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AND REFRACTIVE SURGERY

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October 20, 2004

Via E-mail and Regular Mail

Mr. Thomas Pahl
Ms. Char Pagar
Federal Trade Commission
Bureau of Consumer Protection
Division of Advertising Practices
601 New Jersey Avenue NW
Washington, DC 20580

Re: Contact Lens Rule, Project No. R411002

Dear Mr. Pahl and Ms. Pagar:

We are our writing in our respective capacities as President of the American Society of Cataract and Refractive Surgery ("ASCRS") and President of the American Society of Ophthalmic Administrators ("ASOA"), which together represent more than 9,000 ophthalmologists and nearly 2,000 administrators of ophthalmology practices throughout the United States. ASCRS and ASOA members have a strong interest in the Fairness to Contact Lens Consumers Act ("the Act") and the Federal Trade Commission's Final Rule implementing the statute. 69 Fed. Reg. 40481 (July 2, 2004). ASCRS submitted comments on the FTC's Proposed Contact Lens Rule, 69 Fed. Reg. 5439 (Feb. 4, 2004), on April 5, 2004.

ASCRS/ASOA have been receiving dozens of complaints from our members about the use of an automated telephone system by 1-800-CONTACTS. (A sampling of those complaints is enclosed for your review.) This system is tying up the phone lines and imposing numerous other burdens on ophthalmology practices across the country. Most importantly, it is interfering with the ability of ophthalmologists to provide quality care to their patients and to properly respond to verification requests. In short, this system is defeating the very purposes for which the Act was passed. For these reasons and those stated more fully below, we urge the Federal Trade Commission to investigate and take action to alleviate the burdens being imposed on prescribers by automated telephone systems.

Many of the comments that the Commission received on the Proposed Rule raised substantial concerns about the burdens created by automated telephone systems. However, in the Final Rule, the Commission declined to revise the definition of "direct communication" to prohibit the use of such systems. But, it also stated that calls made by automatic calling systems would have to meet all of the requirements of the Final Rule, including all of the criteria for verification requests. The Final Rule further stated that:

> . . . the Commission will continue to monitor whether full, valid requests for verification of a prescription are being made through the use of automated telephone systems. If evidence demonstrates that sellers are not making valid verification requests but are providing consumers with contact lenses despite deficient requests, the Commission may revisit this issue.

69 Fed. Reg. at 40489. We respectfully submit that the time for revisiting this issue is now. The automated telephone system used by 1-800-CONTACTS is set up in a manner that is unduly burdensome for prescribers, distracting them from patient care duties, and leading to contact lens prescriptions being filled based on deficient requests and/or without proper verification. A brief summary of the problems with these systems will help explain how and why this is occurring.

Calls from 1-800-CONTACTS's automated telephone system typically last 3-4 minutes. Often at least two minutes will pass before even the patient's name or reference number is stated. Thus, the person receiving the call has to listen to at least two minutes of relatively meaningless information just to get the basic information necessary to respond to the verification request. While on its face, two minutes may not seem like a long time, it can be an eternity when administrative staff are dealing with calls coming in on other lines, a waiting room full of patients, and other competing obligations. The 1-800-CONTACTS call leaves no option to skip information or to put the call on hold to deal with other more pressing business, such as responding to calls from patients, some of which may be urgent. In offices with multiple telephone lines, the automated calls from 1-800-CONTACTS often tie up several lines at once. If the practice hangs up to take another call, the system automatically calls back and forces the person receiving the call to listen to the entire message from the beginning.

Messages from 1-800-CONTACTS often are garbled or read so fast that the practice employee on the receiving end cannot take down the information in a single call. Because there is no replay or rewind feature, the employee can only hang up and wait for the system to call back. A practice employee may need to listen to a message several times to secure the information necessary to respond.

The burdens of these calls on ophthalmology practices are substantial. Many offices have just one person to handle administrative matters such as billing and scheduling. If this person is tied up listening to a 1-800-CONTACTS message, the rest of the practice's business must come to a standstill. Administrative personnel are forced to spend much more time responding to requests from automated calling systems than those that are communicated by telephone from a live person or by fax or email.

In short, the cumbersome nature of the automated calling system used by 1-800-CONTACTS is, in many cases, making it virtually impossible (or at least incredibly burdensome) for ophthalmology practices to receive all the information being communicated. Under the Final Rule, the 8-business-hour verification period cannot begin until such receipt occurs. 69 Fed. Reg. at 40490 ("It is incumbent upon the party initiating the communication to use a method that enables the recipient to receive all the information being communicated, and the eight-business-hour verification period does not begin until such receipt occurs.").

