

From: Silvr4
Sent: Wednesday, March 24, 2004 11:01 PM
To: CONTACTLENSRULE
Subject: re: contact lens rule

We would like to the Federal Trade Commission regarding the contact lens rule:

1) It is entirely unacceptable that contact lens prescriptions can be authorized as a result of negative confirmation. By this we mean that if a contact lens distributor does not hear back from a practitioner with 8 business hours after a request has been made, that the prescription is automatically authorized. Aside from the issue of weekends, many doctors routinely have their offices closed one or more days during the week or may be on vacation when requests come in. This rule is equivalent to saying that just because your doctor didn't specifically tell you that you couldn't take all the medications in the Physician's Desk Reference, that this constitutes permission to take anything you want. That is totally illogical and poor medicine. It should be the patient's responsibility to make sure that they get an actual prescription for contact lenses by coming in regularly for their check ups and getting a written prescription at the time of service which expires two years from that date. The contact lens dispensing service can keep a copy of this on file. If the patient misplaces their prescription, it is there responsibility to contact the doctor for a replacement well before their supply runs out. Lack of response should indicate a rejection NOT acceptance of a contact lens prescription and the patient should contact the doctor's office for an appointment. Contact lens supply simply does not constitute an emergency that requires such a reversal of conventional medical wisdom as this law endorses.

2) The whole issue of patients not being required to buy any contact lenses from the practitioner who fit them is truly untenable as well. Having a patient try a contact lens on for a few minutes in the office is no guarantee that this will be the best and ultimate fit. The patient needs to try the contact lenses for a period of time and then come back in to check on their progress. On many occasions a change in fit or brand is required because of various comfort or other issues. The practitioner could actually then be in a position of having to pay for the second set of lenses because they were bought through a dispenser where there are no exchanges or returns. Whereas, if the patient at least bought their first set of lenses through their doctor, any exchanges or returns could be easily managed without extra cost to either the patient and the doctor. Also, how do you expect doctors to fit patients if they don't sell lenses?! Most contact lens manufacturers tie the number of samples that they dispense for fitting to the number of contact lenses sold to that fitter. Eventually, practitioners will not be able to carry on fitting patients. Patients should be required to buy at least their first supply of any new contact lens prescriptions from their fitting doctor. That is like being fit for a pair of shoes in one store but being told to buy them somewhere else, and yet still be responsible for them!!

3) Contact lenses should not be distributed direct to the public through these contact lens 800 numbers. These companies offer no service to the patient in the way of fitting, samples/replacements for defective contacts or emergency coverage should the patient develop a problem. Contact lenses are medical items which can affect the health of ones eye and should be carefully followed and monitored by the physician.

In summary, who are these people who are selling lenses through 800 numbers with no address?! What qualifications do they have? Medications are prescribed by doctors and dispensed by licensed pharmacists with a careful system of double checking. What license do these contact dispensers have? Who is overseeing them? Aren't they practicing optical dispensing without a license?. Even an optician needs schooling and a degree to fit and dispense eyeglasses which don't even touch the eye. Contact lens 800 numbers are distributing items to the public that can cause serious health problems and even blindness when not properly supervised. This is what the legislature should be investigating. Putting this negative verification law into effect is throwing the health of our patients eyes to the wolves.

Yours truly,

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