



The Contact Report

Connecting CLMA Members Through . . .

Contact Lens Consumers Act

On February 4, 2004, the Contact Lens Consumers Act became law in the United States. It established a national standard for release of contact lens prescriptions and provides for penalties for non-compliance.

Lee Dickerson
President



This law requires the eye care practitioner (ECP) to automatically release a copy of the prescription to the patient when the fit is complete. The minimum expiration date for the Rx is one year or the minimum required by state law – whichever is greater.

Studies have shown that the patient prescribed and fitted with GP lenses is approximately 7 times less likely to seek alternative sources for replacement lenses. I am confident that if a similar study were performed regarding Custom Soft Lenses the patient retention rate would be very high as well. Releasing the patients' contact lens prescription will be a matter of law. What the patient is prescribed and fit with is the prescribing Practitioners' discretion. If a consumer is sold a product that is readily available over the Internet, through large discount sellers or department stores, the chances that they will shop for the lowest price for their "commodity" are very high. On the other hand, if a **Patient** is **prescribed and fitted** with a **Custom Contact Lens**, providing them with their prescription only enhances the trust between Doctor and Patient while at the same time

providing a large degree of assurance that the Patient will return to the prescribing Practitioner for replacement lenses.

We do not, at the time of this writing, know what the enforcement efforts or fines for non-compliance will be. They could be quite stiff or even similar to the fines levied by the Game Warden for fishing without a license. Laws that do not directly protect ones life are sometimes difficult to enforce. Consider the story of a Cajun who was stopped by a game warden in Southern Louisiana recently with two ice chests of fish, leaving a bayou well known for its fishing.

The game warden asked the man, "Do you have a license to catch those fish?"

"Naw, ma fren, I ain't got none of dem, no. Dese here are my pet fish." The Cajun replied.

"Pet fish?"

"Ya. Avery night I take dese here fish down to de bayou and let dem swim 'round for a while. Den I whistle and dey jump rat back inta dis here ice chest and I take dem home."

"That's a bunch of hooey! Fish can't do that!"

The Cajun looked at the game warden for a moment and then said, "It's de truth ma' fren. I'll show you. It really works."

"Okay, I've GOT to see this!"

The Cajun poured the fish into the bayou and stood and waited.

After several minutes, the game warden turned to him and said, "Well?"

"Well, what?" said the Cajun.

"When are you going to call them back?"

"Call who back?"

"The FISH!"

"What fish?"

As to the penalties for noncompliance of verifying a contact lens prescription, the CLMA Legal Counsel has informed us that fines could reach \$10,000 per violation, with each refusal to verify a prescription treated as a separate violation.

Encourage your customers to prescribe products that will protect their patient as well as their practice. Encourage them to fit Custom Contact Lenses from a CLMA Member Laboratory. The opportunity for us to communicate to our customers that a “Disposable Lens” from widely distributed, mass production company equates to a “Disposable Patient” has arrived. We are facing a great opportunity for the CLMA Member Lab. I hope we are tenacious enough to capitalize on current events. Practitioners are going to comply with the new law anyway. If they don’t they might not be able to think quite as fast as the Cajun did in the above story. So why should they not take advantage of the new law and make it work for them, and us. Why would a Practitioner not prescribe Custom Contact Lenses from a CLMA Member Lab? *It is good business for everyone, but sometimes they have to be told.*

Legal Counsel Opinion/Advice

Question: *Is a contact lens manufacturing laboratory required to comply with a request for a contact lens Rx from any eyecare professional?*

Answer:

The Fairness to Contact Lens Consumers Act does not require laboratories to provide prescriptions or manufacturing data. The new law requires the prescriber to give the contact lens prescription to the patient – with or without a request. The prescriber must also verify the accuracy of the prescription at the request of the patient or anyone designated to act on behalf of the patient, such as a contact lens seller. “Prescriber” is defined as an

ophthalmologist, optometrist, or other person permitted under State law to issue prescriptions for contact lenses. The law defines “prescription” as, among other things, “sufficient information for the complete and accurate filing of a prescription,” including such things as the date of the patient examination, issue date and expiration date, power, material and/or manufacturer, “base curve, or appropriate designation”, and “diameter, when appropriate.”

