

April 6, 2004

To: Federal Trade Commission

From: Oklahoma Association of Optometric Physicians

OK

RE: Contact Lens Rule, Project No. R411002

In light of current public interest in the topic of Contact Lens Prescription Verification, the Oklahoma Association of Optometric Physicians conducted a member survey. The results of that survey verify the following official comments of the OAOP.

ORIGINAL PRESCRIBER SHOULD BE ADVISED AS TO NUMBER OF REFILLS ALREADY SOLD ON THE PRESCRIPTION.

Oklahoma Doctors of Optometry are asked to verify contact lens prescriptions and refills, without being informed of the number of refills already filled on the original prescription.

The Doctors of Optometry professional interest is the vision health of the patient. With unmonitored refills, the patient is put at risk of multiple serious ocular problems.

A doctor prescribes a fixed number of refills for health reasons. This is a common medical practice with all prescriptions. The particular patient's health and physical condition is the primary condition monitored by the physician. Keeping the Doctor of Optometry in the prescribing loop also protects patient health. A licensed pharmacist is highly trained to dispense prescriptions. But most contact lens prescriptions are filled by untrained lay people and therefore any new trade rule should recognize that fact.

The trade rule should clearly state that a prescription is invalid when the prescribed number of refills has expired. No prescription is medically effective with unlimited refills for an unlimited time.

Oklahoma Doctors of Optometry report approximately 30% of the requests they receive are for expired prescriptions. That is a significant number of patients at risk. And the risk is multiplied when the original prescriber is not advised as to the number of refills already sold on that prescription.

**AUTOMATED TELEPHONE CALLS TO
VERIFY CONTACT LENS PRESCRIPTIONS
DO NOT FUNCTION PROPERLY.**

Many Oklahoma optometry offices regularly receive automated or computerized telephone inquiries to verify a contact lens prescription. Those telephone calls do not constitute any kind of “direct communication.”

Oklahoma Doctors of Optometry report that the systems often malfunction. The systems do not allow the doctor to correct any errors included in the inquiry. Oklahoma Optometrists estimate approximately 25% of the inquiries contain errors. And Oklahoma doctors advise that approximately 50% of the automated telephone calls seek responses from a physician’s office at night, or on weekends. Some offices do not record incoming calls that arrive after hours.

The present automated telephone calls systems with these weaknesses place patient’s visual health at risk.

NEED FOR STANDARD FORM

Neither the patients nor the physicians are well served by the endless variety of different forms employed by different contact lens suppliers. Some forms or inquiries are woefully incomplete. Any incomplete inquiry puts the patient’s visual health at risk. And Oklahoma doctors advise that approximately 15% of the inquiries are on behalf of people who have never been patients of that office or practice.

Use of a standard form would expedite the process and reduce the possibility of errors or incomplete prescriptions. Such a standard form should include all necessary medical information and parameters to include the expiration date, the number of refills prescribed, the number of refills to

be sold, and the number of refills already filled for that patient, and space to respond to incorrect information and notification that request for information is for non-existent patients.

CONCLUSION

The Federal Trade Commission is in the process of providing a critical public service by clarifying the contact lens verification process. In promulgating rules and regulations to implement the Fairness to Contact Lens Customers Act, the Oklahoma Association of Optometric Physicians requests that the FTC carefully consider the above comments during the rulemaking process.