

Complaint

IN THE MATTER OF

THE LASER VISION INSTITUTE, LLC, ET AL.

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATIONS OF
SEC. 5 AND SEC. 12 OF THE FEDERAL TRADE COMMISSION ACT

Docket C-4084; File No. 0223053
Complaint, July 8, 2003--Decision, July 8, 2003

This consent order, among other things, prohibits Respondents The Laser Vision Institute, LLC, Marco Musa, Max Musa, and Marc'Andrea Musa from representing that LASIK (laser assisted *in situ* keratomileusis) or any other refractive surgery services – that is, any surgical procedure designed to improve the focusing power of the eye by permanently changing the shape of the cornea (the clear covering of the front of the eye) – (1) eliminate the need for glasses and contacts for life; (2) eliminate the need for reading glasses; or (3) eliminate the need for bifocals, unless the claims are substantiated by competent and reliable scientific evidence. The order also requires the respondents to possess and rely on competent and reliable scientific evidence to support any future claims about the benefits, performance, efficacy, or safety of any refractive surgery service. In addition, the order prohibits the respondents from misrepresenting (1) that consumers will receive a free consultation that determines their candidacy for LASIK or any other refractive surgery services; (2) the cost to consumers to have their candidacy for refractive surgery services determined; or (3) the information consumers will receive during a consultation for refractive surgery services.

Participants

For the Commission: *Matthew Daynard, Heather Hippsley,*
Mary K. Engle and Carolyn Cox.

For the Respondents: *Matthew Zifrony, and Tripp Scott, LLC.*

COMPLAINT

The Federal Trade Commission, having reason to believe that The Laser Vision Institute, LLC, a corporation, and Marco Musa, Max Musa, and Marc'Andrea Musa, individually and as officers of the corporation ("respondents"), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

Complaint

1. Respondent The Laser Vision Institute, LLC ("LVI"), is a Florida corporation with its principal office or place of business at 3801 South Congress Avenue, Lake Worth, Florida 33461.
2. Respondent Marco Musa is president of LVI. Individually, or in concert with others, he formulates, directs, controls, or participates in the policies, acts, or practices of LVI, including the acts and practices alleged in this complaint. His principal office or place of business is the same as that of LVI.
3. Respondent Max Musa is the chief executive officer of LVI. Individually, or in concert with others, he formulates, directs, controls, or participates in the policies, acts, or practices of LVI, including the acts and practices alleged in this complaint. His principal office or place of business is the same as that of LVI.
4. Respondent Marc'Andrea Musa is vice-president of LVI. Individually, or in concert with others, he formulates, directs, controls, or participates in the policies, acts, or practices of LVI, including the acts and practices alleged in this complaint. His principal office or place of business is the same as that of LVI.
5. Respondents have advertised, offered for sale, and sold directly to the public refractive surgery services designed to improve the focusing power of the eye by permanently changing the shape of the cornea (the clear covering of the front of the eye), thereby reducing patients' dependence on eyeglasses and contact lenses. These surgery services include, among others, LASIK (laser assisted *in situ* keratomileusis). In LASIK, a computer-assisted surgical knife, called a microkeratome, is used to cut a flap in the cornea. A hinge is left at one end of the flap. The flap is folded back revealing the stroma, the middle section of the cornea. Pulses from a computer-controlled excimer laser then vaporize a portion of the stroma and the flap is replaced. Excimer lasers and the microkeratome are "devices" within the meaning of Sections 12 and 15 of the Federal Trade Commission Act, and refractive

Complaint

surgery services are “services” within the meaning of Section 12 of the Federal Trade Commission Act.

6. The acts and practices of respondents alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

7. Respondents have disseminated or have caused to be disseminated advertisements, including but not necessarily limited to the attached Exhibits A - D, print advertisements, and Exhibit E, portions of a website located at www.laservisioninstitute.com. These advertisements contain the following statements:

Print Advertising

“FREE YOURSELF from the dependence of glasses and contacts! LASIK Laser Vision Correction...

‘Eliminate your need for reading glasses... I did, and I do surgery with it!’” Dr. Richard Livernois Lasik Surgeon/A Lasik Patient...

Lasik as little as \$499...