The prescription verification must come directly from the prescriber and consists of one of the following:

- (1) the prescriber confirms that the prescription is accurate; or
- (2) the prescriber states that the prescription is inaccurate and provides the accurate prescription; or
- (3) the prescriber fails to respond within eight business hours – in which case the prescription is presumed accurate.

Laboratories are not in a position to know whether a given prescription is still valid, and may not be in possession of other specified information, such as the date of the patient examination. To the extent that manufacturing specifications are part of the prescription, they are subject to prescriber verification the same as other elements of the prescription.

Laboratories should not attempt to provide prescription verifications under the new law. Persons making such inquires should be told to contact the practitioner whose name appears on the prescription.

Daniel Manelli
Legal Counsel, CLMA

ANNUAL MEETING DATES SET

Keith Parker, Chair
Convention Committee

Mark Your Calendars Now!
October 21 – 23, 2004
Palm Springs Riviera Resort & Racquet Club



The Board of Directors of the CLMA enthusiastically endorsed the selection of Palm Springs, CA. for our Annual Meeting this year. According to the By-Laws of the CLMA, the membership of the CLMA must have the opportunity to gather together for an annual business meeting and further enhancement of educational and technology advancements.

The Associate members of the CLMA want to have an Exhibition area where all members will have the opportunity to view and work with the latest advancements in the contact lens industry.

Janice Schramm, Chair of the Program Committee, has begun securing topics, speakers and themes for this event. As of this writing, the direction of the Annual Meeting has the possibilities of taking on topics ranging from a combination Business Enhancement - mechanical technology possibilities and leading into a Consultants seminar. We want to have topics that will be pertinent to all phases of your business.

Room rates have been secured at \$129.00 (USD) plus taxes. All information will be forthcoming to CLMA members as they are finalized. We are expecting a larger attendance this year. The enthusiasm for custom manufactured contact lenses needs to come from each of us. Be an active part of your industry. Make plans to attend the CLMA Annual Meeting! Can you afford to not miss it?

Newly Remodeled Resort Atmosphere
 Exhibition of Latest Technology
 Educational Opportunities
 Small Business Marketing Approaches
 Consultants Updates
 CLMA Golf Tournament – Thursday am
 Support Your Industry
 Fellowship With Your Peers

Be There or Be.....

The CLMA Office

Please notify your Accounts Payable departments the CLMA remittance address has changed (for those still using the Kensington, MD address). All correspondence and payments should be addressed to:

Contact Lens Manufacturers Association
 PO Box 29398
 Lincoln, Nebraska 68529
 800-344-9060
 402-465-4122
 402-465-4187 (Fax)

CLMAAssociation@aol.com

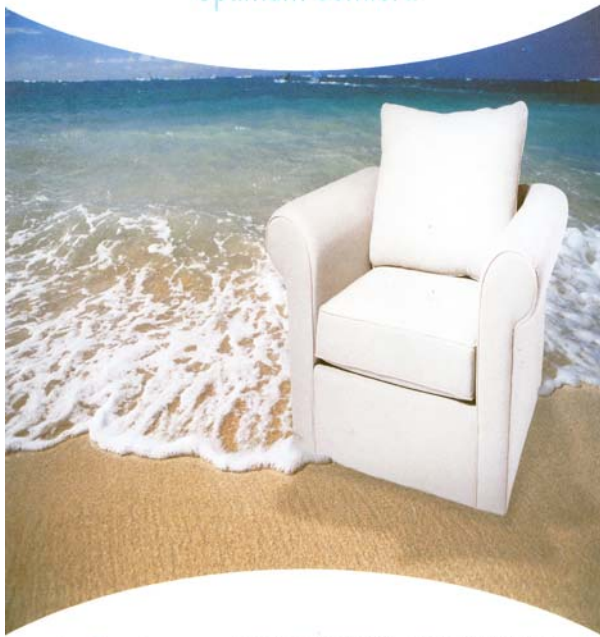
The Electronic version of the **CLMA Directory of Membership** will be coming to you within the next few weeks.

