

ASHP Guidance for Purchasing Drug Products in Short Supply
(revised July 2012)

The following excerpts from the [ASHP Guidelines on Managing Drug Shortages](#) provide guidance to pharmacies on purchasing drugs in short supply from sources outside of an established contracted entity.

From the section entitled *Contingency phase: Risk management and liability*:

“Each health system must determine its philosophy on purchasing drugs from the gray market or compounding pharmacies and on compounding agents in-house. These decisions should be made before the pressure and emotion of a specific shortage occur. Each option and its potential effect on patient risk should be evaluated. Nontraditional drug product sources (e.g., secondary wholesalers) have extremely limited supplies, and the quality of these products may be questionable, as the provenance of the medication may be unknown.”

From the section entitled *Contingency phase: Budget considerations*:

“In the event that the drug product is available only from non-contracted manufacturers or through nontraditional distributors, the increased costs of using these sources should be estimated. Using alternative therapies may also increase costs. The financial implications should be presented through budget channels, with a request and justification for contingency funds. Additional expenditures caused by drug product shortages (e.g., overtime spent in locating product, extra or priority deliveries, in-house compounding or packaging) must be documented to explain budget variances and to support future budget proposals.”

A consequence of some drug shortages is that product becomes available from secondary sources at sometimes drastically different price levels. ASHP recommends that health systems verify that a wholesaler is licensed to distribute products in their state prior to purchasing drug products from noncontracted wholesalers. Information about each state licensing entity is available from the FDA at <http://www.fda.gov/Drugs/DrugSafety/DrugIntegrityandSupplyChainSecurity/ucm281446.htm>. Health systems should also consider requesting pedigree or other tracking information before purchasing products in short supply.

Some price variation is expected when purchasing outside of established contractual agreements. However, if you have concerns about specific pricing, you may wish to make this information available to the following government agencies for their evaluation. Listed below are links to the following relevant federal and state agencies:

For product integrity issues, contact the Food and Drug Administration's Office of Criminal Investigations and your state board of pharmacy:

Food and Drug Administration, Office of Criminal Investigations:

<http://www.fda.gov/ICECI/CriminalInvestigations/default.htm>

National Association of Boards of Pharmacy:

<http://www.nabp.net/boards-of-pharmacy/>

For pricing and unfair business practice issues, contact the Federal Trade Commission and your state Attorney General:

Federal Trade Commission:

<http://www.ftc.gov/ftc/contact.shtm>

National Association of Attorneys General:

<http://www.naag.org/current-attorneys-general.php>