In addition to imposing excessive burdens, 1-800-CONTACTS's automated calling system is not providing prescribers with the information they need to respond accurately to a verification request. Quite frequently, the automated message is missing critical information, such as the patients' full name or date of birth or other information necessary to confirm the patient's identity. If a practice calls 1-800-CONTACTS to obtain this missing information or has other questions about a verification request, it is virtually impossible to reach a live person, and the company rarely returns voice mail messages. In other cases, the company says it will return calls within 48 hours, even though the prescriber is required to respond to a verification request within 8 business hours of receipt.

Because of deficiencies in the verification request, prescribers are often unable to confirm that the patient identified in the automated message is actually a patient of the practice. In such cases, if the practice calls and leaves a voicemail message with 1-800-CONTACTS asking for more information and 1-800-CONTACTS does not respond in a timely manner, 1-800-CONTACTS can still fill the prescription after 8 business hours have elapsed from the time of the automated call. Thus, 1-800-CONTACTS can take advantage of the 8-hour rule to fill prescriptions despite the fact that the prescriber has not responded to a verification request or has submitted inaccurate information.

Please note that we are not aware of similar automated calling systems in use by other contact lens sellers. The system used by 1-800-CONTACTS is the only one about which our members have complained. However, our comments in this letter are intended to apply with equal force to and any other automated calling systems that cause similar problems.

To address these problems, we urge the FTC to amend its Contact Lens Rule or issue supplementary guidance to require automated telephone systems to leave messages that, at a minimum, meet the following requirements in order to constitute a valid verification request. Specifically, such messages must:

1. Be clearly articulated in plain English.

2. Give the prescriber the option of putting the call on hold for up to three minutes.

3. Give the prescriber the option of rewinding and replaying the last 30, 60, or 90 seconds of the message at any point in the message.

4. Give the prescriber the option at the beginning of the message to receive the information by fax or email and to hang up after that without being called back.

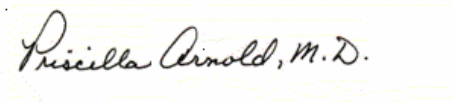
5. Give the prescriber a reference number at the beginning of the message that the prescriber could use to access and respond to the verification request on the Internet and to hang up after that without being called back, so long as the provider accesses the information via the Internet within a reasonable time after hanging up on the automated call.

6. Give the contact information for a service representative and respond to voice mails left with such representative within 30 minutes.

We believe these changes are necessary to ensure that sellers are not filling prescriptions based on deficient verification requests. They will also significantly reduce the excessive burdens that the automated telephone systems are currently imposing on prescribers of contact lenses.

We would appreciate the opportunity to meet with FTC staff as soon as possible to discuss this problem and our proposed solutions. In the meantime, please call Nancey McCann, ASCRS Director of Government Relations, at 703-591-2220 if you have any questions or to arrange a convenient time to meet.

Sincerely,



Priscilla P. Arnold, MD
ASCRS President

Steven R. Robinson, COE
ASOA President

Enclosures

cc: David A. Karcher, ASCRS Executive Director
Nancey McCann, ASCRS Director of Gov't Relations
Eileen M. Giaimo, ASOA Executive Director
Robert M. Portman, Jenner & Block

Portman, Robert M

From: Nancey McCann [nmccann@ASCRS.org]
Sent: Thursday, September 09, 2004 2:13 PM
To: Portman, Robert M
Subject: FW: Calls from 1800contacts

FYI - Is there anything that we can do? This is a string of e-mails from the practice management list serve. Thanks
-----Original Message-----
From: Paula Donohoe
Sent: Thursday, September 09, 2004 1:49 PM
To: Nancey McCann; Lucy Santiago
Subject: FW: Calls from 1800contacts

Thought you two would want to see....

Paula M. Donohoe
Director of Clinical Affairs
ASCRS/ASOA
4000 Legato Road, Suite 850
Fairfax, VA 22033
P: 703-591-2220
F: 703-591-0614

-----Original Message-----
From: practice@asoa.org [mailto:practice@asoa.org]**On Behalf Of** Krista Fischer
Sent: Thursday, September 09, 2004 12:39 PM
To: practice@asoa.org
Subject: Re: Calls from 1800contacts

If you hang up, then they can go forward as if you OK'd them to fill the Rx. If you can't get to the chart, hang on to the end of the message and deny the refill. They'll have to try again to contact you some other way. We did have success in getting them to fax all their requests to our main office. We wrote them a letter. The phone calls stopped for a long time and recently started up again. My optical manager called and they said "Oh yeah, we have it on record to fax to you" but it had somehow gotten "kicked out" of the system. So they fixed it and we're back to the faxes. Be persistent. Listen to the phone message carefully once; that's where we got our contact number this time.