Has your company information been updated? Contact

CLMAAssociation@aol.com with changes.

OPTIMUM - INNOVATIVE RANGE OF GP CONTACT LENS MATERIALS

> There's comfort... and then there's
Optimum Comfort.



> Create
> Innovate
> Succeed

Less bothersome, when it comes to making a decision about which type of contact lens to choose, wear comfort is an important issue. Achieving high levels of comfort, especially in a GP lens at the expense of other attributes, is not a real solution.

That is why Contamac created OPTIMUM. An innovative new range of GP contact lens materials designed to suit any situation no matter how demanding, with a finely tuned balance of comfort and tangible wearer benefits.

material with enhanced wettability, stability and oxygen transmission (DK) for advanced and long-term wearer comfort.

When it comes to choosing GP lenses for optimum performance, OPTIMUM from Contamac is the only option.

True Range. True Choice.

To request lenses made from OPTIMUM material please contact your normal GP lens manufacturing laboratory.



CONTAMAC US Inc.

623 Glacier Drive, Grand Junction, CO 81505, USA
Email: sales@contamac.com

www.contamac.com

CONTAMAC US Inc.

Industry Announcement

**OPTIMUM – INNOVATIVE
RANGE OF GP CONTACT
LENS MATERIALS awaiting
FDA approval**

Contamac US Inc., a leading provider of contact lens materials, has launched an exciting and enviable new range of innovative GP contact lens materials. **OPTIMUM** from Contamac represents the culmination of years of serious investment in R&D aimed at the creation of a range of enhanced performance GP materials. Unparalleled levels of wettability and stability ensure maximum wearer comfort and excellent visual acuity across the complete spectrum of wearing modalities. A finely tuned balance of components, with unique formulations and methods of manufacture, has produced materials of the highest purity and quality.

With the industry-leading stability of **OPTIMUM Classic**, to the advanced comfort of **OPTIMUM Comfort**, through to the excellent wettability of **OPTIMUM Extra** and the superior and super high Dk of **OPTIMUM Extreme** – this range leads the way. For true stability, comfort, wettability and oxygen transmission - with no trade-offs - there will now only be one real choice.

OPTIMUM is a complete range of GP contact lens materials for daily and demanding wear – based on accurate and verifiable data. Lens manufacturers and eye care practitioners across the globe can be confident that lenses made from **OPTIMUM** deliver optimum performance every time. True Range. True Choice.

In addition, Contamac has found through extensive testing that the Optimum GP materials perform best when used in conjunction with Optimum by Lobob GP solutions and is offering a 1-year performance guarantee to back it up.

Marty Dalsing, President of Contamac US Inc., comments, “The launch of **OPTIMUM** is a truly exciting and momentous occasion for our company. This **OPTIMUM** range is the most significant development in the global GP contact lens material market for many years. As a result of our commitment to continuous innovation, Contamac US Inc. can offer a truly advanced and unrivalled range of materials.”

Marty Dalsing, President
Contamac US., Inc.



Advisory Members Update

Working with the GP Lens Institute starting in 2004 are three new additions to the Advisory Members. These three eye care practitioners were nominated by a CLMA member company for their enthusiasm and expertise in the fitting and incorporating GP contact lenses into their various practices.

Accepted in the GPLI Advisory Membership of Educators:

Ami Abel, OD – University of Alabama – Birmingham, College of Optometry

Accepted for membership with the GPLI Advisory Committee were:

Dr. Kate Henning & Dr. Cornel LeBlanc

The GPLI Advisory groups are made up of three divisions: Educators, Panel & Committee. We draw from this list of noted GP fitters to help with our on line symposiums, authoring of articles, participation in our academic workshops held each year at the various optometric schools, colleges and universities and the annual conference calls utilized to help with the development and future activities of the GPLI.