The Laser Vision Institute...CALL OR COME BY ANYTIME FOR A FREE CONSULTATION (Exhibit A)

* * *

Change Your Life Forever...

with the miracle of LASIK \$499...

Come see how this miraculous, effective, and simple procedure can eliminate a lifetime of dependence on glasses and contacts in a matter of seconds!

CALL OR COME BY ANYTIME FOR A FREE CONSULTATION (\$50 Value)...

Eliminate your need for bifocals... ‘I did, and I do surgery with it!’” Dr. Richard Livernois Lasik Surgeon/A Lasik Patient (Exhibit B)

* * *

Complaint

**. . . .The Laser Vision Institute...YOU MAY NEVER
NEED CONTACTS OR GLASSES AGAIN!...CALL FOR A
FREE CONSULTATION (Exhibit C)**

* * *

LASIK We can now treat **Farsightedness and
**Astigmatism! If you weren't a candidate before, you might
be one now! CALL OR COME IN ANYTIME FOR A
FREE CONSULTATION (Exhibit D)****

Web site**Home Page**

[Four- page Flash program coupled with depiction of a woman's face without eyewear] imagine independence from ill-fitting glasses . . . or contact lenses that dry and tear . . . Change the way you look at life . . . get LASIK laser vision correction . . . at convenient locations throughout the US . . . using State of the Art Technology

[A boxed and highlighted link at the top right side of each page states 'Book a FREE Consultation']

about LASIK [page link]

Imagine freedom from your ill-fitting, uncomfortable glasses that constantly fog up. Imagine life without the daily hassle of contact lenses that dry out or tear. Thanks to the Laser Vision Institute, you may say goodbye to glasses or contact lenses. . . .

[A boxed and highlighted link at the top right side of the page states 'Book a FREE Consultation']

how the eye works [page link]

Presbyopia . . . LASIK can correct your distance vision, but you may still need glasses for close-up activities. . . . [p.2 of 2]

Complaint

considerations [page link]

At The Laser Vision Institute we will conduct a thorough evaluation to determine candidacy for LASIK. During your consultation, you will receive a detailed Patient Consent Form that will describe the procedure and the risks in detail. One of our staff members will review the form with you and answer your questions. . . .

[A boxed and highlighted link at the top right side of the page states 'Book a FREE Consultation']

frequently asked questions [page link]

Am I a good candidate?

Requires a comprehensive eye examination by our doctors to know for certain if you are a candidate.

More on considerations > [page link]

[A boxed and highlighted link at the top right side of the page states 'Book a FREE Consultation']

about us: Testimonials [page link]

'...It is so wonderful to be able to go in a store and be able to read labels and price tags. Read the newspaper without glasses...' **Linda Brooks**

[A boxed and highlighted link at the top right side of the first page states 'Book a FREE Consultation'] (Exhibit E)

8. Through the means described in Paragraph 7, respondents have represented, expressly or by implication, that LVI's LASIK services:

- A. Eliminate the need for glasses and contacts for life.
- B. Eliminate the need for reading glasses.
- C. Eliminate the need for bifocals.

Complaint

9. Through the means described in Paragraph 7, respondents have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 8, at the time the representations were made.

10. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 8, at the time the representations were made. Among other reasons, LASIK surgery does not eliminate most peoples' need for reading glasses. Therefore, the representation set forth in Paragraph 9 was, and is, false or misleading.

11. Through the means described in Paragraph 7, respondents have represented, expressly or by implication, that consumers will receive a free consultation that determines their candidacy for LASIK.

12. In truth and in fact, consumers do not receive a free consultation that determines their candidacy for LASIK. Indeed, consumers receive a free, initial meeting with an LVI representative. At this meeting, consumers receive a quoted price for the procedure based on their prescription and other desired services, and are required to pay a \$300 deposit before the risks and limitations of LASIK are disclosed to them and their candidacy is determined by a health care professional at a future time. The \$300 deposit is non-refundable if, after the consultation, consumers elect not to undergo the procedure. Consumers are refunded \$200 of the deposit if they are later rejected as medical candidates. Therefore, the representation set forth in paragraph 11 was, and is, false or misleading.

