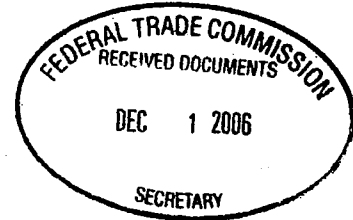


ORIGINAL



Single-Source Solutions
for Workers' Compensation

Before the
FEDERAL TRADE COMMISSION
Washington, D.C.



In the Matter of)	
)	
TSR Prerecorded Call Prohibition)	16 CFR Part 310
and Call Abandonment Standard)	
Modification)	Project No. R411001
)	

TO: THE COMMISSION

COMMENTS OF PMSI-Tmesys

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December 1, 2006

I appreciate the opportunity to provide comments on the above captured ruling. PMSI-Tmesys is concerned that this proposed and captured ruling may have unintended impacts on our customers and our business.

By way of background, PMSI-Tmesys was formed in 1976 and is based in Tampa, Florida. Today PMSI-Tmesys is the one of the nation's leading providers of cost-containment solutions for pharmacy and specialty services in the workers' compensation and catastrophic injury markets. Being the first workers' compensation provider to offer a single-source concept for pharmacy, medical equipment and specialty services, PMSI-Tmesys has consistently been a pioneer in the industry. Today, PMSI-Tmesys processes over four million pharmacy and specialty services transactions annually for injured workers. Specifically for our mail-order pharmacy clients, interactive automated phone calls are an invaluable tool in our efforts to serve those workers, and fill their healthcare needs.



PMSI-Tmesys respectfully submits these comments and requests that the FTC continue its non-enforcement policy against prerecorded telemarketing calls for healthcare companies that use said calls to offer healthcare related goods and services to customers or patients with whom they have an established or existing provider to patient relationship. While such calls may ultimately result in out of pocket expenditures by the recipient, the calls may also have the ability to offer continued convenient and improved healthcare. The existing provider to patient or customer relationship clearly differentiates these types of calls from bothersome and unwanted solicitations for products and services.

PMSI-Tmesys has a long history of pharmacy provider patient relationship that is engaged in by our automated call center. Since 2004, PMSI-Tmesys has contacted, via this call center, over half a million customers for a variety of purposes including: medical supply reorders, prescription refill reminders and migration of their healthcare needs from retail pharmacy to mail-order pharmacy. It's important to note that PMSI-Tmesys ensures that all calls are made in compliance with the myriad of State and Federal privacy laws/regulations, and that these calls are not solicitation calls, but are made only to patients with whom we already have an existing provider to patient relationship. From PMSI-Tmesys's perspective, these calls represent the most effective and affordable way to provide quality healthcare to our clients. Therefore, the FTC must make a clear distinction between unsolicited and existing relationship calls before this final proposal is adopted, or it will have direct adverse impact on the healthcare of our patients.

More importantly we have found that the prerecorded calls are enormously valuable to our customers, and like many other pharmacy providers these calls offer convenience and safety for our customers. Our call program success rates are the best indicator of our customers' acceptance of this technology, and these types of calls. On average our success rates are better than 50% and at times have exceeded 67% of call recipients who take action (i.e. refill a prescription or reorder a supply) as a direct result of our outbound calls. Further, we receive very few complaints about these calls (less than 1%), while we have very few customers who request to opt out of these calls.

We believe that eliminating these calls from our service model would directly impact the health of our customers without improving their lives in any measurable way. Without these reminders, we believe many customers would be less likely to remain compliant with their full course of prescription therapy or medical treatments. Because these calls are so important and because our customers appreciate receiving them from us, we were displeased to learn that barring a reversal of the Commission's current course we may no longer be able to provide them to our customers as of January 2nd, 2007.

Accordingly, I hope the FTC will seriously consider an extension of the current non-enforcement policy if only for this narrow range of calls delivered by companies regulated as HIPAA covered entities to patients with whom they have an existing relationship. Otherwise, by effectively eliminating the current established business

relationship “safe harbor,” the FTC will be eradicating our ability to utilize prerecorded calls to provide quality care for our customers. PMSI-Tmesys understands the need to end the constant barrage of insidious telemarketing calls and their invasion of privacy, however it is our strong belief , derived from years of experience in delivering prerecorded calls to customers, that the this rule will go beyond the Commission’s noble intention. If prevented from freely using prerecorded calls, consumers will suffer from reduced access to services that can reduce their healthcare expenditures while improving outcomes.

I appreciate the opportunity to comment on this proposal and welcome any questions or comments the Commission may have.

Sincerely,

Kevin C. Tribout
Director of Government Affairs
PMSI-Tmesys