INTERNET EYEGLASS SALES

Companies and individuals conducting prescription eyeglass dispensing services over the Internet (hereafter “Internet eyeglass seller(s)” or “seller(s)”) must meet the following standards to earn accreditation by LegitScript.

1. **Validity of prescription.** The seller must dispense or offer to dispense prescription eyeglasses only:

   a. Upon duplication of an existing pair of eyeglasses, as permitted by law, or

   b. Upon receipt or verification of a valid eyeglass prescription issued by a practitioner authorized to prescribe eyeglasses under applicable state law.

      i. Receipt means that the prescription has been presented to the seller by the patient or prescriber directly, by paper or electronic means, including scanned copy, SMS, digital image or by facsimile.

      ii. Verification means either direct communication with the prescriber or confirmation that a valid prescription is on file with the seller or any of its divisions, subsidiaries, affiliates or business partners (“Business Associate”).

   c. Information for verification. When seeking verification of a prescription from a prescriber or Business Associate, a seller shall provide the following information through direct communication:

      i. The patient's full name and either address or birthdate;

      ii. The date of the patient request;

      iii. The date and time of the verification request by the seller; and

      iv. The name of a contact person at the seller's company, including facsimile and telephone numbers and email address if available.

   d. Verification events. A seller may treat the prescription as verified if:

      i. The prescriber provides or confirms the prescription by direct communication with the seller; or

      ii. The seller receives confirmation that a valid prescription is on file with a Business Associate.
e. Seller telephone, facsimile and electronic mail. The seller shall provide a
toll-free telephone number, facsimile line, and email address that are
dedicated to prescribers and their authorized agents for the purpose of
confirmation of spectacle prescriptions. If the seller also sells contact
lenses it may use the same numbers and email address for confirmation of
both contact lens and spectacle prescriptions.

f. “Eyeglass Prescription” means a prescription issued in accordance with
state and federal law that contains sufficient information for the complete
and accurate filling of a prescription for eyeglasses, including the
following:

i. The name of the patient,

ii. The issue date and expiration date (if any) of the prescription,

iii. The name, postal address, telephone number, facsimile number (if
any) and email address (if any) of prescriber, and

iv. The power of the prescribed lens.

v. An eyeglass prescription may include other information that the
prescriber deems useful or necessary to construct and dispense
corrective lenses appropriate for a patient.

g. Recordkeeping requirements. A seller shall maintain a record of all
duplications, receipt of prescriptions and direct communications referred
to in paragraphs (a) and (b) of this section. Such record shall consist of the
following:

i. For duplications: a written or electronic record of the name of the
person performing the lens neutralization leading to the
determination of the powers of the lenses, the date and the
refractive powers measured in the eyeglass lenses being
duplicated;

ii. For prescriptions presented to the seller: the prescription itself, or
the electronic, digital or facsimile version thereof (including an
email containing a digital image of the prescription) that was
presented to the seller by the patient or prescriber.

iii. For communications from the prescriber, including prescription
verifications:

1. If the communication occurs in writing (e.g., via facsimile
or email), a copy of the communication and a record of the
time and date it was received;

2. If the communication occurs orally (e.g., via telephone), a log describing the information communicated, the date and time that the information was received, and the names of the individuals who participated in the call or conversation.

iv. The records required to be maintained under this section shall be maintained for a period of not less than three years, and these records must be available for inspection by LegitScript, its employees, and its representatives.

2. **Legal compliance.** The Internet eyeglass seller to which the applicant site links or with which it is affiliated must comply with all provisions of law in the jurisdictions where the seller does business, including but not limited to the Federal Food, Drug, and Cosmetic Act for patients in, or shipments to or within, the United States. The Internet eyeglass seller must not dispense, or offer to dispense in the US any eyeglasses that have not been certified as impact-resistant pursuant to 21 CFR Part 801.410.

3. **Privacy & Security.** If the applicant website, or any site to which the applicant site links or with which it is affiliated, transmits information that would be considered Protected Health Information (PHI) under the HIPAA Security Rule (45 CFR 160) or Privacy Rule (45 CFR 164), the information must be transmitted in accordance with HIPAA requirements, including the use of Secure-Socket Layer or equivalent technology for the transmission of PHI, and the Internet eyeglass seller must display its privacy policy that accords with the requirements of the HIPAA Privacy Rule.

4. **Patient services.**

a. The Internet eyeglass seller to which the applicant site links or with which it is affiliated must provide on the website an accurate street address of the Internet eyeglass seller or its corporate headquarters.

b. The Internet eyeglass seller and any practice or practitioner to which the applicant site links or with which it is affiliated must provide on the website an accurate, readily accessible and responsive toll-free phone number or secure mechanism via the website. “Readily accessible” means that a live person is available promptly during the regular business hours of the seller, practice or practitioner, which must be clearly and conspicuously displayed on the web site, allowing patients to contact or consult with a company representative regarding complaints or concerns. All questions regarding health issues, eye care or vision problems should be referred back to the prescriber.
5. **Website transparency.** The Internet eyeglass seller, and any corporation, practice or practitioner to which the applicant site links or with which it is affiliated, must not engage in practices or extend offers on its website that may deceive or defraud patients as to any material detail regarding the Internet eyeglass seller, the affiliate, the staff of the Internet eyeglass seller or affiliate, the prescription eyeglasses being sold, or the financial transactions related to the sale.

6. **Domain name registration.** The domain name registration information of the applicant website or of any Internet eyeglass seller, corporation, practice or practitioner it promotes or to which it links must be accurate, and the domain name registrant must have a logical nexus to such Internet eyeglass seller, corporation, practice or practitioner. Applicant websites utilizing anonymous domain name registration services will not be eligible for approval.

7. **Affiliated websites.** The applicant website, any affiliated Internet eyeglass seller, any optometric or ophthalmic practice or eyecare practitioner it promotes, its staff, domain name registrants, and any person or entity that exercises control over, or participates in the applicant business, must not be affiliated with or control any other website that violates these standards.

8. **Application materials.** In addition to the above, as part of the application process, all applicants must provide the following information to LegitScript:

   a. **Company Management.** List by name and position the individual who has management responsibility relating to the Internet sale of eyeglasses by the seller.

   b. **Responsible Party.** Provide the identity of one person who is responsible for the seller’s compliance with these standards and for the accuracy of the information provided in the application for certification. The applicant shall provide that person’s name, business address, telephone number and email address. Should the responsible party change for any reason, the applicant shall identify the identity of a new responsible party within 30 days of the date that the initial person is no longer responsible for the seller’s compliance with these standards.

   c. **Location.** The seller must provide a street address for its primary place of business and identify the jurisdictions in which the seller is authorized to do business.