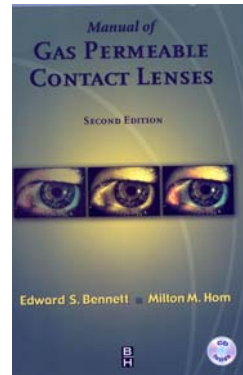
GPLI Speakers Bureau

With close to 80% participation of the GPLI Advisory Committee, the Speakers Bureau is continuing on in development. Presently, we are gathering the biographies of all the participants and will promote their areas of

expertise in a promotional marketing piece that will be available to national and state Associations and organizations. We are preparing DVD topics for presentation that will include:

- GP Fitting, Evaluation and Problem-Solving Made Easy
- Presbyopic GP Fitting and Problem-Solving
- Fitting the Irregular Cornea with GP Lenses
- GP Toric Lens Design and Fitting
- Corneal Reshaping with GP Lenses
- GP Lens Care and Patient Education
- Using Corneal Topography for GP Fitting

Plans are in the development stage to feature each of these Advisory members on the website www.rgpli.org as to their areas of expertise for dialogue with other eyecare professionals in the area of GP contact lens fitting.



Published and released for purchase is the 2nd edition of the “Manual of Gas Permeable Contact Lenses”.

Authored by Dr. Bennett and Dr. Hom; this manual is available in educational book stores. The CLMA provided the CD – ROM “Fitting & Evaluation of GP Lenses” included with the manual.

The authors have drawn from years of experience to create this clinically oriented manual filled with “pearls” and demonstrations of fitting techniques.

A complimentary copy of this manual was given to each CLMA Board member at their recent meeting.

This is an excellent manual to encourage your ECPs to obtain to help incorporate GP contact lenses into their vision health practices.



As in 2002, the CLMA is a GOLD level sponsor of the 2004 GOS being held in Toronto, Ontario Canada July 22-25, 2004. This grant of \$10,000 will support the registration for one educator from each of the optometric schools and colleges to attend. For more information, please visit their website www.GOS2004.com.

GP Lens Committee

Dave Rusch, Chair

The GP Lens Committee (GPC) met in Orlando January 24, 2004, to review programs planned for 2004, and to develop a vision of the approach needed to expand GP lens prescribing by ECPs.

The recent national contact lens Rx release law, effective February 1, 2004, will put significantly greater pressure on ECPs either to cut prices and compete with commodity lens pricing by mass merchants and mail order, or CHANGE THEIR BEHAVIOR. Failure to do so will result in annual patient losses of 20-30% or more per year.

Unfortunately, no independent in any business can compete on price with mass merchants for very long. If ECPs don't make a reasonable profit on contact lenses, they will quit fitting them. And that will spell the end of our CLMA member businesses. Therefore, we must help the ECPs learn how to identify what their competitors do well, and what they can't or won't do. The ECP must differentiate their skills and product mix in ways that their competitors won't match, and then be able to communicate the value of those offerings to patients.

This is a serious issue for ECPs. We believe that educating them about the potential consequences they face will increase their interest in custom lenses, much like the person who suddenly starts to read tire ads when they find they only have 1/16th inch of tread left (the bald tire panic).

Education is not limited to the ECPs. Many lab member sales personnel also need to be educated about the situation, and how to help the ECP change behavior.

The GPC recommended to the CLMA board that this concept be adopted and, where possible, be included in all current and planned programs.

Our review of programs found several that could be modified to reduce costs and several that could be reoriented to focus on the bald tire panic opportunity. These also were communicated to the board. A follow-up meeting will be held soon to begin executing some of the recommendations, and to identify additional tools and steps needed.

