



E-pharmacy vs conventional pharmacy

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Abstract

Now- a- Days the world is moving towards digitalization and higher techno oriented, so when its concern with the growth, development and instant result we obviously prefer for the source known as online the E-business. As the world is flowing with this wave of digital market how come the Healthcare services can stay apart from it? There are around 30,000 to 50,000 online pharmacies worldwide which are serving to the public. There are so many advantages of this facilities as the cost effectiveness, free home deliver, instance serves, 24 X 7 availability. Similarly when the technology is used for medical purposes, it gives rise to medico legal and techno legal issues with it. As when we deal with medicine there are number of drugs which are under schedule 'H' and schedule 'X'. When this kind of medicines gets easily available then, obviously it will results into the wrong practice of the medication. Hence when dealing with online pharmacies it should be under highly legal surveillance, in order to avoid any serious issues like anthrax or sildenafil citrate.

Keywords: data protection (PDF), encryption, cyber law due diligence (PDF), Internet intermediary obligations, cloud computing, verified internet pharmacy practice Sites (VIPPS) program

Introduction

Online pharmacies are companies that sell pharmaceutical preparations, including prescription only drugs, on the Internet ^[1]. As per an estimate, there are between 30,000 and 50,000 online pharmacies operating in the USA. Most are based far from the jurisdiction of US officials, in Russia, China, India, or Turkey ^[2]. The online sale of prescribed drugs and medicines in India is a very controversial area. Most of the online pharmacy stores in India and Ayurvedic products websites are unable to comply with the requirements of Indian laws. There are many techno legal requirements pertaining to privacy, data protection (PDF), encryption, cyber law due diligence (PDF), Internet intermediary obligations, cloud computing, etc that are required to be complied with by online pharmacy stores and Ayurvedic products websites operating in India ^[3].

While we have basic level e-commerce legal framework in India yet e-health related legal framework is missing. For instance, e-health in India is facing legal roadblocks. Till now we do not have any dedicated e-health laws and regulations in India. In the present environment, the legal enablement of e-

health in India is urgently required ^[4]. This is so because when technology is used for medical purposes, it gives rise to medico legal and techno legal issues. In United States, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Health Information Technology for Economic and Clinical Health Act (HITECH Act), etc are some of the laws that take care of medico legal and techno legal issues of e-health and telemedicine ^[4].

There are different types of online Pharmacies. First, the online pharmacy may be an independent Internet company that has no physical pharmacy site for a consumer to visit. This first group includes the pharmacy benefits manager arm of health plans, which also may provide selected services for non-members. Second, the online pharmacy may be a "clicks-and mortar" pharmacy, typically the online branch of a major pharmacy chain that has an actual storefront. Several chains have purchased online companies as a marketing strategy ^[5]. The traditional supply chain is Manufacturer - → Wholesaler - →Retailer -→Customer, typical of most products. In the case of large pharmacy chains the wholesale operation is managed by the chain rather than an independent wholesaler ^[7].