13. The acts and practices of respondents as alleged in this complaint constitute unfair or deceptive acts or practices, and the making of false advertisements, in or affecting commerce in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

Complaint

THEREFORE, the Federal Trade Commission this eighth day of July, 2003, has issued this complaint against respondents.

By the Commission.

“Eliminate your need for reading glasses...”

I did, and I do surgery with it!”

Dr. Richard Livernois
Lasik Surgeon/A Lasik Patient



FREE YOU

**from the
glasses**



LA

The Laser Vision Institute is a division of a privately held company providing eye care for over 14 years.

The Laser Vision Institute

CALL OR COME BY ANYTIME
FOR A FREE CONSULTATION

5006 E. FOWLER AVE. • SUITE E & G

813-914-8359

Monday - Saturday 9:00 - 7:00/Sunday 10:00 - 5:00

www.laservisioninstitute.com

There may be a waiting list for LASIK and Vision Institute. Please call for details.

THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR PAYMENT HAS A RIGHT TO REFUSE TO PAY, CANCEL PAYMENT, OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE, EXAMINATION OR TREATMENT WHICH IS PERFORMED AS A RESULT OF AND WITHIN 72 HOURS OF RESPONSE TO THE ADVERTISING FOR THE FREE CONSULTATION FEE. ON ADDITIONAL FEE SERVICE, EXAMINATION OR TREATMENT.

Laser Vision Correction

\$499*

Financing Available!

Mike and Vicki Lasers

Woman's Laser Center
Energy of the Eye
and a Vision Institute

AND ASTIGMATISM. SEE CENTER FOR DETAILS. FINE PER EYE. THE PATIENT AND ANY OTHER PERSON RESPONSIBLE FOR REFUSE TO PAY, CANCEL PAYMENT OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE, EXAMINATION OR TREATMENT WITHIN 72 HOURS OF RESPONSE TO THE ADVERTISING FOR THE FREE CONSULTATION FEE OR RECORDED FEE.

complete report on the expertise of this distinguished eye surgeon.

Professional affiliations, are indeed, impressive and his awards too numerous to list.

his field of refractive surgery since 1981 and has been a Course Director since of laser surgery. Recognized both here and abroad as an author and lecturer, he research has been published in a number of famous journals, has lectured Philadelphia.

erved his residency at the prestigious Scheie Eye Institute at the University of his medical degree from Brown University (1972-1976), where he also did his over 7,000 Lasik procedures, and has had Lasik himself.

is one of our most experienced and distinguished surgeons. He has

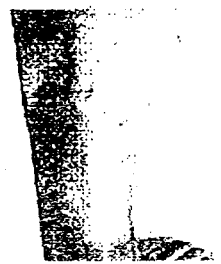
Vermonis, M.D.

The Laser Vision Institute

FINANCING AVAILABLE!

\$499*

as little as



**"Eliminate
your need for
bifocals...**

**I did, and I do
surgery with it!"**

Dr. Richard Livernois
Lasik Surgeon/A Lasik Patient



**Change your
life forever**



**with the
miracle of**

FINANCING AVAILABLE

Laser Vision Correction

LAST \$499*

Come see how this miraculous, effective, and simple procedure can eliminate a lifetime of dependence on glasses and contacts in a matter of seconds!



The Laser Vision Institute is a division of a company that currently provides excimer laser eye care for over 14 years. The Laser Vision Institute performs approximately 120,000 new Refractive Procedures every year.

**CALL OR COME BY ANYTIME
FOR A FREE CONSULTATION
(\$50 VALUE)**

5006 E. FOWLER AVE. • SUITE E & G

813-914-8359

M-SAT 9-7 SUN 10-5 www.laservisioninstitute.com

*Prices may vary according to RX and astigmatism. See center for details. Prices per eye. THIS PATIENT AND ANY OTHER PERSON WHO HAS A RIGHT TO REFUSE TO PAY, CANCEL PAYMENT OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE, EXAMINATION OR TREATMENT, HAS A RIGHT TO REFUSE TO PAY, CANCEL PAYMENT OR BE REIMBURSED FOR PAYMENT FOR ANY OTHER SERVICE, EXAMINATION OR TREATMENT.

S, M.D.

*to utilize your
flexible spending
towards LASIK*

Vision Institute

G AVAILABLE

***\$499**

...research has been
of famous journals,
sively in his field of
r and lecture, he has
his field of refractive
and has been a
1990.
Professional affiliations,
Please call us for a
the expertise of this
ngton.

