

**From:** rich & nance montoya  
**Sent:** Monday, April 05, 2004 12:59 PM  
**To:** CONTACTLENSRULE  
**Subject:** Contact Lens Rule, Project No. R411002

**TO:** FEDERAL TRADE COMMISSION  
**FROM:** NEW MEXICO OPTOMETRIC ASSOCIATION

NM

**DATE:** April 5, 2004  
**RE:** Contact Lens Rule, Project No. R411002

The New Mexico Optometric Association wishes to express their appreciation to the Federal Trade Commission for providing some important clarifications regarding the verification process.

Ban the use of automated telephone calls to verify contact lens prescriptions

The process of automated telephone calls to verify contact lens (CL) prescriptions (Rx) simply doesn't work nor does it constitute "direct communication."

Address the issue of refills and mandatory notification to the doctor of all refills

Require sellers to notify the prescriber of the number of refills sold pursuant to each Rx and that a Rx is expired when the prescribed number of refills are sold regardless of the exp. date.

Allow doctors to respond by substituting the actual prescription to verification requests

A standardized verification form should be used by all CL suppliers, including all information required by law.

8 Business Hour extensions for incorrect prescriptions or questions by the doctor to ensure direct communication

Clarify the 8 business hour requirement when a Rx needs to be corrected or the doctor has a question. Once a doctor notifies a seller that a verification request involves a question or the need to correct a Rx, the 8 business hour requirement should be treated as a new verification request.

Mandatory notification of all passive 8 business hour sales to the prescribing doctor

The doctor should be notified by mail of all sales without doctor verification including the number of refills.

Provide for reasonable extensions to the 8 business hour CL Rx verification requirement for satellite locations, continuing education, vacation and illness

Require doctors in satellite locations to notify CL sellers that the doctor is only in the satellite location on specific days to verify, this would be a require an extension of the 8 business hours to allow proper verification by the doctor.

Accommodations should also be provided for continuing education, illness and vacation.

The 8 business hour requirement should reflect the prescriber's time zone.

All for different verification methods

The doctor's office should have the option of requesting how they will verify to the seller.

Minimize frivolous verification requests

Consumers should certify if they have had an eye exam within the last year to avoid wasting the time of the doctor and seller in the verification process.

Address fraudulent advertising claims regarding contact lens

There should be penalties for false or misleading advertising regarding the FCLCA and its provisions. This should cover claims of 50-70% savings for CL which isn't typical or accurate.

Plano contact lenses

Address the issue of illegal selling of colored plano CL.

Credit card processing prior to verification

Prohibit credit card processing before the verification process is complete.