



UNITED STATES OF AMERICA  
Federal Trade Commission  
Washington, D.C 20580

Office of the Chairman

TO: April Tabor  
FROM: Michael Pesin  
DATE: October 31, 2019  
SUBJECT: Contact Lens Rule:

of vision. Moreover, APS stated that illegal substitutions undermine patients' confidence when they cannot be guaranteed they are receiving the exact lenses prescribed to them by their doctor. APS explained that when contacts do not fit correctly, patients may stop wearing contacts altogether. APS also expressed concern about the possibility that patients may provide an online contact lens retailer with a manufacturer or brand not specified by their prescriptions when ordering contact lenses online. The SNPRM proposes to amend the prohibition on seller alteration of prescriptions by specifying that alteration includes a seller providing the prescriber with a verification request with the name of a manufacturer or brand other than that specified by the patient's prescriber, unless such name is specifically provided by the patient. APS urged the Commission to clarify that a patient providing the name of a manufacturer or brand not prescribed does not supersede what was indicated on the patient's prescription so that the patient receives exactly what the doctor prescribed.

APS expressed concern about the Commission's proposal to permit automated telephone calls for prescription verification. APS noted that an automated verification call may allow a patient to receive a different contact lens than was prescribed because there may not be a way for the prescriber to respond to the call to correct the prescription. In addition, APS explained that automated verification calls are burdensome for prescribers' offices because they require someone to transcribe the prescription information transmitted in the phone calls. APS estimated that the average office receives approximately 6-10 verification requests per day.

Instead of the SNPRM's proposal to address incomplete or incomprehensible automated telephone verification messages, APS explained that it supports elimination of the use of automated telephone calls as a verification method. According to APS, other methods of