Brenda Purvis <bpurvis@pacbell.net> wrote:

> Charla:
>
> If you hang up on the message, it will just keep calling you until you listen and respond to the whole message. We're getting these calls too and I don't know how to handle them. It ties up our main phone operator and delays her getting to the patients calls!! This should be illegal! Does anyone have any ideas?
>
> Brenda Purvis
> ----- Original Message -----
> **From:** Charla Ferchow
>
> **To:** practice@asoa.org

Sent: Thursday, September 09, 2004 9:22 AM
Subject: Re: Calls from 1800contacts

What happens if you hang up on them?

Charla Ferchow
Eye Physicians of Central Florida
407-767-6411 ph
407-767-8160 fax
----- Original Message -----
From: Jane Shuman

To: practice@asoa.org
Sent: Thursday, September 09, 2004 12:09 PM
Subject: Calls from 1800contacts

Another nasty twist to the CL law!?!?

About 10 days ago, we began getting automated phone calls for the CL prescriptions instead or in addition to the faxes. You cannot hang up on them, because the message keeps going. This is causing concern for us in many ways...

As part of a multidisciplinary setting, the calls are jamming the main number(there is no direct line to the dept.)

If the operator forwards it to the department, the call keeps going, further tying up the lines.

We don't keep records in the dept. but rather in a central area, and it takes time to generate the chart and cannot respond promptly.

We have tried calling them multiple times, but cannot speak to a real person and needless to say, messages have been left and not returned.

Have any of you had this problem, and how have you successfully dealt with it?!

Thanks,

Jane T. Shuman, COE, COT
Dedham Medical Associates
1 Lyons St
Dedham, MA 02026
T: 781-329-1400 ext. 1388
F: 781-461-9325
Jtshuman@dedhammedical.com

Krista Fischer
Practice Administrator
The Eye Clinic - Centralia, Mt. Vernon, Carlyle, Breese, Nashville, IL
The Eye Surgery Center - Belleville, Red Bud, Columbia, IL
Email: eyeclinic408@yahoo.com

Do you Yahoo!?
Shop for Back-to-School deals on Yahoo! Shopping.

PRIVACY NOTICE: This email message may contain confidential patient information belonging to the sender that is legally privileged.

The authorized recipient of this patient information is prohibited from disclosing the information to any other party. If you have received this message<BR
in error, please notify the sender immediately and delete. Keep any information you may have viewed confidential.The opinions herein expressed <BR

Portman, Robert M

From: practice@asoa.org on behalf of Steve Robinson [steve@professionaleye.com]
Sent: Wednesday, September 22, 2004 3:44 PM
To: practice@asoa.org
Subject: Re: 1-800-CONTACTS and RX question

Details on each individual situation. The more details the better. I need something to support this argument with the feds!

Steve Robinson, COE
VP - Chief Operation Officer
Professional Eye Associates
Dalton GA
706-226-2020

-----Original Message-----
From: practice@asoa.org [mailto:practice@asoa.org]On Behalf Of Laurie Sanchez
Sent: Wednesday, September 22, 2004 2:51 PM
To: practice@asoa.org
Subject: Re: 1-800-CONTACTS and RX question

We too are getting bombarded with these phone calls. Somehow they have been able to get into our voicemail system. There is now way we can respond to these in time so I have directed the staff to put a note in each patients chart that states the situation and that we did not authorize the script, even if it is correct. My not cover us completely but what else can we do. Steve I know you are working on a letter. What information is it that we can supply to you again?

Thanks,

Laurie Sanchez, COE
Practice Administrator
Brandon Eye Associates
Brandon Fl
(813) 684-2211
(813) 685-0895 fax
lsanchez@brandoneyeassociates.com

----- Original Message -----
From: Weyewarner@aol.com
To: practice@asoa.org
Sent: Wednesday, September 22, 2004 2:40 PM
Subject: 1-800-CONTACTS and RX question

Hi, all. I wonder if one of you knows the answer to this question.

Prior to the new Fairness to Contact Lens Consumers act, were the sellers like 1-800-CONTACTS pretty much unregulated in terms of filling contact lens orders, meaning did they fill them without a current Rx or verification? I ask this because we are being bombarded with verifications for patients who haven't been at our contact lens department for, literally, years. It makes me suspect that these Rxs were just being filled based on the info the patients read off their boxes.