#7

ILASIK

Laser Vision Correction

15 Minute Painless Vision Correction

\$ **499***

as little as \$15.⁰⁰ a month*
LIMITED TIME OFFER

The
Laser Vision
Institute

CALL FOR A FREE CONSULTATION
706-565-5553

Dr. David O'Day

Dr. David O'Day is one of our most highly trained and experienced corneal and refractive surgeons and is highly regarded for his expertise in the most advanced techniques of LASIK. He completed an ophthalmology residency in Atlanta, Georgia at Emory University School of Medicine and the University of Minnesota, two of the finest programs in the United States.

Dr. O'Day served as Director of the Refractive Surgery Service at University Hospitals of Cleveland and was a member of cornea faculty at Case Western Reserve University School of Medicine in Cleveland, Ohio. He is a well-known teacher, researcher and lecturer who has been featured on television programs, in university seminars and medical journals.

It is Dr. O'Day's reputation, experience in training, credentials that set him apart in the field of LASIK. He has devoted many years of study and training to the development of clinical skills and expertise necessary to perform corneal transplantation, cataract surgery and other complicated anterior segment surgeries. He has performed thousands of complicated microsurgical procedures to restore eyesight and correct potentially blinding problems.

He has used his training and experience to become one of the leading comprehensive corneal-refractive surgeons in the country. Dr. O'Day has been a Fellow of the American Academy of Ophthalmology since 1993. He is featured in the Millennium 2000 edition of Who's Who in America and has been accepted to Who's Who as a Lifetime Member for his many outstanding accomplishments.

*Price may vary according to RX and astigmatism. See center for details. Price per eye.



ILAS

Laser Vision C

15 Minute

\$ **499*** as little as
LIMITED



The
Lase

Nidek and VISX Lasers

We now treat a wider
variety of prescriptions
and astigmatism!

Where
Doctors
choose to have
Laser Vision
Correction!

1/22/01

Handwritten signature

and post operative visits. See center for details. Price per eye.

Staff of excellent
one Rittel, Dr. Kent
and experienced
of our strong
and experienced
ing the Exchimer as
d has published
g since 1993. He
d involved with
the breast of all
ous professional
cy at the world
Vision Institute.
Surgeon, having



50-1200

Vision
Institute

as little as \$15.00 a month*
FOR THE FIRST 1,000 EYES

STIK
Correction

LASTIK

Laser Vision Correction

\$499

as little as \$15.00 a month*
FOR THE FIRST 1,000 EYES

The Laser Vision Institute

CALL OR COME BY ANYTIME
FOR A FREE CONSULTATION
365 N. ACADEMY BLVD
719-550-1200

Monday 9:00 - 7:00
Sunday 10:00 - 6:00

THOMAS A. ALEXANDER
BOARD CERTIFIED SURGEON
STATE OF THE ART LASER

www.laserinstitute.com

We can now, always
if you weren't a candidate
before, you might be
and ASTIGMATISM
FARSIGHTEDNESS

16 years of painless vision correction
as little as \$15.00 a month*
FOR THE FIRST 1,000 EYES

Exhibit D

LV10000534

http://www.laservisioninstitute.com/html/index.html



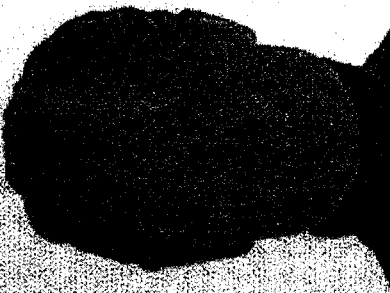
Home About Us LASIK Contact Us

Call Us Toll Free:

SEARCH

laservisioninstitute.com : Home

February 19, 2002



or
contact lenses
that
dry and tear...

Book a FREE Consultation

Find a Location

About Us:

[Introduction](#)
[Company News](#)
[Locations](#)
[Physicians](#)
[Technology](#)
[Testimonials](#)
[Career Opportunities](#)

About LASIK:

[Introduction](#)
[How the Eye Works](#)
[The LASIK Difference](#)
[The Procedure](#)

News Headlines

Houston, Texas - Coming Soon!

