

PRIVILEGED AND CONFIDENTIAL ATTORNEY CLIENT COMMUNICATION

ADVISORY

FROM: Mike Stokes, AOA General Counsel
TO: AOA Members
DATE: January 28, 2020
RE: Contact Lens Prescription Requests - Reminder

The Contact Lens Rule - Retailer Prescription Verifications and Prescription Requests

According to the federal Contact Lens Rule, individuals prescribing contact lenses, in addition to providing a copy of the prescription to the patient at the end of the fitting, must:

- *Provide or verify* the contact lens prescription upon completion of a fitting to anyone who is designated to act on behalf of the patient, including contact lens sellers. (*emphasis added*)
 - According to the Contact Lens Rule, a failure to respond to a verification request within eight (8) business hours is considered a verification event. This is referred to as “passive verification”
 - Regarding requests for a copy of the prescription, note that *the provider must respond*. There is no “passive” option for responding to a request for a copy of a prescription. You must respond even if just to inform the requestor of a problem.

In any response to a verification request, if the prescription is inaccurate, expired, or otherwise invalid, the prescriber must inform the seller of that fact. The prescriber must also state the reason why the prescription is invalid, and if the prescription is inaccurate, correct the inaccuracies.

Also, please remember to train office staff that **prescribers are required to give** a copy of the contact lens prescription to the patient at the end of the contact lens fitting. Asking the patient if he or she wants a copy is not enough – the patient must be given the prescription.

Reporting Issues to FTC

Please report any issues with online contact lens seller violations of the Contact Lens Rule to Kara Webb at kcwebb@aoa.org. Incidents should also be reported directly to the Federal Trade Commission (FTC) which oversees enforcement of the Contact Lens Rule. The FTC’s online complaint system can be accessed at: <https://www.ftccomplaintassistant.gov/>