drug approved by the State Veterinarian to euthanize ***or treat*** injured, sick, homeless and unwanted domestic pets and animals provided that these procedures are followed:

instead of the currently proposed change which limits the entities to purchase, administer, or possess only those drugs used for killing. A few simple words which would clarify the abilities of shelters and their

attending veterinarians to treating and caring for the animals which ARE THEIR PROPERTY.

The current proposal, if correct as follows,

Drugs ordered by a human society *(sic)* for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia.

reads as someone's second grader attempting to write legislation, and flies in the face of compassion, normative jurisprudence and common sense. Do you understand that the current proposal does not allow the possession of witch hazel, hydrogen peroxide, dandruff shampoo and deodorant? All these items are classified as "drugs". Are you honestly willing to tell Humane Societies that they are not allowed to give a dog a bath? Under what authority does the Board seek to limit the possession of over-the-counter "drugs" such as piperazine, aspirin, and triple antibiotic ointment? My understanding is that the Board of Pharmacy's responsibility is related to ensuring security, appropriate use, required record keeping, and safeguards from diversion for all ***prescription*** drugs, not stab the backs of those who are honestly attempting to ease the aches and pains of those creatures under their care.

In addition, the current proposal is a slap in the face to those veterinarians who are willing to work with Humane Societies to treat unwanted and abandoned animals, as opposed to merely killing them. It is obvious from the proposed change that this is being promoted by an authority whose sole purpose is the elimination via death of all unwanted animals. Why else would a regulation be written that would effectively disallow, or at a minimum make it more difficult to have drugs to be on premise that are used for spay and neuter surgeries?

I also question whether a change that would clarify that other prescription drugs are permitted would require General Assembly approval. If that is the case, why is this change that limits so severly the possession and use of ALL drugs, including those that can be purchased at your local grocery store, not also requiring General Assembly approval? That is not a rhetorical question. I really do want to know.

As the Board of Pharmacy is not the appropriate body to make policy decisions as to how to best care for shelter animals, I further question the legality of the Board to adopt language that effectively states that the only option said shelters have is killing those animals, by disallowing ALL drugs except killing drugs as is currently proposed. In addition, it is interesting that the current proposal is directed only at Humane Societies, and not at any other shelter entity, including local governmental agencies.

The Board of Pharmacy needs to seek guidance and appropriate language before proposing any changes to 18 VAC 110-20-580. The current proposal is obviously based on false assumptions and a desire to limit, restrict and force animal care agencies to only one recourse: death.

Sincerely,
Judith Peele
2955 Mt Olivet RD
Pulaski, VA 24301

From: Dearjebus@aol.com [mailto:Dearjebus@aol.com]
Sent: Monday, November 10, 2008 10:55 PM
To: Board of Pharmacy
Subject: Revision to 18 VAC 110-20-580

Hello,

It has recently come to my attention that there has been a proposed change to 18 VAC 110-20-580. It is the second sentence in the following revision that worries me *"Drugs ordered by a human society for euthanasia shall only be stored and administered at the address of the humane society. Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia."* This second sentence infers that necessary medicine for caring for sick and/or injured animals would not be kept on site. I firmly believe that this language needs to be changed so as to allow for medication to be stored where it can be easily accessed by those who would offer these animals aid.

Thank you for your time,

Charles Kroscher

From: Bonnie Price [bonnie.price@mac.com]
Sent: Saturday, November 01, 2008 12:01 PM
To: Board of Pharmacy
Subject: Remove provision forbidding use of medicine in shelters!

I urge you to remove from your proposed change to 18 VAC 110-20-580, the sentence that reads: Humane societies shall not order or possess a stock of drugs for any purpose other than euthanasia.

By preventing shelters from providing medical assistance to animals in its care, this change would endanger the well-being of the animals in the shelters' care.This provision would also prevent the shelters from assisting animals to regain health needed to prepare them for adoption into a family.

Please allow shelters to continue their important work in providing humane treatment to animals.

Bonnie Price

1 COMMONWEALTH OF VIRGINIA

2 BOARD OF PHARMACY

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7 -

8 IN RE: PERIODIC REVIEW OF REGULATIONS

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13 Complete transcript of the public hearing in the

14 above matter when heard on December 10, 2008, before the

15 Virginia Board of Pharmacy, at 9960 Mayland Drive,

16 2nd Floor Conference Center, Richmond, Virginia.

