



### **Important *Fairness to Contact Lens Consumers Act* Update for Doctors of Optometry**

As doctors of optometry know, the Fairness to Contact Lens Consumers Act (FCLCA) became law in 2004. The law places responsibilities on both contact lens prescribers and contact lens retailers.

We know that the overwhelming majority of doctors of optometry understand and abide by the legal requirements under the FCLCA and the Rule, but given the [recent FTC warning letters that were sent to 45 prescribers](#), all doctors of optometry should take time to ensure that they and their staff members understand these legal requirements.

#### **It is important to remember that federal law requires contact lens prescribers to:**

- ✓ Automatically provide to the patient a copy of the contact lens prescription, once the prescriber completes the contact lens fitting, regardless of whether the patient requests a copy.
- ✓ Provide a copy of the patient's prescription to any person or third party appropriately designated to act on behalf of the patient. For more information review [this guidance](#) from AOA's legal counsel.

#### **Contact lens prescribers may not:**

- ✗ Require patients to purchase contact lenses from the prescriber or from another person in order for the patient to obtain a copy of a prescription, or in order to have contact lens prescriptions verified.
- ✗ Require payment for providing a copy of a prescription or contact lens verification.
- ✗ Require the patient to sign a waiver or release as a condition of verifying or releasing a prescription.

The AOA recommends that doctors keep patients well informed of where they are in the process of the contact lens fitting because some patients may mistakenly believe that they should receive their prescription immediately following their initial eye examination. Additionally, the AOA recommends reminding patients that they were provided the prescription after the fitting is complete. Some patients might not realize they were given the prescription, or they may forget it happened.

It is also important for doctors to be aware of their own state law regarding the length of time for which a prescription is valid. The FCLCA indicates that, at a minimum, a prescription must be valid for one year, unless there are specific medical reasons for a shorter prescription validity period. Those reasons must be documented in the patient's health record. Some states require longer prescription periods. Doctors with questions regarding state law should contact their state association.

The AOA believes the law and the Contact Lens Rule which carries out the law have flaws specifically related to passive verification, the use of robo-calls and retailer non-compliance. We are working to improve the law and the corresponding Rule, through outreach to Congress and to the Federal Trade Commission (FTC).

If you have questions regarding FCLCA compliance, please contact Kara Webb at [kcwebb@aoa.org](mailto:kcwebb@aoa.org). To learn more about how AOA is working to improve the FCLCA, please read more [here](#) and [here](#).