

**From:** David D'Alessandro  
**Sent:** Monday, April 05, 2004 6:36 PM  
**To:** CONTACTLENSRULE  
**Subject:** New Contact Lens Law Problems

April 5, 2002

To Whom it May Concern:

RE: New Federal Contact Lens Law

I am a practicing O.D. in Wayne, New Jersey, in a very high volume commercial practice, Sears Optical. As part of the lease agreement, I do not sell any contacts but just perform the examinations. I honestly don't mind where the patients buy the actual contacts, which is why I am writing this letter. I have had numerous discrepancies and incidents with 1-800-CONTACTS, Coastal Contacts, and Vision Direct. I feel that there is a high risk of potential harm to the general public's eye health because of the new law. I feel that both companies do not regulate the validity of the prescriptions. Allowing these companies to fill a contact lens prescription after 8 business hours that has not been verified by the doctor is a lawsuit or blindness waiting to happen. First of all, how can the doctor respond on his day off or on his vacation? This law is no better than buying contact lenses off the street. If each state's law only allows an RX to be valid from one to two years, why am I getting requests for RX's more than 3 years? I get between 1 to 5 faxes per day from these companies. I have also called to speak to a supervisor at 1-800-CONTACTS, and have written them a letter to discuss these matters, which nobody to this date has responded back to me. Just today, a patient admitted that she and her girlfriends have given false doctor information and received contacts in the mail without a prescription from Coastal Contacts.

Here are some of the incidents that I have experienced (which are all clearly logged by myself if you need any proof): 1) Patient L.M.-last eye exam performed by myself on 9/15/00. She was fitted for Acuvue 8.4/14.0. I received a fax on 2/15/04 by 1-800-CONTACTS stating her current RX was Ciba Night and Day. 2) Patient J.H.- last eye exam performed by myself on 01/08/00. She was fitted for Ciba New Vues 8.8/14.0. I received the request on 2/11/04 for Ciba Focus Dailies 8.6/13.8 from 1-800-CONTACTS. 3) Patient J.R.- last eye exam on 08/25/99. Patient never came in for her follow up to finalize the RX. I received a request from 1-800-CONTACTS on 02/20/04. I faxed them back the same day stating the RX is expired. On 02/23/04, I received a second request from 1-800-CONTACTS for the same. I faxed them back for a second time. (it looks like their recordkeeping isn't up to par either). How many times are they allowed to keep requesting? Is a second request considered a new order with a potential to fill, even if it was denied the first time? 4) Patient D.C.- Last eye exam performed by myself on 08/24/02, expired on 08/24/03. I received a request on 09/28/03 by 1-800-CONTACTS, I faxed them back that day stating RX was expired, then received another request on 12/18/03 again I faxed them back stating RX expired. 5) Patient J.M.- last eye exam performed by myself on 06/17/03 for B&L Optima 38, received a call from 1-800-CONTACTS for Ciba Focus weekly. 6) Patient K.P.- last exam 04/02/04, was referred to me by 1-800-CONTACTS, patient claims her previous brand is B&L Optima FW, "but also wears the color lenses from this company." I asked if she was fitted in the past for color lenses, she replied, "No, I just read the numbers off the box- they were supposed to verify it with the doctor." When I told her that B&L Optima FW's do not come in colors, I called 1-800-CONTACTS to find out which colors they filled. They rep stated she ordered Acuvue colours. I asked was the RX verified by the doctor, and the rep said she wasn't sure. 7) Patient C.O.- last eye exam 09/99 by myself (RX expiration one year). Patient reports a history of sleeping with contact in overnight X "several days." Also has had a past contact lens related eye infection. Patient was reexamined on 03/20/04. When asked how did she get refills on the contacts, she replied, "I've been getting them all along from 1-800-CONTACTS."

I don't know what exactly happened with each of these cases on the other side of the story, but it looks awfully suspicious that they are filling any and everything that the patient is requesting that is or isn't verified. This law needs to be modified with safer guidelines to protect both the patient and the prescribing doctor. They shouldn't assume anything. Not every lens can be worn by any patient. Who is responsible if the RX isn't verified and is filled incorrectly or if an expired RX is filled and something goes wrong?

I would also like to suggest that the prescribing doctors should carefully log each request and get a confirmation of the fax transmission report.

Thank you for your time. Please feel free to contact me if you would like any further information regarding this matter.

Sincerely,

Dr. David D'Alessandro

NJ,