

From: Scott Carlson
Sent: Friday, March 26, 2004 6:04 PM
To: CONTACTLENSRULE
Subject: Opinion from optometrist for new contact lens law

As an optometrist seeing many contact lens patients everyday, this new contact lens law affects me, my practice, and overall, my patients. We have an opportunity to make this law fair for everyone involved with the appropriate rule changes. I will outline my suggestions to make this as clear as possible.

1. All specialty lenses need to be excluded from this law. This includes rigid lenses and soft specialty lenses that need to be purchased by the Doctor to complete the fit.

All other suggestions to follow are referring to soft contact lenses that come in "blister packs" or individual vials.

2. Doctors need to specify the number of boxes that the patient is eligible for until their next contact lens exam. Yearly contact lens exams are crucial to the ocular health of patients. A patient cannot be allowed to purchase another year supply of contacts a few days before the expiration date and bypass the annual contact lens exam. Everyday in my practice, I see patients with GPC (giant papillary conjunctivitis) without the patient knowing they have this condition. This allergic reaction to protein and lipid deposits on contact lenses can be avoided with proper contact lens care and education. The only way to monitor this potentially serious condition is to evaluate contact lens patients regularly. By not allowing Doctors to specify the number of boxes eligible until their next exam, it will be easy for patients to skip their exam since they had access to purchase to great of a supply of contacts. If Sellers do not abide by the number of boxes prescribed by the Doctor, there should be a penalty.

3. Sellers should not solicit additional quantities of lenses when filling a prescription, or there should be a penalty. (example: soliciting color contacts for more boxes)

4. Sellers should not charge patient's credit card or ship contact lenses until the prescription is verified. (Overnight shipping).

5. The contact lens prescription should expire one year from the complete exam. It should not expire one year from the time the prescription was issued to the patient. This is fair to the patient to ensure the health of their eyes and to keep the importance of yearly eye exams. Doctors may issue a contact lense prescription at the end of the fitting, but the expiration needs to be one year from the complete exam.

6. Sellers should be required to retrieve the original hard copy of the prescription from the purchaser. (As the way it is with prescription medications). This suggestion would make the Doctor know that the patient is not unfairly getting too many boxes from Sellers. If Sellers don't receive a hard copy of the contact lens prescription and they fill a request, they should be penalized.

A hard copy is the only way that the Seller should be able to obtain a contact lens prescription. Prescriptions and prescription verifications cannot be relied on by electronic transmission. Malfunction of faxes or

automated phone happen too frequently.

Over the last month, I have tried to fax verification forms to a certain Seller. I have used multiple fax numbers given to me from this Seller. All three of the fax numbers do not go through. A few times, I have been unable to submit requests online due to an inoperable web page. On one occasion I tried the automated phone request, but it does not have an option to speak to someone to let them know the patient was last fitted with a completely different type of contact lens the last time they had an exam. Upon finally finding a phone number to talk with someone at the Seller's company, I was told by them I am not allowed to call them directly on that phone line to put in a verification request change. After explaining my trouble reaching them by multiple fax lines, on-line, or by automated phone, they just suggested I keep trying the fax lines (after I explained I haven't been able to reach their company all month by fax).

My point is that it can be impossible sometimes to contact Sellers by electronic means especially if there is an eight hour time limit. If a system is not easy for us to verify contact lens prescriptions, it takes away from the quality care for that patient as well as other patients. In the event that we need to speak with someone at the Seller's company regarding a certain patient, they are not all licensed professionals (like pharmacists for instance). Therefore, in my experiences, they have not had the patient's best interest in mind by their actions, and seem to aim to make things difficult for doctors.

I feel steps have been made in the right direction to regulate fairness to the consumer, but the way the law is written now, it is unfair to the consumer (patient) and to the Doctor. A few changes which I have mentioned above need to be implemented to keep fairness to all involved: consumer (patient), Seller, and Doctor. Thank you for your time. Please write back if you have any questions or need more input.

Sincerely,

R.Scott Carlson, O.D.
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