Anyone know?

P.S. These phone calls have now replaced the faxes we were getting -- I think they laid off the phones during the comment period for the act, and now that the final regs are out, they have fired up the phones again. MHO.

Ann Warner
Wooster Eye Center

Portman, Robert M

From: Debbie Iott [di@maumeeeyeclinic.com]
Sent: Friday, September 17, 2004 7:45 AM
To: Steve Robinson
Subject: Re: 1-800 contacts problems

Steve,
That is great!! Hopefully with doing this it maybe will stop. We just had another call on Wed. where we could actually write the info down, but when went to call them back as thats what they tell you to do, we could not get thru. Hung up on us over 5 times, of course we were not going to allow the contacts as patient had not been here for a long time. So they seem to think they can do whatever they want.
I will send a email with our problems with them.

Thanks again,
Debbie Iott,
Practice Manager
Maumee Eye Clinic
di@maumeeeyeclinic.com

----- Original Message -----
From: "Steve Robinson" <steve@professionaleye.com>
Sent: Thursday, September 16, 2004 6:44 PM
Subject: 1-800 contacts problems

If those of you who are having a difficulty with this organization will document the occurrences and email them to me, I will write a letter as president of ASOA to the Federal Trade Commission and register a formal complaint.

You will need to give me a very detailed description of what took place on each occasion so that I can start to build the file.

Steve Robinson, COE
VP - Chief Operation Officer
Professional Eye Associates
Dalton GA
706-226-2020

Portman, Robert M

From: practice@asoa.org on behalf of Stan Gebhart [sgebhart@iw.net]
Sent: Friday, September 17, 2004 9:45 AM
To: practice@asoa.org
Subject: Re: 1-800 contacts problems

Steve --- Good idea our local OD's are also sending complaints to AOA.

1. We timed several calls --- takes four minutes to get to the name of the patient --- basically from the name we can take it from there. Shorten this.

2. Also, annoyed at the message saying if you hang up they'll call right back until you answer. Assume we're sitting and waiting for a four minute call ?? What about the opportunity to put them on hold when we're managing several calls simultaneously ???

3. When you call their number the message says they should get back to us in 48 hours ---- we only get 8 business hours ? ---- FOUL !!!!!

----- Original Message -----
From: "Steve Robinson" <steve@professionaleye.com>
To: <practice@asoa.org>
Sent: Thursday, September 16, 2004 5:44 PM
Subject: 1-800 contacts problems

If those of you who are having a difficulty with this organization will document the occurrences and email them to me, I will write a letter as president of ASOA to the Federal Trade Commission and register a formal complaint.

You will need to give me a very detailed description of what took place on each occasion so that I can start to build the file.

Steve Robinson, COE
VP - Chief Operation Officer
Professional Eye Associates
Dalton GA
706-226-2020

##
This message is sent to you because you are subscribed to
the mailing list <practice@asoa.org>.
To unsubscribe, change e-mail addresses or change to digest format, visit the ASOA members page and use the automated form available there.

##
This message is sent to you because you are subscribed to
the mailing list <practice@asoa.org>.
To unsubscribe, change e-mail addresses or change to digest format, visit the ASOA members page and use the automated form available there.

Portman, Robert M

From: Debbie Iott [di@maumeeeyeclinic.com]
Sent: Friday, September 17, 2004 3:32 PM
To: Steve Robinson
Subject: 1-800-CONTACTS

1-800-CONTACTS.bmp (957 KB)

Steve,

I have attached my documents from my girls on some of the occurrences that we have had. I hope this helps. If you have any questions please let me know.

Thanks
Debbie Iott,
Practice Manager
Maumee Eye Clinic
Maumee, OH
419-893-4883
419-893-2312 FAX
di@maumeeeyeclinic.com

8/23/04 RECEIVED OUR FIRST "AUTOMATED" PHONE CALL FROM 1800CONTACTS WITHOUT WARNING.... A VOICE JUST STARTED SPEWING OUT INFORMATION NOT ALLOWING US TO GET SOMETHING TO WRITE WITH OR PUT THE CALL ON HOLD WHILE ASSISTING A PATIENT HERE. IF WE HUNG UP (WHICH WE DID, NOT KNOWING ANY DIFFERENT) THE CALL WOULD JUST KEEP RINGING IN WITH THE VOICE STILL SPEWING INFO (IT DID NOT START ALL OVER AGAIN) UNTIL THE INFO WAS ALL GIVEN. THIS HAPPENED AT LEAST 3 TIMES TODAY. MOST OF THE TIME IT IS A HARD TO UNDERSTAND VOICE (ONCE EVEN A FOREIGN ACCENT ADDED!!) SPEAKING VERY FAST. AFTER SEVERAL CALLS TO 1800CONTACTS WE WERE TOLD THIS IS HOW IT IS BASICALLY, DEAL WITH IT.

