

**MOA MEMBERS**  
**FROM SUE A. WEINGARTNER, EXECUTIVE DIRECTOR**  
**APRIL 27, 2009**

## **FTC Will Again Delay Enforcement of "Red Flags" Rule**

FYI See below re that US Federal Trade Commission will delay enforcement of " Red Flags" Rule.

Good news! The AOA has just learned that the U.S. Federal Trade Commission will officially announce another delay in enforcement of the unnecessarily burdensome "Red Flags" identity theft rule. In recent months, the AOA has been working with pro-optometry leaders on Capitol Hill – including Rep. Nydia Velazquez (D-NY), Chairwoman of the U.S. House Committee on Small Business – to urge FTC officials to reconsider their decision to classify ODs, MDs, dentists and other health providers as "creditors" under this new regulation.

If the regulation were fully implemented in its current form and without changes backed by the AOA, all those deemed to be "creditors" would, like a financial institution, be required to develop and implement a written identity theft program. The Red Flags Rule was originally due to take effect last October, in spite of objections raised by the AOA and other groups. However, under pressure, the FTC delayed enforcement until May 1<sup>st</sup>, and it's latest action will extend that delay through late July.

The AOA will again make use of the time afforded by the agency's enforcement delay to press the case for changes that fully recognize the burdens the regulation would impose on optometrists and other doctors. As MA and the ADA have been active on this issue as well. In addition, should efforts aimed at securing these much needed changes not be successful before the new deadline, the AOA will provide a Red Flags rule compliance guide and other materials to all members.

There will be further information in AOA News and the AOA Washington Office Report. Please let me know if you have any questions in the meantime. THANKS!

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