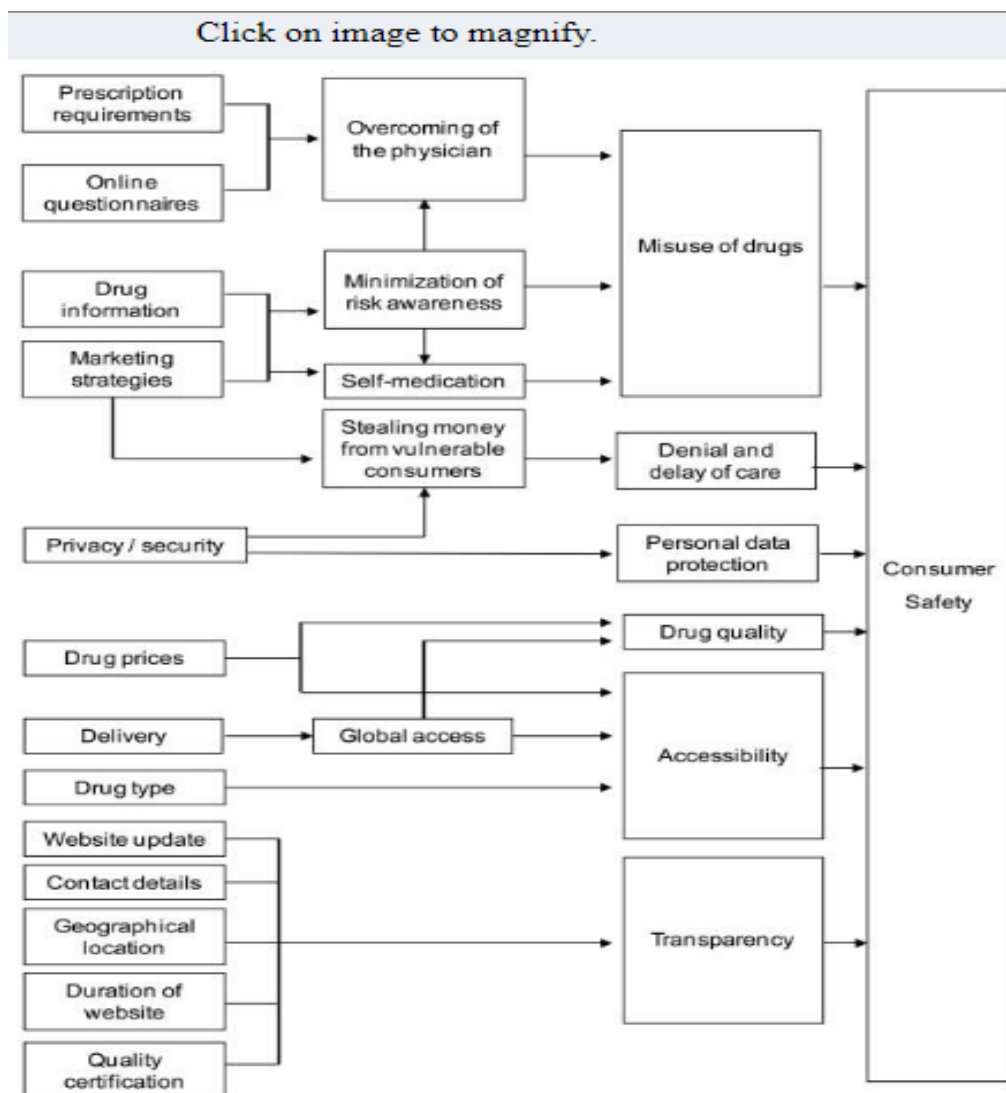


Fig 1: Module for Consumer safety as a common denominator for studying online pharmacies.

Indian consumers too have begun using these online services in the recent times. Laws for E-commerce are ill-defined and subject to varied interpretations^[4]. Various laws such as the Information Technology Act, 2000; the Drug and Cosmetics Act, 1940; Drugs and Cosmetic Rules, 1945; Pharmacy Act, 1948; and the Indian Medical Act, 1956, govern the online pharmacies in India. Many of these, including the Drugs and Magic Remedies Act, under which drug advertisements are regulated, were written when use of computers and the internet was not as prevalent as it is now. Laws do exist for online pharmacy stores in India. As per the Indian laws, medicines can be sold only by a registered pharmacy that has a retail license and a registered pharmacist on payroll. A prescription for medicines ordered is mandatory, except for sale of over-the-counter products. Orders for medicines can be taken only from areas where the pharmacy retail license applies. All the medicines must be verified and certified by the registered pharmacist before delivery. However, there is an ambiguity regarding shipping of medicines from one state to another and whether a pharmacy is allowed to collect money before delivery of medicines. Exporting medicines India

directly to the customers is highly regulated. Furthermore, no provision exists to recognize the prescription written by a doctor who is not registered in India. Schedule X medicines cannot be sold to customer without prescription. It is imperative to maintain customer records including name of the patient, doctor, and address for every Schedule H and Schedule X medicines sold by the pharmacy. Selling medicines to minors (under age 18), selling banned drugs, and selling medicines at a cost higher than the maximum retail price are prohibited. Additional techno-legal requirements related to privacy, diligence to cyber laws, data protection, and internet advertising are required to be complied with, by these pharmacies.

Online pharmacies are an important phenomenon that is continuing to spread, despite partial regulation, due to intrinsic difficulties linked to the impalpable and evanescent nature of the Web and its global dimension. To enhance the benefits and minimize the risks of online pharmacies, a 2-level approach could be adopted. The first level should focus on policy, with laws regulating the phenomenon at an international level. The second level needs to focus on the individual. This approach

should aim to increase health literacy, required for making appropriate health choices, recognizing risks and making the most of the multitude of opportunities offered by the world of medicine ^[1].

Advantages of online pharmacy

Why are online pharmacies popular? Online pharmacies offer better pricing than offline stores, with increased access, lower transaction and product costs, convenience and greater anonymity for consumers. They offer accessibility to people with limited mobility and people in remote areas. These provide medialerts (personalized medicine reminder service), discounts, doorstep delivery within a short time, and validation of prescription through licensed pharmacists. Information about substitutes and adverse effects is also available on these sites. Consumers believe (perhaps rightly) that the medicines they receive from online pharmacies are comparable to medicines sold in the “brick-and-mortar pharmacies ^[2].”

Disadvantages of online pharmacy

These pharmacies enjoy a fair share of controversies. The controversies gained media attention after the anthrax cases in 2001 which saw people ordering ciprofloxacin without a prescription ^[2]. Off-shore buyers can obtain prescription drugs such as antidepressants, anti-anxiety medications, anti-hypertensives, medical termination of pregnancy kits, weight loss pills, and sildenafil citrate containing products easily. Fatality and severe adverse reactions due to consumption of diet pills, counterfeit medicines, formulations contaminated with lead and other heavy metals, wrong medicines or dose dispensed online without a prescription, and illegal use of medicines which are known to be habit forming have been reported. Most of these reports originate from the West, but we might witness similar reports from India as well, considering the growing use of online pharmacies in the country ^[10].

The Pharmaceutical Crime Program supported by major pharmaceutical companies in 2013 helped crack down on illicit sites ^[11]. Reputed sites such as the Microsoft, Yahoo, and Google permit only online pharmacies accredited through Verified Internet Pharmacy Practice Sites (VIPPS) program to advertise in the U.S. The credit card companies including VISA decline payments to online pharmacies that are not VIPPS-certified. In India too, the Maharashtra FDA have approached the Drugs Controller General of India to curb the illegal online sale of medicines ^[3].

Conclusion

Considering the public demands, digitalization and looking towards the bright side of the offers and facilities received from the online Pharmacy it should not be banned or stop, rather it should be consider as the major moving market for medicine. Hence it should be under more legal supervision. There should be techno legal barrier between online Pharmacy and consumer, in order to control loopholes which are directly impacting the Drug regulating and controlling.

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