8/24/04 RECEIVED 2 MORE 1800CONTACTS CALLS TODAY, NOT ABLE TO WRITE ALL THE INFO DOWN DUE TO THE SPEED OF THE "AUTOMATED" PERSON TALKING. WHEN WE WOULD CALL THE CONTACT PERSON, WE WOULD NOT GET A CALL BACK (WE WERE TRYING TO GET MORE INFORMATION).

8/30/04 RECEIVED A 1800CONTACTS CALL, FOREIGN SPEAKING RECORDED MESSAGE, FOR THE SAME PERSON ANOTHER EMPLOYEE HAD JUST TAKEN!!! LATER I RECEIVED ANOTHER ONE THAT JUST STARTED IN THE MIDDLE OF ALL THE INFO, SO I MISSED EVERYTHING IN FRONT OF THAT. AGAIN WE CALLED THE CONTACT PERSON, AND NEVER GOT A CALL BACK.

9-15-04

1-800-Contacts Called - had a better phone verification message - slower & offered to call back

I Faxed Verification to Fax # that Rep told me was good # but unsure if I was Faxing to no one.

when I tried to call to verify - as I punched in verification # or the last 4 digits of our ph # I was cut off. - happened 5 X -

They offer an on line verification website but there is no spot for Drs to verify - it is a sales website -

I called 1-800 Contacts + spoke c Rep - she again put me through to Drs verification line - happened again

Called Rep - No help

Portman, Robert M

From: practice@asoa.org on behalf of Srsents@aol.com
Sent: Wednesday, September 22, 2004 5:01 PM
To: practice@asoa.org
Subject: Re: 1-800 Contacts Phone Calls

When this issue was on line I was paying attention. Just searched the archives and couldn't find a letter Steve was drafting. Got my first phone call today and I happened to be covering the phones and what a bunch of BS! First of all they threaten you with the Fairness law and then they tell you all of these different buttons you can push and then they give you a address and cl RX and they give you a reference # and then before you cqn get that correctly they give you the patient's name. He hasn't been here since 1999. No where was there an opportunity to put them on hold to pull a chart or check the computer . Said you could press star for 1 minute. Well, unless I'm BAT girl, I can't get a chart in a minute!

Then I called and some snotty little girl said "if you had listened it gave you the phone # to call back"! Like that is my responsibility! I asked her to fax it and she said "we don't do that any more!" She gave me the "Drs. line" which is automated and requires the reference #! Then I called back and told a guy that I had been put in there and I needed to talk to a human being and he did the same thing! Then I selected a different automated line and was told that everyone was busy and to leave a message. GRRRRR. Called the pt who is an M.D. and also called the local optical association who suggested the FTC and local congressman who help sponsor this bill and who is running for re-election!

Anyway, now that I have vented. If there is an "official "letter may I have it, please! Like I have time for this crap!

Sharon R. Sents, COE
Rexwoods Eye Center
919-782-5210
919-787-3384 (fax)

Portman, Robert M

From: Steve Robinson [steve@professionaleye.com]
Sent: Thursday, September 23, 2004 10:27 PM
To: Steve Robinson
Subject: FW: Contact Lens by Phone

From: practice@asoa.org [mailto:practice@asoa.org] On Behalf Of Srsents@aol.com
Sent: Thursday, September 23, 2004 7:52 PM
To: practice@asoa.org
Subject: Re: Contact Lens by Phone

Don't know if any of you got my message concerning the call we got from 1-800-contacts.

I got a a response from Senator Burr's Washington office today. She said she had spoken with them earlier in the week and that the calling was a work in progress and they would welcome "suggestions" and although she herself had not heard the message or been to their web-site she knew they were working on it.

I told her I would try that, however, I was a member of ASOA and I knew I wasn't the only one who had contacted them so obviously that approach wasn't working well.

I told her the least they could do was identify the patient first instead of last as that gave us a heads up on the computer if something was very old, but that didn't resolve the problem of needing a chart to verify RX. She said well I understand you can press 5 and it will call back in five minutes so you could go get the chart and be ready. So I said "Not if you don't have a name.!" The choice to select 5 comes before the reference # and before the address and phone # and before the name!"