On Line Symposium Topics – 2004

Sponsored and funded by the member companies of the CLMA is the monthly on line symposiums moderated by Dr. Bennett, Executive Director of the GPLI. This discussion forum lasts 1 ½ hours and the topics for discussion are on the benefits of GP Lenses and how to incorporate them as a viable choice in their vision health practices. For a complete listing of the topics and faculty chosen to provide case histories as well as lead the discussions, please visit the website www.rgpli.org. While not encouraging CLMA members to participate in these discussions (to keep the topics generic and not product or laboratory specific), this program is a benefit of your membership with the CLMA. Each month, when e-mailing to our database (over 9000+), we encourage the support of all CLMA member companies when ordering custom manufactured contact lenses.

FTC Proposes.....

FTC proposes contact lens prescription regulations.

On February 4, 2004, the Federal Trade Commission proposed new regulations to implement the "Fairness to Contact Lens Consumers Act." Comments from the public may be submitted on or before April 5, 2004. Final regulations will be issued thereafter. CLMA Government Affairs Committee Chair, Dan Bell, is reviewing these FTC proposals with legal counsel Dan Manelli for possible CLMA comments. Members are encouraged to review these proposals and communicate any concerns or suggestions to Dan Bell. The regulations can be accessed through the following link:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2235.pdf>

CLMA Representation at.....

Dan Bell, Chair of the Government Affairs Committee will represent the CLMA at the **7th National Eye Health Education Conference**, sponsored by the National Eye Health Education Program, and the National Institutes of Health from February 29 – March 3, 2004 in South Carolina. The theme for this conference is "Strengthening Collaborative Partnerships in Eye Health Education with tentative agenda optics to include Diabetes and Diabetic Eye Disease; Healthy People 2010 and the Health Care Crisis. A complete summary of topics will be offered in an upcoming CLMA newsletter.

Advertise to the CLMA membership....your product line.

Advertising Rates:

Electronic Newsletter \$150-\$200 per issue

CLMA Directory of Membership: \$1000.00 (full page annual placement)

A Controlled Low Waviness Tool that pleases the eye.



- ▶ Low Waviness Diamond Tools for the production of contact lenses
- ▶ Waviness on the radius less than 0.25 microns over a window of >100°
- ▶ Special tools for molds with a waviness below 0.1 microns
- ▶ With conical or cylindrical clearance angle
- ▶ With measurement report

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ISO – TC Representation

Quido Cappelli
Technical Affairs Committee

Due to the pressure of International Standards Organization (ISO) that oversees the publication of international standards, an interim meeting of TC (Technical Committee) 172, SC (Subcommittee) 7, Working Group 9, was convened by the Convenor, William J. Benjamin, Ph.D., on January 15 to 17th in Lisbon, Portugal. The objective of this meeting was to bring together the experts representing the participating members in TC172, SSC7, WG9 for the purpose of reviewing the committees drafts of four parts of a proposed ISO Standard to be named 18639 Ophthalmic Optics – Contact Lenses. The four parts are devoted to Terminology, Tolerances, Measurement methods and Physiochemical properties of contact lens materials. Upon final acceptance this four part standard will supercede approximately twenty present ISO standards, thus making it easier for future review on an ongoing basis.

As can be expected the work of reviewing technical and editorial comments by the world's designated experts to negotiate the attitudes and regulations of individual countries (each expert is concerned protecting his or her country product and trade aspects) is a time consuming task. Thankfully the Convenor ruled that the editorial comments would be addressed by a committee made up of the project leaders so that the technical comments could be more easily addressed in formal session.

At the end of a long day of dealing with these technical comments, it was finally agreed to forward the amended committee drafts to the Plenary advisor so that these amended documents will be issued as draft international standards (DIS) prior to the next meeting of SC7. The next step up the ladder of international acceptance is another review and recommendations before

advancing to the final draft international standard stage and ultimately an ISO standard. The final day was devoted to the editorial changes. With the attendance of the secretariat of SC7 the editorial and technical changes, were incorporated into the original documents, formatted to ISO requirements and forwarded for circulation.

