



December 13, 2006

Federal Trade Commission, Office of the Secretary
Room H-159 (Annex K)
600 Pennsylvania Ave NW
Washington, D.C. 20580

**Re: TSR Prerecorded Call Prohibition and Call Abandonment Standard
Modification Project, No. R411001**

To Whom it May Concern:

The National Association of Chain Drug Stores (NACDS) is writing to commend the FTC for clarifying that prerecorded informational telephone messages that remind patients that they need to refill their prescriptions medications are not covered by the proposed amendments to the Telemarketing Sales Rule (TSR).

NACDS represents 188 companies that operate more than 35,000 community-based retail pharmacies in the United States. NACDS members have developed or operate programs that initiate telephone calls to individuals to remind them to refill their medications. These medications have already been filled at the pharmacy pursuant to a doctor's prescription, and the calls are to remind the patient that they are due for a refill, as prescribed. These are important health-care related calls, and the FTC indicates in the preamble to the regulation that such informational calls are not covered by the TSR. The preamble to the rule indicates that prerecorded informational messages without sales pitches are not prohibited by the TSR.

The TSR applies only to "telemarketing" calls, which are defined as "a plan, program or campaign which is conducted to induce the purchase of goods or services." The FTC indicates that the TSR does not apply to informational calls (unless combined with a promotional pitch), and uses as an example a call that reminds an individual about a medical appointment.

The FTC also indicates that prerecorded informational messages such as reminder messages have never been covered by the TSR, and thus would not be affected by these proposed changes. The preamble specifically mentions as examples informational messages "about delivery dates for previously purchased goods or services, medical prescription order notifications, flight cancellation alerts..." Many individuals, especially older Americans, rely on these and other health-related reminder messages (e.g. mammography screening, colonoscopy, dental appointment, etc) to manage their health care. Plans rely on these messages to help manage health care costs.

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We encourage the FTC to continue to view prescription medication refill reminders as informational calls, and thus exempt from the TSR, or any changes made to it by this proposal. Thank you for considering our comments.

Sincerely,

Don L. Bell, II
General Counsel