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.


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 Alysa Bernstein at (202) 326-3289. Thank you for your prompt attention to this matter.

Very truly yours,

Serena Viswanathan
Acting Associate Director

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\(^2\) 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).