

2/26/04

Dear FTC,

I write you today because of some concerns I have about the "Fairness to Contact Lens Consumers Act". I understand you are involved in the FTC Rules Committee. Please try to address these issues as I think they will prove to be important in carrying out the intent of the law, which is to protect the consumers' rights in a safe manner.

1. The number of lenses is part of the definition of a "contact lens RX". Sellers are not abiding by this. They will sell a patient the amount of lenses indicated on the RX and allow the patient to just check a box on their receipt to purchase an additional amount. The impression is that they feel as long as the RX is not past the expiration date they can sell as many lenses as they can.
2. Shouldn't sellers be required to collect the original RX? If copies are used the patients can "fill" the RX multiple times from multiple sellers.
3. When does the clock start on a prescription that expires in one year for a patient whose fit was completed prior to 2/4/04? We can assume this patient never received a copy of their RX originally. I think the clock should start the day the fitting process was completed.
4. Passive verification doesn't work all the time. We have received faxes which were missing the second page. Therefore, we didn't receive the patients name. How can we verify? Upon contacting the seller they didn't have a method to tell us what patient the fax was for. I assumed that after 8 hours the seller released the RX.
5. Who will police this law? Where do violations get reported?
6. How can I proceed with a fit when I need to purchase the initial lenses but can't force the patient to buy them from me?
7. Why do sellers charge the patients credit card minutes after the internet order is placed?

I feel the intent of the law is to give consumers the opportunity to purchase their contact lenses from any source they wish. Also the patient should be protected from tempted abuse which often leads to what we call "sick eyes". I see these "sick eyes" on a daily basis due to the abuse of contact lens wear. The FDA has recently upheld the fact that all contact lenses are not to be dispensed without a valid prescription and that regular check ups with a doctor minimizes complications.

Thank you for hearing my concerns. I can be reached at my office phone number above if you have any questions for me. The best days to reach me are Monday, Wednesday or Friday.

Sincerely,

Mario Palermo O.D.

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