As in all things no knowledge on the part of the people making the decision!

She said "welll, just go on line and work with them as I am sure they want to get this resolved as much as anyone"! Yea, I bet!

Then she said the reason they went to phone is that offices were not sending back faxes within the time period. So my optician said "Well, why would they change it then? The law says if you don't respond to fax within the time frame it is taken as an affirmative OK!!!

I am still waiting to see if the patient receives the contacts!

Portman, Robert M

From: Steve Robinson [steve@professionaleye.com]
Sent: Monday, September 27, 2004 11:45 AM
To: practice@asoa.org
Subject: 1-800-contacts

This morning, we were met with the barrage of phone calls coming in that many of you have experienced.

I am still continuing to compile info for my ASOA complaint letter to the FTC, but in the interim, I thought a not to their CEO would not hurt. I am putting my letter which went out FEDEX overnite this morning to their CEO. I would encourage each of you to do the same. We must put a stop to this nonsense. Don't send it regular mail, overnight it. Make it look important. IT IS!

Steve Robinson, COE
VP - Chief Operation Officer
Professional Eye Associates
Dalton GA
706-226-2020

MY LETTER TO THE CEO:

September 27, 2004

Mr. Jonathon Coon, CEO
1-800-Contacts
66 E. Wadsworth Park Drive, 3rd Floor
Draper, UT 84020

RE: Automated telephone system

Dear Mr. Coon:

I am writing to tell you of a dilemma that you and your company have created in my optical stores.

This morning, we were met with all four of our telephone lines being tied up with this system. Of course, this causes us to lose business as our customers are not able to reach us on the telephone, nor are we able to make outgoing telephone calls to conduct business. What we have tried to do to accommodate you is to get the reference number from your calling system and go onto the internet to determine the particulars regarding the patient. Of course, the way your system is set up, it will not allow us to do that. We end up tying up a phone line and personnel necessary to listen to your entire message.

I have neither the personnel nor the inclination to assist you in this unreasonable manner.

I must tell you that this system is a gross nuisance and would certainly be considered harassment by the legal community, and rightfully so. At present, we have begun the process of seeking legal relief.

You must turn this system off immediately! I am giving you notice now that this must be discontinued within 24 hours of your company's receipt of this letter.

I would appreciate your prompt attention to this matter.

Sincerely,

Steven R. Robinson, COE
Vice President - Chief Opns Officer

Portman, Robert M

From: practice@asoa.org on behalf of Fremont Eye Associates [skennedy@omni-tech.net]
Sent: Monday, September 27, 2004 2:49 PM
To: practice@asoa.org
Subject: Re: 1-800-contacts

Steve:
Thanks for your help in this matter! We have experienced our first encounter with this just this morning and it is quite burdensome to say the least! Living in Nebraska, I was hoping it wouldn't reach us but alas...it has. I will send a letter to the CEO also. Susan Kennedy Fremont Eye Associates Fremont, NE 68025

-----Original message-----
From: "Steve Robinson" steve@professionaleye.com
Date: Mon, 27 Sep 2004 10:44:56 -0500
To: practice@asoa.org
Subject: 1-800-contacts

>
> This morning, we were met with the barrage of phone calls coming in
> that > many of you have experienced.
>
> I am still continuing to compile info for my ASOA complaint letter to
> > the FTC, but in the interim, I thought a not to their CEO would not > hurt. I am putting my letter which went out FEDEX overnite this morning > to their CEO. I would encourage each of you to do the same. We must > put a stop to this nonsense. Don't send it regular mail, overnight it. > Make it look important. IT IS!
>
> Steve Robinson, COE
> VP - Chief Operation Officer
> Professional Eye Associates
> Dalton GA
> 706-226-2020
>
>
> MY LETTER TO THE CEO:
>
> September 27, 2004
>
> Mr. Jonathon Coon, CEO
> 1-800-Contacts
> 66 E. Wadsworth Park Drive, 3rd Floor
> Draper, UT 84020
>
> RE: Automated telephone system
>
> Dear Mr. Coon:
>
> I am writing to tell you of a dilemma that you and your company have
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>
> This morning, we were met with all four of our telephone lines being
> > tied up with this system. Of course, this causes us to lose business > as our customers are not able to reach us on the telephone, nor are we > able to make outgoing telephone calls to conduct business. What we have > tried to do to accommodate you is to get the reference number from your > calling system and go onto the internet to determine the particulars > regarding the patient. Of course, the way your system is set up, it > will not allow us to do that. We end up tying up a phone line and > personnel necessary to listen to your entire message.
>
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> this > unreasonable manner.
>
> I must tell you that this system is a gross nuisance and would

