



FEDERAL TRADE COMMISSION  
PROTECTING AMERICA'S CONSUMERS

## **Complying with the Eyeglass Rule**

The Federal Trade Commission enforces the Eyeglass Rule. It requires eye doctors – ophthalmologists and optometrists – to give patients a copy of their prescription, whether they ask for it or not and before offering to sell eyeglasses. It's the law. Here are questions and answers to help you comply with the Eyeglass Rule.

### **What should a prescription include?**

The Eyeglass Rule defines a prescription as “the written specifications for lenses for eyeglasses which are derived from a refractive eye examination, including all of the information specified by state law, if any, necessary to obtain lenses for eyeglasses.”

Many states require the prescription to include:

- the patient's name,
- the date of the patient's exam and/or when the prescription was issued,
- when the prescription expires, and
- your name, contact information, and signature.

The prescription should be legible and complete. In addition, some states require you to include the patient's pupillary distance in their prescription. If your patient wants to buy glasses online, they will need that measurement. If you take a patient's pupillary distance measurement, we encourage you to provide it to your patient. It is likely they are entitled to a copy under Federal or State record requirements, which involves a process that may be more time consuming for you and your patient.

### **When do I need to provide the prescription?**

\*You must give a patient a copy of the prescription:

- immediately after completing any refractive eye examination (no matter the purpose of the examination, and regardless of whether you charge for the refraction),
- whether or not the patient asks for it, and
- before offering to sell the patient glasses.

A refractive eye examination is defined by the Rule as “the process of determining the refractive condition of a person’s eyes or the presence of any visual anomaly by the use of objective or subjective tests.”

If you have tasked your front desk staff with giving prescriptions to patients, train them on how to comply with the Eyeglass Rule. Make sure they give eyeglass prescriptions at the end of the eye examination without the patient having to ask for it and without charging an extra fee for the prescription. Asking the patient if they want their prescription doesn’t comply with the Rule. You must provide the prescription automatically unless the patient specifically refuses the prescription, in which case you should make a note of their refusal in the file. Your staff also must give prescriptions to patients before you or anyone at your office offers to sell them glasses.

**Can I give the prescription digitally – for example, via email, text message, or an online portal – instead of on paper?**

\*Yes, if all of these conditions are met:

- the patient affirmatively agrees – in writing or electronically – to get the prescription digitally instead of on paper. Digital prescription delivery shouldn’t be a default, and if the patient wants a paper prescription, you must honor their preference,
- the patient affirmatively agrees – in writing or electronically – to the specific method of delivery you will use (for example, e-mail, text message, or an online portal), and
- the patient can access, download, and print the digital prescription. If you provide the prescription through an online portal, the patient should be able to access it as long as the prescription is valid.
- Note, digital delivery doesn’t change the timing of when you must give the patient their prescription. If you are providing the prescription digitally, you must deliver the prescription immediately after the eye exam and before offering to sell the patient eyeglasses.

\*You must keep records for at least three years showing a patient’s consent to digital delivery. It is important to ensure that patients know where to find their prescriptions and how to access them.

**If a patient affirmatively agrees – in writing or electronically – to get their prescription digitally, do I need ask them again at later appointments?**

The Rule doesn't say that you must get a patient's consent to digital prescription delivery at every appointment. If you identify the digital method you will use for prescription delivery and allow the patient to choose whether to consent to that delivery method, having patients sign an authorization just once would satisfy the Rule so long as you continue to use that method. But if you change your delivery policies later (for example, by switching from email delivery of prescriptions to access on an online portal), you need to get the patient's consent to that new method. Additionally, you must allow a patient to revoke consent to digital delivery at any time.

If you intend to provide digital delivery to a patient for more than three years following that patient's signed consent, don't dispose of the consent record after three years. Instead, retain the patient's signed consent for as long as you rely on it plus another three years.

For example, let's say you get a patient's affirmative consent to digital prescription delivery via email in September 2024, and you rely on that consent to email prescriptions until and including the patient's September 2028 appointment. In 2029, you change the digital delivery policy to delivery via patient portal, and the patient signs a new affirmative consent during their annual 2029 appointment. Your office should retain the original affirmative consent to email delivery at least through September 2031 (September 2028 appointment plus three years), and should retain the 2029 consent to delivery via portal for three years, or for as long as you rely on that consent to provide prescriptions via a portal, plus another three years.

**Do I have to ask patients to confirm receipt of their prescriptions?**

Generally, yes. If you sell eyeglasses, or have a direct or indirect financial interest in the sale of eyeglasses, you have to ask your patients after you provide their prescriptions to confirm in writing that they got the prescriptions. Asking for confirmation shouldn't be part of any pre-appointment paperwork. Any confirmation you get before a patient receives their prescription doesn't comply with the Rule, and thus doesn't satisfy your legal obligation.

\*You must keep records showing confirmation of receipt for at least three years.

