

**MOA MEMBERS
FROM SUE A. WEINGARTNER, EXECUTIVE DIRECTOR
MAY 4, 2009**

**FTC RED FLAGS RULE IMPLEMENTATION DELAYED TO
AUGUST 1**

The U.S. Federal Trade Commission announced 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 1st, 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.

Here is the official announcement from the FTC about the delay in enforcement for the “Red Flags” Rule:

<http://www.ftc.gov/opa/2009/04/redflagsrule.shtm>

The AOA has posted a compliance guide and information for members here:

<http://www.aoa.org/FTCRedFlags.xml>