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19 COPY

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1 APPEARANCES:

2 David Kozera, Chair
Michael E. Stredler, Vice Chair
3 Brandon K. Yi
Jennifer H. Edwards
4 John O. Beckner
Bobby Ison
5 Leo H. Ross
Gill B. Abernathy
6 Gerard Dabney
Elizabeth Scott Russell,
7 Executive Director
Cathy M. Reiners-Day,
8 Deputy Executive Director
Sandra Whitley Ryals,
9 Director, Department of Health Professions
Elaine J. Yeatts,
10 Policy Analyst, Department of Health Professions
Howard M. Casway, Esquire
11 Senior Assistant Attorney General

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1 MR. KOZERA: At this point I would like to
2 begin the public hearing on the proposed
3 amendments -- I'm sorry -- the public hearing on the
4 proposed regulations. So let's begin.
5 This is a public hearing to receive comments
6 on amendments that are proposed as a result of a
7 periodic review of regulations. Copies of the
8 proposed amendments are available on the back table,
9 if you do not have a copy, to the public.
10 At this time I will call on persons who are
11 signed up to comment. I would request that any
12 commenters try not to repeat comments that have
13 already been made. I would remind everyone that
14 written or electronically submitted comments will be
15 equally considered by the board prior to adoption of
16 final regulations.
17 So as I call your name, please come forward
18 and tell us your name and where you're from. I
19 would like to call Kevin Kilgore to the stand.
20 Yes, please.
21 MS. RUSSELL: You may want to pull that
22 microphone close to you.
23 MR. KILGORE: Okay. Thank you. Can you hear
24 me? Everybody?
25 Mr. Chairman and Board of Pharmacy and members

1 associated here, I appreciate your time. My name is
2 Kevin Kilgore. I represent the Virginia Animal
3 Control Association. I also am the chief of animal
4 control in a local jurisdiction not too far from
5 here in Hanover. I run a facility of my own and
6 have going on 17 years administering to the health
7 and welfare of all of the animals that we handle,
8 roughly between five and 6,000 animals a year for
9 the jurisdiction of Hanover County.
10 I also represent the membership within the
11 Commonwealth of Virginia and do so as the president
12 for the Virginia Animal Control Association. I do
13 know and have talked with members of the Virginia
14 Federation of Humane Societies.
15 I'm here this morning to voice some concerns
16 that have -- that I've been hearing through both my
17 membership and some of the other members in the
18 non-profits out in the humane societies and rescue
19 operations in the Commonwealth of Virginia.
20 Most of you know and are probably familiar
21 with the work of a lot of humane societies, but you
22 may not be familiar with the intense triage that we
23 go through, and I don't mean to duplicate any of the
24 comments that might have been made before, sir, I'm
25 not familiar with them, but we do a lot of triage

with the very worst of the animal world that comes in through the community, animals that have never seen care. So we do our best to give them at least comfort and care to the level that they can sustain their health and keep them healthy while they are in our facilities.

My facility is very small. I have a community of over 100,000 people. I have a facility that will only hold about 200 animals, so we have intensive health problems in our facility. If we do not vaccinate for certain diseases such as Parvovirus and leukemia, Rotavirus, a lot of diseases would wipe out our population very quickly. I beg your consideration for that.

Also, the fact that we -- my facility does have a license. We are supervised by a veterinarian. I've had a chance to read over your legislation that you're planning here. I have no problems with it. I think it's very good wording. I'm here available for you if you all have any questions.

MR. KOZERA: Thank you, sir. You can step down if you'd like.

MR. KILGORE: Thank you very much, sir.

MR. KOZERA: I just want to make the comment,

1 is there anyone else that would like to speak that
2 has not signed up on the sheets?
3 I want to remind everyone that written
4 comments may be received through December 12th and
5 should be directed to Scotty Russell, Executive
6 Director of the Board of Pharmacy, and the board
7 will consider all comments prior to adoption of the
8 final regulations at its first meeting in 2009.
9 That concludes the public comment -- public
10 hearing on the proposed regulations.
11 Note: The proceedings concluded at 9:20 a.m.
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STATE OF VIRGINIA)

CITY OF RICHMOND)

C E R T I F I C A T E

I, MELISSA H. CUSTIS, RPR, do hereby certify that I was the court reporter of the public hearing at the time of the hearing herein.

