

Monday, March 01, 2004 2:52 AM
To: CONTACTLENSRULE
Subject: Contact Lens Legislation

Dear FTC Representative,

I have 2 concerns regarding the implementation of the new Fairness to Contact Lens Consumers act.

First, the new form submitted by 1-800-Contacts no longer has a box to be checked in the event the prescription is expired. Although the prescription determination date IS requested, and thus the fact it is expired CAN be calculated, some states have earlier or later expiry dates, and thus 1-800-Contacts is leaving the expiry date open to their own interpretation. This seems to be not only unethical but a violation of the act, which requires the sellers to request verification from the prescriber as to the validity of the prescription information (including expiry date).

Second, a couple of patients have told me that when ordering their lenses over the phone, the seller provided numerous doctor's names in the patient's home city to the patient in an attempt to complete the transaction more quickly. This again was surmised by the patients as an unethical method of getting the lenses to the patient as soon as possible, even though there is a high likelihood the doctor's name provided is not in fact the patient's original prescriber.

This second method is an apparent gamble on the seller's part that the practice will not reply to the prescription verification request in time, thus allowing the sale to proceed. This appears to be policy at some sellers, to educate their customer service staff to offer doctor's names to patients until the patient simply selects one to expedite the sale. I believe this should be investigated by the FTC.

Thank you for considering my concerns as a health care provider in New York City.

Dr. Gurpreet S. Leekha
Optometrist