Alternatively, you can provide the patient with a digital copy of the prescription – for example, by email, text, or a patient portal. If you provide a digital copy, you must first obtain the patient's affirmative written consent to the specific method of digital delivery you will use, and keep a copy of their consent as explained above. You also must keep records for at least three

years showing the prescription was sent, received, or made accessible, downloadable, and printable. Before the examination, you may ask for the patient to agree to get a digital copy of the prescription. If the patient doesn't agree, you must give them a paper prescription and ask for the patient's written confirmation of receipt.

The only exception to the confirmation requirement is if you don't have a direct or indirect financial interest in the sale of eyeglasses. In that event, you don't have to ask patients to confirm receipt of their prescriptions.

### **What do I do if a patient refuses to sign?**

If a patient refuses to sign a confirmation receipt, note it on the receipt, sign it, and keep it for at least three years.

How do I determine if I have a direct or indirect financial interest in the sale of eyeglasses, which requires that I ask my patients to confirm they received their prescription?

If you have an association, affiliation, or are co-located with an eyeglass seller, you have a financial interest in the sale of eyeglasses. But there may be other ways where you receive a financial benefit due to an interest you have with a seller. If you're not sure if your interest qualifies, err on the side of caution and ask your patients to confirm receipt of their prescriptions.

### **Can I use one document to obtain confirmation of both eyeglass prescription and contact lens prescription release?**

To reduce the burden associated with prescription delivery, a document could request a single signature to confirm receipt of both an eyeglass and a contact lens prescription (in cases where both prescriptions are finalized at the same time). That document could meet the requirements of both rules so long as it is clear to the patient what they're signing and that the requested signature confirms they received both the contact lens and eyeglass prescriptions. Similarly, you could use one document to obtain verifiable affirmative consent to digital prescription delivery of both contact lens and eyeglass prescriptions so long as it is clear to the patient that they are consenting to digital delivery for both.

### **Can I charge for the eye exam? Can I charge a fee for the prescription?**

You can, of course, charge for the refractive eye exam. However, the only way you can require a patient to pay for the eye exam or evaluation before giving them a copy of their prescription is if you always require immediate payment from all eye exam patients. A patient's presentation of proof of insurance coverage counts as payment for the purpose of determining when you must provide their prescription.

\*You can't require patients to pay an extra fee, or buy eyeglasses or contact lenses, in exchange for the prescription.

The Rule doesn't prohibit you from charging for the services you provide. But the Rule does prohibit you from charging for a copy of the prescription following a refractive examination. If you perform an eye exam that includes a refraction, you must provide the prescription, regardless of whether you charge for the refractive services. In other words, you cannot perform refractive eye exams on all patients and then only charge fees to those who want their prescription. You may need to educate your patients if you bill separately for the eye health examination and for the refractive examination.

\*You may charge an additional fee for verifying eyeglasses dispensed by another seller, but the fee may be charged only when you perform the verification.

### **Can I advertise a single price for an eye examination and one or more pairs of frames or complete eyeglasses (or a free exam with the purchase of eyeglasses)?**

Yes. However, you must still provide the prescription to the patient before offering to sell them eyeglasses. By doing so, the patient should have the choice to take advantage of the advertised bundle, or to pay the routine cost of an examination and walk away with no eyeglasses, but with their prescription. The exam cannot be contingent on the purchase of eyeglasses.

### **Can I ask a patient to waive or disclaim liability?**

No. You cannot provide a notice waiving or disclaiming liability, or require the patient to sign a waiver or release, as a condition of releasing the prescription to the patient.

### **Are there any exceptions to the Rule?**

The Eyeglass Rule doesn't apply to ophthalmologists or optometrists employed by any Federal, State, or local government entity.

### **Where can I report Rule violations?**

If you suspect a violation of the Eyeglass Rule or the Contact Lens Rule, report it online at [ReportFraud.ftc.gov](https://www.reportfraud.ftc.gov). FTC attorneys and investigators – and hundreds of other law enforcement agencies – use these reports to bring cases against companies and people that violate the law.

### **For more information**

The FTC works to prevent deceptive, unfair, or fraudulent practices that target businesses and consumers. Report bad business practices at [ReportFraud.ftc.gov](https://www.reportfraud.ftc.gov). We also provide guidance at [business.ftc.gov](https://www.business.ftc.gov) to help companies comply with the law. Regardless of the size of your organization or the industry you're in, knowing — and fulfilling — your legal responsibilities is smart, sound business. Looking for a quick take on recent cases and other initiatives? Subscribe to the FTC's Business Blog.

### **Your Opportunity to Comment**

The National Small Business Ombudsman and 10 Regional Fairness Boards collect comments from small businesses about federal compliance and enforcement activities. Each year, the Ombudsman evaluates the conduct of these activities and rates each agency's responsiveness to small businesses. Small businesses can comment to the Ombudsman without fear of reprisal. To comment, call toll-free 1-888-REGFAIR (1-888-734-3247) or go to [www.sba.gov/ombudsman](https://www.sba.gov/ombudsman).

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