

From: Clark Jensen
Sent: Thursday, March 04, 2004 10:31 PM
To: CONTACTLENSRULE
Cc:
Subject: Fairness to Contact Lens Consumers Act

Since the Fairness to Contact Lens Consumers Act went into effect on February 4, our office has received three requests from 1-800-CONTACTS to verify contact lens prescriptions. The first two requests involved patients who had not been seen in our office for eye care or contact lens care since 1999. These patients have been receiving their contact lenses for the past 4 years without a valid prescription, unless they have been seen by another doctor. I would assume that if they had been seen by another doctor, then that doctor would have received the request to validate their prescription. In each case we attempted to fax the prescription verification form to the fax number given us, 1-800-557-9520. Several attempts were made with the fax line being either busy or would ring continually with no response. We were able to go on the internet and forward the prescription verification via the internet stating that the patients' contact lens prescription from our office had long since expired. Our hope is that 1-800-CONTACTS received those invalid lens prescriptions and did not fill the contact lens prescription. The difficulty we had with the fax made it hard to correspond with 1-800-CONTACTS in a timely manner.

Today, I received another request for a contact lens prescription for a patient I had seen for the first time January 27, 2004. He reported that he was wearing the Acuvue 2 contact lenses and I examined him wearing those lenses. Based on the results of the exam I offered him a trial pair of lenses manufactured by Cooper Vision and schedule a follow up visit on February 3, 2004 to evaluate the fit and power of the lenses after he had worn them a few days. He canceled that appointment stating that he had ordered Acuvue Hydrocare Contact Lenses online and was getting along fine with those. Today's request from 1-800-CONTACTS was to verify the prescription for Acuvue Hydrocare Contact Lenses that I did not dispense or evaluate on the patient's eyes. Again, I tried to fax the denied contact lens verification request back with no results. After failing at the fax machine, my staff member went on line to convey the denial over the internet. This time error messages came back which didn't allow the message to go through online. The last resort was via the telephone number given, 866-361-4702. After following the prompts to deny verification of the prescription the automated voice response reminded my staff person that it is illegal to withhold a contact lens prescription and gave her the option of reconsidering and verifying the prescription. This was the only option without another that would confirmed that this prescription is not valid. We hope the message finally got through, but have no way of knowing for sure.

The point is we have had only three instances of dealing with 1-800-CONTACTS since February 4, 2004 and all have been an exercise in frustration. Their strategy appears to be an attempt to exhaust those wanting to verify current contact lens prescriptions or deny invalid contact lens prescriptions so the "8 business hours" will elapse so 1-800-CONTACTS can fill the prescriptions since the doctor did not comply.

I'm hoping contact lens suppliers will become more cooperative and open their lines of communication so the Fairness to Contact Lens Consumers Act can work for the patients' benefit as intended.

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