PERCEPTION
INSTITUTE

Call Us Toll Free:
1-888-978-5367

Home About Us Contact

www.servisionstitute.com : Home

February 19, 2002

Change the way you look at life...



News Headlines

Houston, Texas - Coming Soon!

Book a FREE Consultation

Find a Location...

About Us:

- [Introduction](#)
- [Company News](#)
- [Locations](#)
- [Physicians](#)
- [Technology](#)
- [Testimonials](#)
- [Career Opportunities](#)

About LASIK:

Introduction
How the Eye Works
The LASIK Difference
The Procedure Day
Post-Operative Visits
Considerations
Frequently Asked Questions
Payment Options

Contact Us:

[General Info](#)
[Contact Form](#)
[Schedule a FREE Consultation](#)
[Career Application](#)

**Subscribe to Our Free
LASIK News Bulletin**



using
State of the Art
Technology

News Headlines

Houston. Texas - Coming Soon!

February 19, 2002

Book a FREE Consultation

Find a Location...

About Us:

Introduction
Company News
Locations
Physicians
Technology
Testimonials
Career Opportunities

About LASIK:

Introduction
How the EYE Works
The LASTIK Difference
The Procedure Day
Post-Operative Visits
Considerations
Frequently Asked Questions
Payment Options

Contact Us:

General Info
Contact Form
Schedule a FREE Consultation
Career Application

**Subscribe to Our Free
LASIK News Bulletin**

The Laser Vision Institute

Call Us Toll Free: 1-888-978-5336

[Home](#)
[About Us](#)
[LASIK](#)
[Contact](#)
[Careers](#)

[SEARCH](#)

February 15, 20

laservisioninstitute.com : About LASIK : How the Eye Works

how the eye works

[Book a FREE Consultation](#)

[Find a Location...](#)

About Us:

- [Introduction](#)
- [Company News](#)
- [Locations](#)
- [Physicians](#)
- [Technology](#)
- [Testimonials](#)
- [Career Opportunities](#)

About LASIK:

- [Introduction](#)
- [How the Eye Works](#)
- [The LASIK Difference](#)
- [The Procedure Day](#)
- [Post-Operative Visits](#)
- [Considerations](#)
- [Frequently Asked Questions](#)
- [Payment Options](#)

Contact Us:

- [General Info](#)
- [Contact Form](#)
- [Schedule a FREE Consultation](#)
- [Career Application](#)

Subscribe to Our Free LASIK News Bulletin

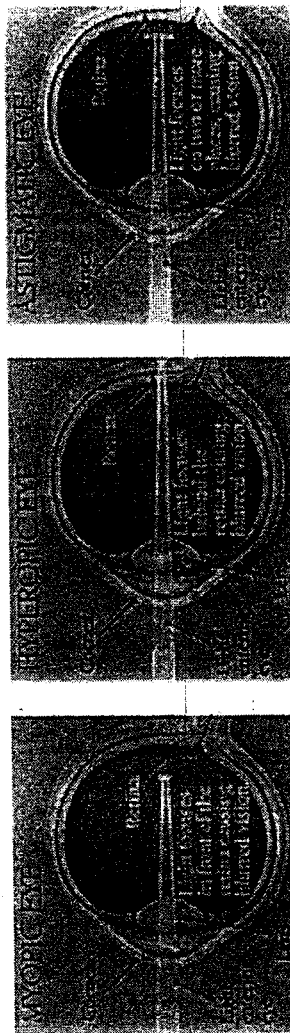
Receive news and special offers via e-mail. Enter e-mail address below and Go!

[Subscribe](#)

If you are nearsighted, farsighted, or have an astigmatism, LASIK can reduce and/or eliminate your dependence on glasses or contact lenses.

To better understand LASIK and how the excimer laser can be used in an effort to correct vision problems resulting from refractive error, we have prepared a short overview of how the eye functions.

When light enters the eye it is bent, or refracted, by a clear, strong tissue at the front of the eye called the cornea. The cornea, in effect, acts like a lens to focus incoming light onto the retina at the back of the eye. Refractive errors such as myopia (nearsightedness), hyperopia (farsightedness) and astigmatism generally result from an abnormally or irregularly shaped eye.



