

**From:** Frederick Shinnors  
**Sent:** Tuesday, March 09, 2004 11:41 AM  
**To:** CONTACTLENSRULE  
**Subject:** RE: Fairness to contact lens act

Thank you for your reply, it helps me considerably. I have one other question. What does the act tell us to do when we have already informed the other party that the prescription has expired, and we get second and third requests for the same patient? Is one time enough, or must we respond to each request?

Frederick A. Shinnors, Jr. OD  
Low Country Vision Center  
SC

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-----Original Message-----

From: CONTACTLENSRULE |  
Sent: Monday, March 08, 2004 2:55 PM  
To: Frederick Shinnors  
Subject: RE: Fairness to contact lens act

Dear Dr. Shinnors,

With respect to your question #2, the FTC's proposed rule would define "business hours" to mean an hour between 9:00 a.m. and 5:00 p.m., during a weekday (Monday through Friday), excluding federal holidays. As explained in the proposed rule, "eight (8) business hours" would begin at the time that the seller provides the prescription verification request to the prescriber and conclude after eight (8) business hours have elapsed, except that the period for verification requests received during non-business hours shall begin at 9:00 a.m. on the next weekday that is not a federal holiday. You may review the complete text of the proposed rule at <http://www.ftc.gov/os/2004/01/040130contactlensrulefrn.pdf>

The FTC is accepting comments on the proposed rule through April 5, 2004, at this email address or by mail as described in the proposed rule. The Commission will issue a final rule later this summer. Complaints regarding potential violations of the Fairness to Contact Lens Consumers Act may be filed with the Commission through its online complaint form available at [www.ftc.gov](http://www.ftc.gov)

Division of Advertising Practices  
Federal Trade Commission

-----Original Message-----

From: Frederick Shinnors  
Sent: Tuesday, March 02, 2004 11:13 AM  
To: CONTACTLENSRULE  
Subject: Fairness to contact lens act

Dear Sirs or Madams,

I am writing to report what I feel is a number of violations to the new Contact Lens act by 1800 contacts.

1. Recently we received a fax from 1800 contacts requesting verification, it was time stamped 1951hrs MST (we are located on the east coast). The initial request was in the proper form as stated by the new law. However the patient's prescription was expired. We noted the expiration date and return the fax, which they received. They (1800 contacts) sent us a second fax, requesting that we verify the date of birth of the patient, and that they were asking for a second request for allowing us to dispense. We responded a second time, stating that the prescription was expired. 5 minutes later, we received a third request for verification! I feel this is in violation and the spirit of the law! They are harassing us by making us respond to each and every individual request, even after notifying that the prescription was expired. I know the law states that if we don't respond within 8 business hours they will consider it verified. Can they do that if it is a second or third request for the same patient? This is not the first time this has occurred. Are they allowed to make multiple requests for the same patient? Do we have to respond to each individual request?

2. We are receiving many requests at time which are not normal business hours. What is the definition of "business hours"? If I receive a fax at 10:30 at night, I don't have the patient's records at my house to verify a patient's prescription.

3. We received a request for contact lens authorization, again from 1800Contacts, for a patient whose prescription expired in 2000. We had a copy of the request in the patient's file, along with our reply that it was expired. I was listed as the prescribing doctor, and I had not seen him since before the prescription was expired. To me, this seems that they continued to supply the patient with contact lenses, knowing that the prescription was expired.

I would like clarification on the above issues, so that I may comply fully with the new contact lens law.

I also have copies of the above paperwork should you be interested in following up on the matter.

Thank you for your time,

Frederick A. Shinnors, Jr. OD  
Low Country Vision Center  
SC

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