

March 1, 2004

Dear Federal Trade Commission:

As the committee works on a final rule to implement the Contact Lens Release law, I would like to make mention of the following practices of 1-800 Contacts which significantly hinders a doctor's ability to verify a contact lens prescription. On 2/21/04, a Prescription Verification Request from 1-800 Contacts was sent to us via fax. Upon opening of business on Monday, 2/23, we reviewed the fax and discovered the prescription in question was expired. We then began our attempts to reply to the Prescription Verification Request in an effort to stop the sale of an expired prescription. The following are details our efforts to communicate with 1-800 Contacts:

- 2/23/04 (10:30am): Attempted twice to send Prescription Verification Request by fax to (800)557-9520. The number dialed, connected, an odd tone was then heard, the transmission was ended and the session terminated.
- 2/23/04 (10:40am): Attempted the automated telephone verification system several times at (866)361-4702. We dialed and received an odd tone and then were disconnected.
- 2/23/04 (2:30pm): Attempted again to send Prescription Verification by fax and again the number dialed, connected, the odd tone was heard and the transmission was ended.
- 2/24/04 (8:30am): Attempted several times to send Prescription Verification by fax and each time the transmission was ended. Attempted the telephone verification system and repeatedly received the odd tone.
- 2/24/04 (11:20am): Spoke with Rosie in Customer Service at (801)858-3215 and were told that doctors have 24 hours to respond to the Verification fax, then the order is shipped. She recommended we try a different fax number. Attempted several times throughout the day to fax Prescription Verification to (800)501-5065. Transmission was ended each time.
- 2/25/04 (10:40am): Attempted to communicate through Website listed on the Prescription Verification Request form (<http://ecp.contacts.com>). The website could not be displayed. Called Customer Service and was told that the website was an e-mail address, not a website. When asked why it was listed on the Prescription Verification, Customer Service did not know what form we were speaking of. They gave us another website to try (www.sorders@1800contacts.com), but no link was available on this site to verify any prescription.
- 2/25/04 (11:00am): Contacted Josh, a Supervisor at 1-800 Contacts. He refused to speak to us regarding the patient and said he would not take any information over the phone. We tried giving him the Prescription Verification Request number, but he said the Verification number was useless because it only applies to the fax or automated phone lines. He reported he was unable to access anything by computer. When we explained the problem with the fax and automated lines, he told us he wasn't able to discuss any information about the patient. We asked if the order had been released and Josh said he couldn't tell us that. We told Josh we were going to address this with the American Optometric Association, the Federal Trade Commission, the Food & Drug Administration, and the Better Business Bureau. Josh said he wasn't going to discuss it.

2/25/04 (11:20am): Once again we attempted the automated telephone verification system and the line connected this time. We were finally able to indicate that the prescription was expired, but missed our window of opportunity due to the excessive delays. As a side note, the automated line had the patient's date of birth incorrect (birth year 1900).

This same situation happened again today, 3/1/04 with another patient. We again received a Prescription Verification Request instructing us to fax information back to 1-800 Contacts. The same thing occurred upon attempting to send the fax. The fax would not go through to two separate fax numbers.

It is my hope that situations like this will be addressed in your ruling in order to prevent future sales of expired prescriptions and help protect the contact lens wearer from receiving potentially harmful products.

Sincerely,

Wayne G. Wilde, O.D., P.C.