> certainly > be considered harassment by the legal community, and rightfully so. At > present, we have begun the process of seeking legal relief.
>
> You must turn this system off immediately! I am giving you notice
> now > that this must be discontinued within 24 hours of your company's receipt > of this letter.
>
> I would appreciate your prompt attention to this matter.
>
> Sincerely,
>
>
>
>
> Steven R. Robinson, COE
> Vice President - Chief Opns Officer
>
> ##
> This message is sent to you because you are subscribed to
> the mailing list <practice@asoa.org>.
> To unsubscribe, change e-mail addresses or change to digest format,
> vis> it the ASOA members page and use the automated form available
> there.

##
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the mailing list <practice@asoa.org>.
To unsubscribe, change e-mail addresses or change to digest format, visit the ASOA members page and use the automated form available there.

Portman, Robert M

From: practice@asoa.org on behalf of Srsents@aol.com
Sent: Monday, September 27, 2004 9:21 PM
To: practice@asoa.org
Subject: Re: 1-800-contacts

Last week when I got my first call from them I called them and left a message, called Senator Burr's office, and went on line and registered complaint with FTC.

Senator Burr's office called back with all the politically correct rhetoric but did say she had spoken with them and e-mail them again.

Today a curious thing happened. A representative from 1-800-contacts called my optician and had a very lengthy conversation about the hows and whys of this matter. (the optician serves on the State Association)

Our Doctor said that he will not allow us to confirm anything without paper copy so I am going to write a letter confirming that and see what they do.

Thanks Steve for all that you do.

Sharon R. Sents, COE
919-782-5210
919-787-3384 fax
srsents@aol.com

Portman, Robert M

From: Contact Lens Technician [cltech@ricemedical.org]
Sent: Tuesday, September 28, 2004 11:01 AM
To: Steve Robinson
Subject: 1-800-

Thanks for helping with awful situation. Maybe you should also send all your info. to Johnson & Johnson since they seem to think they solved the problem by their legal agreement with 1-800. I'm sure I'm not the only provider who's problem includes their products. I know I plan to talk to someone there to make sure they are aware that 1-800 is not keeping their end of the deal they made.

We are having many of the same problems the other places are with 1-800-Contacts. Tying up the phones, calling back if we need to hang up and get another call. We have 2 receptionists answering phones at all times. They do not have time to waste on these calls. We are a health care facility and share our charts with the entire Clinic. It can often take several hours for us to get a chart. I have called several times and asked them to fax all requests. They just don't listen. one instance in particular stands out.

On 9-9-04 we received a call for verification. Our reception hung up 3 times while other calls needed to be answered. (What if someone had an
emergency?) Switching to voice mail does not work because the message just keeps going.) The system immediately rang back as usual. When she finally had time to listen here's what took place.

She was given the name, address, verification # and the phone numbers to call back. The amount of contacts the person wanted and the script they wanted to fill. No date of birth was ever mentioned even though I had called in the past and asked that they include this with their requests.

We called for the chart (s). The address they had given us did not match the one in our system. I called 1-800 on 9-9-04 and left a message for Brad ???(couldn't understand last name) I explained our situation and that if he would call me back with more info. on the patient I could verify things for them but needed to make sure we were talking about the same patient. I also called the patient to see if she was the one who had called them ended up leaving a mesage which never got returned. The patient we had on file was due to come in soon for a new exam. Then I phoned them back to verify they could not ship the order until someone called me back. Then I waited for my return call.

On 9-13-04 I called again and left 1-800 another message to call me back. (By this time I'm sure they had shipped the patient her 1 year supply.) I also called every other phone number I could find to attempt to get a human on the phone. I left many messages at many different extensions. Again I waited for my return call. How can I verify the Rx if I'm not sure I have the correct patient.

On 9-16-04 I called 1-800- again and left another message. At his point I gave up. I do have other things I have to get done and this is all too frustrating to waste more time on. We have always done everything in our power to give them any info. they needed and this is how we get treated. I'm sure this patient whoever she is recieved a years worth of contacts and will not seek an eye exam until there is a problem or her supply is cut off. (Probably never if this keep up.)

Thanks for listening.

