

From: Michael Walker, OD
Sent: Monday, March 01, 2004 11:53 AM
To: CONTACTLENSRULE
Subject: FCLCA - problems

To whom it may concern:

I am a private-practice OD who is having a great deal of difficulty with this Act.

For example:

My office received a CL Rx verification form faxed from 1-800CONTACTS on Friday afternoon, 2/27/04; the pt. is actually a nurse, who should know the importance of follow-up care, but has not shown up for any appointments since November 2002.

Interestingly, she is also a glaucoma-suspect, and should have her eye-health evaluated several times per year. Glaucoma is the second-leading cause of blindness in the US annually, primarily because of the absolute lack of any symptoms until the disease is quite far along. Generally, glaucoma cannot be cured, but it can be managed to the point that people do not have to go totally blind, if they receive the proper care.

We faxed the form back with "Rx is expired as of 11/03 - do not fill" written across it.

This morning we got a 2nd request to confirm the prescription, saying our previous response "does not comply with the FCLCA.....legal obligation to verify....". On the advice of another OD, I went to their web-site, but this was an exercise in futility as well. I entered the information, including the fact that the Rx is expired, but reached a 'dead-end' - the page quit responding & the only way to proceed was to close the window, so I do not know if the correct information got through.

I'm concerned that sending it back to them again allows them a legal loophole to sell the lenses because we declined to provide them with the confirmation they requested. I plan to call the pt. to discuss her lack of follow-up on glaucoma, but I will have to get caught up with the morning schedule after taking time out to deal with this fiasco.

In the past, many of these patients only came back to get their contact lenses, at which time we would, of course, check their eye health before re-filling their contact lens prescription, but now, the mail-order contact lens sellers have skewed the system to eliminate even that much actual patient care. I am convinced it will take a number of patients going blind from conditions that would have been addressed at routine eye care appointments, and suing these mail order companies, for the pendulum to swing back to a more reasonable approach to both consumers rights and the provision of health care.

Sincerely,
Michael Walker, OD