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FACT SHEET
RELEASE OF PRESCRIPTIONS FOR EYEGLASSES AND CONTACT LENSES

The Federal Trade Commission adopted the Ophthalmic Practice Rules (Eyeglass Rule) and the Contact Lens Rule, which set-forth national requirements for the release of eyeglass and contact lens prescriptions. According to these Rules, all prescriptions for corrective lenses must be released to patients, whether requested or not. The Federal Contact Lens Rule preempts California law regarding the release of contact lens prescriptions, including exceptions carved out for specialty lenses and the 2 p.m. deadline established in AB 2020 (Chapter 814, Statutes of 2002). The following is a brief description of the prescription release requirements:

Eyeglass prescriptions must be released immediately following the eye exam. Contact lens prescriptions must be released immediately upon completion of the eye exam or the contact lens fitting (if a fitting is necessary). If specialty lenses must be purchased in order to complete the fitting process, the charges for those lenses can be passed along to the patient as part of the fitting process.

- Contact lens fitting means the process that begins after an initial eye examination for contact lenses and ends when a successful fit has been achieved. In cases of renewal prescriptions, the fitting ends when the prescriber determines that no change in the existing prescription is required.
- If a patient elects to purchase contact lenses from a third party, the seller must verify the prescription before filling it. When requested, optometrists are required to respond to sellers' requests for prescription verification within eight business hours.

THE FOLLOWING IS A BRIEF DESCRIPTION OF PRESCRIBER AND SELLER OBLIGATIONS UNDER THE NEW
FEDERAL CONTACT LENS LAW RULE

Prescribers Must:

- Provide patients with a copy of their prescription upon completion of the eye exam or the contact lens fitting process (if a fitting is necessary)
- Verify prescriptions to any third-party seller designated by the patient within eight business hours
- Adhere to "passive verification," which means that if the provider does not respond to a verification request within eight business hours, the seller can fill the prescription

Prescribers Cannot:

- Place certain conditions on the release or verification of contact lens prescription
- Require the patient to sign a waiver or release as a condition of verifying or releasing a prescription

Third-Party Contact Lens Sellers Must:

- Receive a copy of the prescription or verify the prescription before selling lenses
- Allow eight business hours for the prescriber to verify the prescription
- Adhere to “passive verification,” which means that if the provider does not respond to a verification request within eight business hours, the seller can fill the prescription
- Retain patient records for three years

The full text of the Contact Lens Rule can be view at:
<http://www.ftc.gov/os/2004/06/040629contactlensrulefrn.pdf>