

From: Dale K. Cole
Sent: Monday, April 05, 2004 5:05 PM
To: CONTACTLENSRULE
Subject: FTC: Contact Lense Rule, Project R411002

March 30, 2004

TO: Federal Trade Commission

From: Dale Cole, OD

RE: Contact Lens Rule, Project R411002

This is an interesting example of self-prescribing by a patient and CL sellers ignoring our fax verification responses. Please address these abuses in the trade rule.

I had a patient come in this AM for a contact lens exam. The prescription of the contacts she came in wearing today is nowhere close to what she was prescribed in 1999 yet she insisted she has not an exam since I saw her last in 2000 (-1.00 Rx'd vs -3.50 being worn). Her history of the past is unique:

- 1) On her 1998 visit she had been wearing a pair of her cousin's contacts—never having been fit or evaluated for contacts. She came in wearing no glasses or contacts.
- 2) At her next visit which was 1999, she presented with an infection. We dispensed new contacts, did insertion/removal training procedures and then refunded the fee two weeks later when she returned the contacts.
- 3) In 2000 she came in wearing contacts of her aunt. She did not know if there was any power in the contacts and didn't know the base curve. The contacts were Wesley Jessen Freshlook. Ironically, the Rx was fairly close as she saw 20/20 with them and needed -1.50 spectacles without the contacts. She indicated she wanted to order colored contacts but never followed through.

In her files we have one of those faxed contact lens request forms from Vision Direct dated 12/30/03 and time of 10:30 AM and we responded within 35 minutes. Our response stated we had never fit her with contacts (we did no progress checks as her father returned the contacts without us ever evaluating her). We also stated the last eye exam was 12/5/00—three years prior to the request!

- 4) At today's visit (3/30/04), upon repeated quizzing as to how she got contacts, she finally stated a friend let her order contacts under her name and prescription. The prescription was filled by VisionDirect. According to the VisionDirect verification form we received, they were fitting her with Wesley Jessen Radiance 8.6/-3.75/14.5 Sunrise colored contact lenses. It was upon receiving this form that we advised VisionDirect that this was not a valid prescription. Apparently, it made no difference to them!!!

We are now re-fitting her with the proper power and base curve.

Dale K. Cole, OD
President
VOSH/International

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