Diane Kuklinski / COA/Contact Lens Technician
Rice Medical Center
824 Illinois Ave.
Stevens Point, WI 54481
715-342-7825

Portman, Robert M

From: Portman, Robert M
Sent: Tuesday, October 19, 2004 2:17 PM
To: Portman, Robert M
Subject: RE: Contact Lens automated verfication

-----Original Message-----
From: Nancey McCann [mailto:nmccann@ASCRS.org]
Sent: Tuesday, October 12, 2004 2:40 PM
To: Portman, Robert M
Cc: Eileen Giaimo
Subject: FW: Contact Lens automated verfication

FYI – See message below.

Nancey K. McCann
Director of Government Relations
ASCRS/ASOA
4000 Legato Road, Suite 850
Fairfax, VA 22033
703-591-2220

-----Original Message-----
From: Phyllis Butler [mailto:pbutler@opecmd.com]
Sent: Tuesday, October 12, 2004 2:38 PM
To: Nancey McCann
Subject: Contact Lens automated verfication

Our office receives several of these automated phone calls. The taped recording will give the patient's name address and what type of lens they are ordering. Some recordings do not even included a number to verify but most do.
We are not responding to this specific type of communication. First of all there is no authorization from the patient and the recordings are not very audible.
Please share with the FTC
Thanks, Phyllis Butler

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to replace consultation with a qualified health care provider. Please consult an appropriate health care provider. ASCRS/ASOA does not answer specifi

medical questions or refer persons to specific health care providers.

Portman, Robert M

From: Portman, Robert M
Sent: Tuesday, October 19, 2004 2:09 PM
To: Portman, Robert M
Subject: RE: 1-800-contacts calls

-----Original Message-----
From: "Maria <maria@southshoreeyecare.net>"@alexanderinteractive.com [mailto:"Maria <maria@southshoreeyecare.net>"@alexanderinteractive.com]
Sent: Wed 10/13/2004 8:48 AM
To: Steve Robinson
Cc:
Subject: Re: 1-800-contacts calls

Dear Steve:
I don't know what type of documentation you are looking for, but I have been tracking these calls the last couple of weeks and basically (as I am sure you are already aware) there is an automated call to renew a contact lens prescription for a patient. You cannot hang up on the call (it calls back) and the call lasts for over 2 minutes. Most of these patients have never been fit for lenses by us but are merely using us as their last exam source. We do not fit contact lenses, but will confirm the fit and prescription on exam if requested. The brand and parameters are documented in the patient file. We have received approximately 10 calls over the last 2 weeks as well as faxed requests every day. Please let me know if you need any further information or if you have any other suggestions. Thanks! Maria D'Agostino Office Manager South Shore Eye Care, LLP

Steve Robinson writes:
> Please completely document any problems that you are having with this process and send them to me. I am compiling the data to send a formal complaint to the federal trade commission.
>
> Steve Robinson, COE
> VP - Chief Operation Officer
> Professional Eye Associates
> Dalton GA
> 706-226-2020
>
> -----Original Message-----
> From:"Maria <maria@southshoreeyecare.net>"@alex2.client.logicworks.net
> [mailto:"Maria
> <maria@southshoreeyecare.net>"@alex2.client.logicworks.net]
> Sent: Monday, September 20, 2004 8:46 AM
> To: Steve Robinson
> Subject:
>
>
>
> Our office has been receiving recorded calls from 1-800-contacts and your
> name was given to me as a contact from a member of the AAOE list serve. Any
> information you can provide with regard to this problem is appreciated.
> Thanks
> -Maria

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Portman, Robert M

From: Portman, Robert M
Sent: Tuesday, October 19, 2004 2:04 PM
To: Portman, Robert M
Subject: RE: 1-800-contacts

-----Original Message-----
From: Lisa Amarant [mailto:l.amarant@netzero.com]
Sent: Wednesday, October 13, 2004 12:40 PM
To: Nancey McCann
Subject: 1-800-contacts

Hello, I was given your email from someone on the AAOE listserv. Our office like many others is being harrassed by 1-800-contacts and their recorded phone calls. The faxes in the middle of the night are bad enough, but now our optical shop and office are inundated with these ridiculous phone messages which do not leave you any chance to respond in "their time frame" and also you cannot understand what they are saying because it is so fast. I also thought that giving or verifying an rx verbally leaves too much room for error and we do not want to take that responsibility. Any direction you can give us as to how to best deal with , report this matter and the proper agency to report it to would be most appreciated. Thank you.

Lisa A. Amarant, OCS
Carty Eye Associates
830 Old Lancaster Rd. Ste 100
Bryn Mawr, PA 19010
email: l.amarant@netzero.net

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