Myopia, or nearsightedness, is caused by either an eye shape that is abnormally long or by an excessively steep curvature of the cornea. In nearsightedness, light entering the eye does not focus on the retina as it should, but instead focuses on images at a point in front of the retina. The result of nearsightedness is that distant objects appear

shaped more like a football. The result of astigmatism is that objects are not focused into a single image and vision is distorted or blurry. Both nearsighted and farsighted patients often also suffer from astigmatism.

Presbyopia, or the inability to see close-up objects, occurs normally with age and usually becomes apparent to people in their early forties. Presbyopia results from a change within the eye in which the internal lens loses its ability to focus on close-up objects. LASIK can correct your distance vision, but you may still need glasses for close-up activities.

Vision problems resulting from refractive error (nearsightedness, farsightedness and astigmatism) are routinely corrected either with eyeglasses or contact lenses. The excimer laser can reshape the outer surface of the eye (the cornea) to treat the refractive error and allow the eye to focus properly, thereby reducing or eliminating the need for glasses or contact lenses.



The Laser Vision Institute

Call Us Toll Free:
1-888-978-536

[Home](#)
[About Us](#)
[LASIK](#)
[Contact](#)
[Careers](#)

laservisioninstitute.com : [About LASIK](#) : The LASIK Difference

February 15, 2002

the LASIK difference

Vision problems resulting from refractive error (nearsightedness, farsightedness, and astigmatism) have long been corrected with eyeglasses or contact lenses. While these methods can produce clear vision, eyeglasses and contact lenses are often considered a hassle.

There are two exciting ways in which the excimer laser can surgically correct vision, utilizing the same principles that allow eyeglasses and contact lenses to produce clear vision: PRK, or Photorefractive Keratectomy, and LASIK, or Laser Assisted In-Situ Keratomileusis.

Before PRK or LASIK, patients receive powerful numbing drops so that they do not feel any pain during the procedure. In PRK, the excimer laser allows the surgeon to reshape the surface of the cornea using pulses of light emitted from the laser.

During LASIK, the surgeon uses a highly sophisticated computer-assisted instrument called a microkeratome to gently create a super-thin flap across the surface of the eye. The powerful numbing drops administered prior to the procedure ensure that patients do not feel any pain during the procedure. The hinged flap is folded back, and the excimer laser is used to reshape the underlying tissue. Following laser treatment, the flap is laid back in place.

Both PRK and LASIK are effective procedures for correcting refractive errors. Although some surgeons

Book a FREE Consultation

Find a Location...

About Us:

[Introduction](#)
[Company News](#)
[Locations](#)
[Physicians](#)
[Technology](#)
[Testimonials](#)
[Career Opportunities](#)

About LASIK:

[Introduction](#)
[How the Eye Works](#)
[The LASIK Difference](#)
[The Procedure Day](#)
[Post-Operative Visits](#)
[Considerations](#)
[Frequently Asked Questions](#)
[Payment Options](#)

Contact Us:

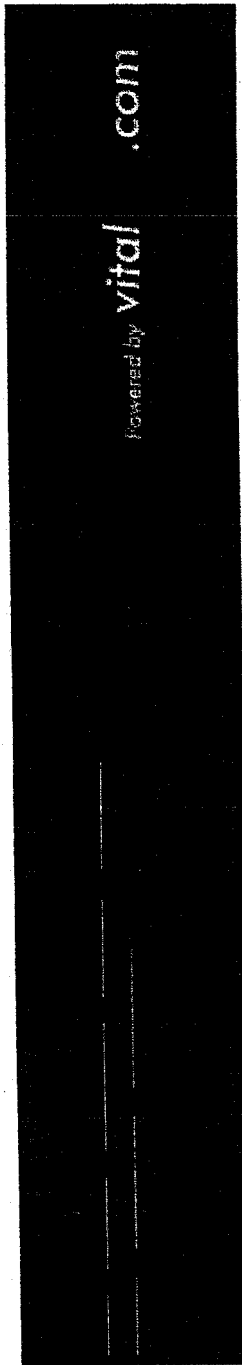
[General Info](#)
[Contact Form](#)
[Schedule a FREE Consultation](#)
[Career Application](#)

Subscribe to Our Free LASIK News Bulletin

Receive **news** and **special offers** via e-mail. Enter your e-mail address below and press Go!

