Comment #: 131

Comments:

The rule does not state how many time a practioner is required to disclose a contact lens prescription to a requesting supplier. At this time, the rule is clear regarding disclosure to the patient. However, if the patient chooses to "shop" for the best prices, the physician may be required to disclose the contact lens prescription numerous times, even though the patient has a valid copy of the current prescription. This can potentially result in significant time and effort on the part of the prescribing practioner. This time will be much greater than the one minute as determined by section VI. Paperwork Reduction Act. In the event that the practioner receives a request for contact lens information, the practioner must find and review the patient's medical record, write and sign the request from the supplier and fax, mail or phone back to the supplier. This time is much greater than the potential one minute as determined by the Paperwork Reduction portion of this Act. Multiplied by potentially an unlimited number of requests from multiple suppliers for a single patient, this could significantly increase the paperwork burden for a practioner.

The rule needs clarification for those practioners in a solo practice. If a physician chooses, for example, to take vacation and elects to have his staff out as well, there can potentially be no one in the office to receive verification of a contact lens prescription. Under these circumstances, a physician usually arranges for call for emergency situations, but a covering physician may not have access to the vacationing physician's records. In this circumstance, there will be no one available to verify the accuracy of a prescription within the eight-hour time limit. The patient should have a correct and valid copy of the original prescription that could be presented to the dispenser, but the prescribing doctor cannot verify the prescription within "eight hours" either by fax or phone if he/she is not in the office. Even though email may be a possibility, many practices have elected not to communicate confidential patient information via email in order to stay in compliance with HIPAA regulations. Who, under these circumstances, will be responsible for the accuracy of the prescription dispensed? Whose liability would be at stake? This rule should expressly require, for communication by facsimile, the receipt of a confirmation that the communication was not only successful, but that someone was in the office and available within the "eight hour" time limit in order to respond to the supplier's request. Under no circumstances should it be okay to leave confidential patient information on an answering machine. This may be in violation of interoffice privacy policy rules. There is also no guarantee that a message is truly received by a practioner via an answering machine. The rule should also require that the dispenser of the contact lenses document that lenses "were dispensed without the direct verification of the practioner" if the current wording of the law does not clarify the above concerns.

The request also needs to clearly identify the date and time of the request to the physicians from the supplier. We currently receive requests with the fax line deleted from the supplier, with no dates or times on the request.