

From: c.m.mitchell1
Sent: Sunday, March 14, 2004 11:19 PM
To: CONTACTLENSRULE
Subject: Fairness to Contact Lens Consumers Act

TO: FTC

I am an Ophthalmologist (MD) who has chosen not to fit or prescribe contact lenses as part of my Ophthalmic Practice. Approximately 1 week ago I received an interesting "automated" type phone call from 1-800- Contacts. My receptionist was out of the office at lunch and I picked up the call myself. An automated message came over my phone line requesting a refill on a "contact lens RX" for an individual who frankly I did not recognize as one of my patients. The automated message was very confusing and did not allow me to interject that I could not authorize a refill. I did write down the name of the individual who was requesting a refill on their contact lenses and checked my records only to find that we had no record of this patient ever having been to my practice. Again, I have been in practice for over over 13 years and have never sold or offered this service in my practice so I found it interesting that 1-800 Contacts would even be calling my office.

I suspect that this person may have arbitrarily selected my name through the yellow pages to see if he could get his contact lenses filled through my practice even though he clearly was not my patient nor had he even been to my office. I called back 1800 Contacts Customer Service to explain the situation and was given a "run around" by the customer service person who could not help me or trace where this call had originated or why my office had been called. I'm not sure if 1800 Contacts filled this RX or not.

My point is that what prevents patients who are trying to bypass the usual follow-up system of getting their contact lenses refilled through their original fitter from arbitrarily choosing a name of an Ophthalmologist or Optometrist from the Yellow pages so that they can continue to refill outdated contact lens scripts without getting the appropriate contact lens check ups and follow-ups which are part of good medical care?

My concern is that many consumers continue to refill old contact lens perscriptions through entities like 1-800 Contacts wihtout maintaining any form of eye care in an office to establish that their lens use is still appropriate for the health of their eye. I also feel that many consumers may resort to means of bypassing an office and randomly give physicians names to entities such as 1-800 Contact in an attempt to refill old scripts. I also think the FTC should closely look at the automated system in place with 1-800 Contact and their customer service department for how they are prepared to address the situation which arose with my office.

Sincerely,

Cheryl M Mitchell, M.D.
Ophthalmologist