I further certify that the foregoing transcript is, to the best of my ability, a true and correct transcript of the proceedings herein.

Given under my hand this 15th day of February, 2008.

Melissa H. Custis, RPR

MELISSA H. CUSTIS, RPR
COURT REPORTER

SUMMARY OF COMMENTS ON PROPOSED REGULATIONS

Virginia Board of Pharmacy

Regulations Governing the Practice of Pharmacy
18 VAC 110-20-10 et seq.

Periodic Review of Regulation

The Administrative Process Act requires that a summary of comment be sent to all commenters at least five days prior to the adoption of a final regulation. The Board of Pharmacy will meet on March 11, 2009 to consider and respond to the comments and then to adopt a final regulation.

Proposed regulations were published in the Virginia Register of Regulations on October 13, 2008. Public comment was requested for a 60-day period ending December 12, 2008. The following written comment was received:

The Board received 62 written comments from persons who believed changes to section 580, *stating the current law on drugs* in animal shelters and humane societies, was a change in authorization to possess and administer certain controlled substances and a new limitation on their facilities. *Since the regulation only echoed the limitation on drugs in the law, HB2097 and SB897 were introduced in the General Assembly to change the law. Both bills have now passed and will be effective as soon as they are signed by the Governor.*

The Board received the following comment from the National Association of Chain Drugs Stores (NACDS):

> Section 30D – Requirements for pharmacy practical experience.
> Supports proposal to set the maximum hours for pharmacy practical experience at 50 hours per week but expressed concern that the minimum of 20 hours per week might be problematic for pharmacy students. A clarification that pharmacy students will not need any practical hours outside the school program eliminated that objection from NACDS.
>
> Section 40D – Procedure for gaining practical experience.
> Supports proposal to eliminate the prohibition on a pharmacist supervising more than one pharmacy intern during the same time period.
>
> Section 80 – Renewal and reinstatement of license.
> Supports proposal to allow a licensee 14 days to notify the Board of a change of address.
>
> Section 102 H – Criteria for approval for training programs.

Questions two-year expiration for approved technician training programs as unnecessary burden.

Section 104 B – Address of record; maintenance of certificate.
Asks for clarification of proposed rule requiring a technician to have registration certificate available for inspection upon request.

Section 110 D – Pharmacy permits generally.
Supports the proposal to allow but not mandate an outgoing pharmacist-in-charge to complete a Schedule II – V inventory.

Section 180 B – Security system
Asks for reconsideration of the requirement for an immediate upgrade of an alarm system upon discovery of a break-in with loss. Also asks for clarification of "accepted industry standards."

Section 190 A – Prescription department enclosures
Supports the proposal to allow more flexibility in the design of prescription department enclosures.

Section 240 A – Manner of maintaining records
Asks for reconsideration of proposal to require a perpetual inventory of all Schedule II drugs that is reconciled every 30 days. Concerned that it would be labor intensive without much benefit.

Section 270 B – Dispensing of prescriptions
Supports the proposal to eliminate the 4:1 technician ratio and allow the pharmacist to determine how many interns, technicians and trainees he can safely and competently supervise at any one time.

Section 270 E – Dispensing of prescriptions
Expresses concern about the proposed prohibition on returning a forged prescription to the person presenting it, as it may place the pharmacy personnel in danger.

A pharmacist for Wellness Concepts expressed some concerns about the proposed requirement to reconcile a perpetual inventory of Schedule II drugs every 30 days. Also sought clarification of the option of the PIC to have the opportunity to take an inventory, which seems to be in conflict with the responsibility of the PIC to take the required inventory. Also pointed out a typo in the current regulations.

A Public Hearing before the Board was held on December 10, 2008, at which there was one comment from Kevin Kilgore, representing the Virginia Animal Control Association. He explained the work of humane societies and animal control and intensive health problems in their facilities. He did not have a problem with the proposed regulation.

Questions regarding the regulatory process may be addressed to Elaine J. Yeatts, Agency Regulatory Coordinator at elaine.yeatts@dhp.virginia.gov or (804) 367-4688 or 9960 Mayland Drive, Richmond, VA 23233...