It was noted that a negative response was received to a ballot for a new work item – Determination of oxygen transmissibility with the chromatographic oxygen sensor. Part of the objection had to do with the patented aspect of the sensor, in spite of the admonition of the Central Secretariat in Geneva that licenses would be granted.

Finally, the Chinese expert, Dr. Wong, addressed the meeting and stated their observations of the results of determining the back vertex power of contact lenses using the methods for contact lenses immersed in saline and the method using focimeters with manual focusing did not yield comparable results. Dr. Wong then asked for approval of a new work item to address this deficiency. It was the consensus of the experts that a more concise translation of her distributed proposal be sent via internet so that a better understanding of the proposal can be considered.



Those CLMA members that were awarded the *Seal of Excellence Manufacturing Award* for 2003-2004 should now be proudly displaying the above logo. If you need a camera ready slick or the jpg format of this logo, contact CLMAssociation@aol.com and it will be sent to you.

Seal of Excellence – Your Award

Jan Svochak, Chair
Technical Affairs Committee

Do you place a value on your company being awarded the CLMA Seal of Excellence in Manufacturing Award?

Discussed at the Board of Directors meeting held in January, 2004 – was the continuation of the program of certification and awarding the *Seal of Excellence in Manufacturing Award* for the years 2005-2006.

It was decided to open the topic for discussion among our membership to better gauge the perceived value of this program. We need your opinion on the following questions.

Questions are listed on
www.CLMATalk.net

Technical Affairs Committee Discussion Forum



Welcome to the
CLMA Discussion Forum

A new format for CLMA participation, communication, and cooperation.

Your opinion matters!
Use these discussion forums for sharing ideas, offering opinions, and participating in the direction of the CLMA.

[Click here to enter the Discussion Forum](#)

There are 2 types of discussion forums at this site:

Public Forums

- Anyone that visits this site is welcome to participate in our public.
- The General Forums at the top of the site are public.
- Anyone can read posts, but to add new topic or a response, site is required.

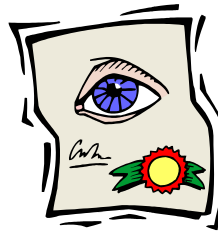
Private Forums

- Only CLMA members can access the private forums.
- All CLMA Committee Forums are private.
- Only CLMA members can read posts, add a new topic or a reply.
- Registration and membership verification is required to access CL Forums.

How to Register

This is YOUR Association. Let your opinions be known.

Nominations...CLMA Awards, 2004



Jan Daniel, Chair
Awards Committee

Nominations are being requested for the CLMA Awards for 2004 to be presented at our Annual Meeting in October, 2004. Please send a short bio and your recommendations to paraconinc@aol.com for the following awards:

The Dr. Josef Dallos Award
Creative Design & Process Award
Industry Enhancement Award
Trailblazers Award
Honorary Recognition Award
The Leonardo da Vinci Award
GP Lens Practitioner of the Year

Industry Press Releases

Grand Junction, CO San Jose, CA – **Contamac US** announces an exclusive Joint Marketing agreement with OPTIMUM by Lobob® GP Solutions manufacturer **Lobob Laboratories**. By combining marketing efforts with each company's premium products, these activities will be directed towards the contact lens manufacturer, eye care practitioners and the contact lens consumer.

Sales/Management Position Wanted

Over ten years experience working with distributor/buying groups, teaching institutions and doctors within the contact lens industry. Outstanding track record from regional sales manager to executive director of sales and most recent, vice president of sales and marketing. Bring valuable contacts, relationships and knowledge to the table.

Professional Skills:

- ✓ Develop and set up manufacturer/distributor networks;
- ✓ Design marketing programs to achieve specific goals;
- ✓ Consultant to contact lens practitioners and dispensers;
- ✓ Liaison with the ophthalmic academic community;
- ✓ Hire, train, and supervise sales personnel

Contact: Clay Kowarsh
E mail: clavkowarsh@infs.net
Phone and Fax: (916) 786.7900