



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Division of
Advertising Practices

December __, 2020

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VIA FEDEX

**Notice of the Ophthalmic Practice Rules (“Eyeglass Rule”),
the Fairness to Contact Lens Consumers Act and the Contact Lens Rule**

To Whom It May Concern:

The staff of the Division of Advertising Practices of the Federal Trade Commission recently received a complaint claiming that your office failed to provide a consumer with an eyeglass prescription at the end of the eye examination. We are writing to inform you that such a practice would violate the FTC’s Ophthalmic Practice Rules, 16 C.F.R. Part 456, known as the Eyeglass Rule, which require prescribers to provide a copy of the eyeglass prescription immediately after the eye examination, *even if the patient does not request it*, and prohibit prescribers from requiring that patients buy eyeglasses as a condition of providing a copy of the prescription.

You should also know that prescribers cannot place a liability waiver on the prescription, require patients to sign a waiver, or require patients to pay additional fees,¹ in exchange for a copy of the prescription. Prescribers also cannot refuse to perform an eye exam unless the patient purchases ophthalmic goods from the prescriber. 16 C.F.R. § 456.2. The Eyeglass Rule is intended to allow consumers to comparison shop for eyeglasses.

The complaint also claimed that your office failed to provide a consumer with a contact lens prescription upon completion of a contact lens fitting. Such a practice would violate the Fairness to Contact Lens Consumers Act, 15 U.S.C. § 7601 et seq., and the Contact Lens Rule,

¹ A prescriber may require a patient to pay for the eye exam before giving the patient a copy of the prescription, but only if the prescriber also requires immediate payment from patients whose exams reveal no need for glasses, contact lenses, or other ophthalmic goods. 16 C.F.R. § 456.2(a).

16 C.F.R. Part 315, which require prescribers to provide a copy of the contact lens prescription to the patient at the end of the contact lens fitting, even if the patient does not request it.²

This letter places you on notice that violations of the Eyeglass Rule or the Contact Lens Rule may result in legal action, including civil penalties of up to \$42,530 per violation.

You should review these Rules and, if necessary, revise your practices to comply with the Rules' requirements. For your reference, you may find three business guidance publications produced by the FTC, *Complying with the Eyeglass Rule*, *The Contact Lens Rule: A Guide for Prescribers and Sellers*, and *Complying with the Contact Lens Rule*, on our web site at <https://www.ftc.gov/tips-advice/business-center/guidance/complying-eyeglass-rule>, <https://www.ftc.gov/tips-advice/business-center/guidance/contact-lens-rule-guide-prescribers-sellers>, and <https://www.ftc.gov/tips-advice/business-center/guidance/faqs-complying-contact-lens-rule>.

If you have any questions regarding this letter or the Eyeglass Rule or Contact Lens Rule generally, you may contact staff attorney Sarah Botha at (202) 326-2036 or staff attorney Alys Bernstein at (202) 326-3289. Thank you for your prompt attention to this matter.

Very truly yours,

Serena Viswanathan
Acting Associate Director

² 15 U.S.C. § 7601(a)(1); 16 C.F.R. § 315.3(a)(1). The Fairness to Contact Lens Consumers Act and the Contact Lens Rule also prohibit prescribers from requiring that patients buy contact lenses, pay additional fees, or sign a waiver or release, as a condition of releasing or verifying the prescription. 15 U.S.C. § 7601(b)(1)-(3); 16 C.F.R. § 315.3(b)(1)-(3).