

From: Daleandvic
To: CONTACTLENSRULE
Cc:
Subject: FAIRNESS TO CONTACT LENS CONSUMER ACT
Attachments:

Sent: Wed 3/17/2004 12:39 PM

Gentleman:

One favorable part of this Act is that the ophthalmologists or optometrists are not legally liable for the contact lenses dispensed by the "contact lens reseller" when the contact lenses are ordered by phone, Internet, etc.

I do wish clarification of the rule when the contact lens prescription must be given. In general, the proper contact lens prescription is not decided on the first initial fitting visit. The lens may appear to be satisfactory at this is first fitting, but only time will tell if the patient may be tolerate this particularly contact lens parameter for continued use. Normally, the follow up examination in 1-2 weeks, and in the high majority of cases by 4-6 weeks, the contact lens parameters would be that given to the patient for long term use. In a small percentage of patient's, refitting may be necessary after 3-4 months. Some difficult patients may require specialized lenses and several trial lenses to find proper contact lens parameter fit. However, I believe these lenses w ill not be available through the 1-800, mail order, or Internet sites.

I do object to the increase cost of my office personnel to retrieve the patient's chart and my professional time in evaluating if the contact lens prescription is proper and the patient has maintained recommended follow up visits for me to okay the contact lens prescription faxed to me by the "contact lens reseller." I also have a problem with patient's who wear contact lenses fitted by other practitioners giving my name to the "contact lens resellers." This involves my staff and my time to inform the patient and the "contact lens reseller" that I did not fit this patient. I believe in many circumstances the prescription is filled anyway after the "eight business hour" requirement. I believe it si the "contact lens reseller's" duty to inform the patient that the lenses will be supplied on the stipulation that to the patient's best knowledge, the information given to the "contact lens reseller" is correct and that the patient has followed the recommended follow up visits – particularly he has been evaluated by an "eye care practitioner" regarding his ability to wear contact lenses within the past year. The ultimate responsibility must be that of the patients and fortunately this Act does absolve the practitioner from liability if the contact lens order is filled.

Thank you for allowing me to share my comments.

Sincerely,

David S.C. Pao, M.D.