

"Contact lenses" should be defined, and must include any lens, whether designed to correct vision or not, which is intended to be placed directly upon the eye, including "plano" lenses intended solely for cosmetic purposes and lenses intended for therapeutic purposes. Each of these are, in fact, contact lenses, and an essential reason for requiring a prescription from a licensed professional for contact lenses -- the potential for adverse effects on the health of the eye -- is equally true whether the lens corrects vision or not.

The definition of "Direct Communication" as used in Section 315.5 is unworkable with respect to email and fax transmissions. A communication is not "completed" until received by the recipient. Thus, until an email or fax is read, or a message heard, the communication is not completed. There is no way for the sender to know when these forms of communication have been completed or IF they have been completed. Email messages can be "lost in cyberspace" or inadvertently deleted or blocked by spam blocking software, which may occur at the ISP level or by the recipient's system. A fax may be "lost" by a paper jam, an ink failure, or held in a fax machines memory, if, for instance, the machine runs out of paper, and then lost upon a power outage before it is printed. The only viable means of communication, where all interested parties can and will know that the communication has been completed, is a telephone call answered by a person.

Section 315.3(b) of the Rule is unclear with respect to the prescriber's right to charge for materials utilized in the fitting process, including the cost of contact lenses utilized in the fitting process. Are the costs of materials part of the fitting fee, or are they an illegal fee being charged "in addition to" the fitting fee? It is important for prescriber's to know what they may and may not charge. Because contact lenses can NOT be fit without the use of fitting lenses, and, in most cases, there is a substantial overhead cost involved in obtaining these lenses, prescriber's must be able to pass this cost on to their patients, and this should be clearly stated in the Rule. This is particularly true for all varieties of non-disposable lenses, including gas permeable rigid lenses, custom "toric" lenses (hard and soft), and a variety of custom lenses used for irregular corneas (as in patients with Keratconus, complications from refractive surgery, and trauma patients).

(And note the definition of "Contact Lens Fitting" which implicitly contemplates an evaluation of the fit of "the contact lens." Prescriber's must be expressly permitted to charge for the cost of the lenses used to evaluate the fit.)

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