

Comment #890

From: SCHARFEYE
Sent: Friday, March 26, 2004 9:32 PM
To: CONTACTLENSRULE;
Subject: My comments about the proposed rule

Dear Sirs,

I understand the right of people to have their prescriptions. Certainly it is one's health information and all patients must have access to it.

My problem with the proposed rules is simply the "8 hour requirement". If I as a physician do not respond within this time frame to the requesting entity, it is assumed that the prescription is valid.

Sadly, in this day and age, it is not surprising to find unscrupulous entities. Already, I have received requests for contact lens prescriptions and have been unable to respond in the time frame not due to my actions but rather to the actions of the requesting agency.

Specifically, in response to requests by 1800 contacts, I have been unable to "fax" back my response because THEIR fax machine was busy. Let me point out that some of their requests were for expired prescriptions and some were for patients whom I have never seen.

The prospect of controlled medical devices being dispensed under my license for patients I have never seen is upsetting and borders on the definition of fraud.

It is quite clear that if the intent to protect the public and not the profits of the requesting company, this rule must be changed.

Specifically, either the time frame needs to be enlarged, or the prescribing entity must have a secure, 24 hour accessible means for receiving these responses. Not simply a fax phone number. And finally, these entities must be subject to civil penalties for violation of these guidelines.

Robert Scharfman, M.D.