



AMERICAN OPTOMETRIC ASSOCIATION

SUMMARY OF ADVISORY FROM AOA GENERAL COUNSEL REGARDING

FCLCA ENFORCEMENT UPDATE

According to guidance received by the AOA from the FTC in 2006, under the FCLCA, contact lens prescribers must respond to all requests for copies of patient prescriptions from retailers claiming to act as the patient's agent. Prescribers cannot require patients to give authorization prior to releasing the prescription.

You can contact patients to orally confirm that they designated the seller as their agent, but AOA recommends doctors do this only if they would take the same step in response to a similar verification request (such as because the prescription is expired or there is some other serious irregularity). If the patient states that he or she did not intend for the seller to receive his or her prescription, the doctor may decline to release it. In such a case, doctors should make a note of (1) the prescription irregularity that caused them to contact the patient (e.g. the prescription is expired), and (2) the fact that the patient stated that he or she had not designated this particular seller as his or her agent. This information should be communicated back to the seller.

Again, doctors should not routinely contact patients with regard to prescription release requests, but only do so if there is some independent reason that is recognized under the FCLCA for not releasing / verifying a prescription.

The AOA believes the current FTC interpretation of the FCLCA's requirements contains flaws, and that some sellers are abusing the system. However, until such time as the FTC position is modified, the AOA recommends that all doctors follow the current FTC guidance.

The original advisory from the AOA General Counsel can be viewed [here](#).