

Comment #416

From: Ann Clark
Sent: Monday, March 08, 2004 3:10 PM
To: CONTACTLENSRULE
Subject: Rules for HR 3140

RE: HR3140 Fairness to Contact Lens Consumers Act

I have never had a problem with my patients taking their glasses prescription or contact lens prescription and having them filled outside my office. However, I DO expect compliance with all my specification regarding said prescriptions.

With that said, I have some concerns which I believe should be addressed when making the rules to this act.

Business Hours:

The definition of business hours as being 9A to 5P, Monday through Friday is reasonable BUT

1. 9A to 5P should be in doctor's time zone not the time zone of the seller

Response Time:

The eight (8) hours response time does not give the doctor adequate time to review the visual/medical record of the patient. To make certain that we 'do no harm' to the patient, extend the response time for verification from one (1) business day to THREE (3) business days for proper verification and approval.

Satellite Offices:

Passive approval is implied if the doctor has not verified in eight (8) business hours. This may be impossible to do if a doctor has multiple office locations. The eight (8) business hours or one (1) business day approval time should be extended to THREE (3) business days so that the doctor, in all good faith, can review the patient's record and verify the prescription.

Direct Communication for Verification:

Automated recorded messages from the seller, incomplete fax messages from the seller, and illegible fax messages from the seller and the inability to contact the seller to request the necessary information have made it extremely difficult to verify contact lens information on 'mystery' patients.

1. automated requests and requests left on business answering machines should be excluded from the law
2. sellers must have ample phone and fax lines to handle doctor calls in regard to the requests; sellers should be fined if they make it impossible for the doctor to respond in good faith

Prescription Compliance:

The seller MUST comply with ALL specifications on the prescription. The seller can not ask the buyer if s/he wants to double the prescription order, change to tinted lenses, change to a different type of lens, etc. These questions should not

appear on the email or mail-order forms. Fines should apply if there is violation on the part of the seller.

Specialty Lenses:

All rigid contact lenses and all specialty soft contact lenses that have to be purchased by the doctor in order to complete a fitting examination must be excluded from the law.

Billing the Buyer:

A seller can not bill a credit card and ship lenses (overnight shipping) until after verification has been made. Penalties should apply for violations.

Verification of Prescription for patients not part of own Practice:

No seller can be permitted to fax a patient's record who is NOT your own private patient to get contact lenses specifications. Only the doctor who wrote the prescription can approve his/her prescription. {I will not authorize lenses prescribe by another doctor unless I have personally evaluated the health status of the eye.}

Thank you for your consideration on these issues.

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