

From: Mary Walker
Sent: Monday, March 15, 2004 10:23 AM
To: CONTACTLENSRULE
Subject: comments for Contact Lens Rule

Sirs,

I'd like to comment on sections 315.3, 315.5 and 315.6 of the FCLCA.

I am concerned about the "self regulation" imposed by this Act. A valid prescription includes, in the case of disposable contact lenses, number of boxes. Because there are no provisions set forth in the Act, a patient may present their prescription even one day before the expiration date and obtain a full annual supply. This effectively allows a patient to obtain 2 years of contact lenses from one prescription.

I believe that there need to be additional rules set forth in the Act to protect against selling a quantity of contact lenses that will be worn beyond the expiration date of the prescription.

With regard to 315.3, providing a copy of the prescription to the patient. I am happy to release a copy of the prescription to my patient, however, if the patient has purchased an annual supply at the time of their exam, this prescription would be for informational purposes only. The patient would have no reason to purchase further contact lenses, because the quantity purchased already carries them to the expiration date of the prescription.

With regard to 315.5, if a seller requests a contact lens prescription, I would like the right to limit the number of boxes prescribed to time remaining on the valid prescription. e.g... If the prescription was established on January 1st and a seller requests verification on July 1st, I would like to be able to limit the Rx given to 4 boxes (in the case of a two week disposable).

With regard to 315.6, we do provide a prescription that is valid for one year, but, again, there is no provision for limiting the number boxes sold on any given date during that year. The health and safety of the patient's eyes are at risk if a seller provides, for example, 8 boxes of disposable contact lenses when the prescription expires in any length of time that is less than a year. (Since 8 boxes is generally a years' supply).

I'd like to reiterate, that I do believe the FCLCA can be of great benefit. I believe, however, that the Act is still incomplete. Contact Lenses are not yet regulated closely enough to prevent a patient from obtaining lenses that they will wear far beyond the expiration date of the prescription. If I am given a prescription drug with 8 refills, each time I fill the Rx, remaining refills are reduced. Yet, in it's current form, the Act would allow me to obtain the specified number of contact lenses each time I fill the Rx. Allowing me to purchase, for example, 8 boxes every time I present the Rx, if I chose to fill 8 boxes each time and do this 3 times throughout the year, I would have a 3 years' supply of contact lenses.

Please consider requiring a wearing schedule on the prescription and preventing a seller from filling a quantity of lenses that the patient would be wearing well beyond the expiration date of the prescription.

The implications of incomplete, unregulated laws for obtaining contact lenses will certainly instill a public belief that contact lenses are no longer a medical device that should be treated with the same respect as a prescription drug.

More regulations need to be in place before we put the Act into it's final form. The current Act may well cover the FTC free trade rules, but it most certainly poses a safety risk to consumers.

Thank you for your consideration,

Mary Walker
Fox Valley Ophthalmology

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