Procedure Used	Excimer Laser	Excimer Laser
Bowman's Layer	Removed	Left Intact
Post-Op Medication	3-6 months	1-2 weeks
Post-Op Visits (1st Year)	8-10	5
Functional Visual Recovery	3-5 days	12-24 hours
Risk	Low Risk	Low Risk
Risk of Corneal Scarring	1-3%	<1%
Risk of Infection	<1%	<1%

[Page Top](#)





Call Us Toll Free:
1-888-978-536

[Home](#)
[About Us](#)
[LASIK](#)
[Contact](#)
[Careers](#)

[laservisioninstitute.com](http://www.laservisioninstitute.com) : [About LASIK](#) : [Considerations](#)

February 15, 2002

considerations

[Book a FREE Consultation](#)

Find a Location...

At The Laser Vision Institute, we will conduct a thorough examination to determine candidacy for LASIK. During your consultation, you will receive a detailed Patient Consent Form that will describe the procedure and the risks in detail. One of our staff members will review the form with you and answer your questions.



LASIK patients must be at least 18 years of age and must not be pregnant or nursing. The conditions listed below may present additional risks or complications and should be discussed with the optometrist or the surgeon prior to the day of the procedure. All are reviewed on a case-by-case basis.

- Unstable refractive error
- Keratitis sicca (advanced dry eyes)
- Severe or poorly controlled glaucoma
- Severe or poorly controlled diabetes
- Recurring ocular herpes simplex
- Cataracts

About Us:

[Introduction](#)
[Company News](#)
[Locations](#)
[Physicians](#)
[Technology](#)
[Testimonials](#)
[Career Opportunities](#)

About LASIK:

[Introduction](#)
[How the Eye Works](#)
[The LASIK Difference](#)
[The Procedure Day](#)
[Post-Operative Visits](#)
[Considerations](#)
[Frequently Asked Questions](#)
[Payment Options](#)

Contact Us:

[General Info](#)
[Contact Form](#)
[Schedule a FREE Consultation](#)
[Career Application](#)

Subscribe to Our Free LASIK News Bulletin

Receive news and special offers via e-mail. Enter your e-mail address below and press Go!

[Subscribe](#)

Go!



Call Us Toll Free:
1-888-978-536

[Home](#)
[About Us](#)
[LASIK](#)
[Contact](#)
[Careers](#)

laservisioninstitute.com : [About LASIK](#) : [Frequently Asked Questions](#)

February 15, 2002

frequently asked questions

[Book a FREE Consultation](#)

[Find a Location...](#)

What is LASIK?

A laser vision correction procedure that has been performed on millions of people around the world. The Laser Vision offers the most popular form of laser vision correction, LASIK (laser in situ keratomileusis). [More about LASIK >](#)

What is laser vision correction?

Laser vision correction is a precise method of gently reshaping the cornea. Our specially trained ophthalmologist uses a computerized excimer laser to remove a thin layer of tissue from the cornea. This flattens the cornea to the desired correction so the eye can focus properly. [More about LASIK >](#)

What are the most advanced laser vision correction procedures called? PRK (Photorefractive Keratectomy) and LASIK (Laser Assisted In Situ Keratomileusis) [More about LASIK vs. PRK >](#)

Am I a good candidate?

Requires a comprehensive eye examination by our doctors to know for certain if you are a candidate. [More on Considerations >](#)

About Us:

[Introduction](#)
[Company News](#)
[Locations](#)
[Physicians](#)
[Technology](#)
[Testimonials](#)
[Career Opportunities](#)

About LASIK:

[Introduction](#)
[How the Eye Works](#)
[The LASIK Difference](#)
[The Procedure Day](#)
[Post-Operative Visits](#)
[Considerations](#)
[Frequently Asked Questions](#)
[Payment Options](#)

Contact Us:

[General Info](#)
[Contact Form](#)
[Schedule a FREE Consultation](#)
[Career Application](#)

Subscribe to Our Free LASIK News Bulletin

Receive **news** and **special offers** via e-mail. Enter your e-mail address below and press Go!

[Subscribe](#)

[Remove](#)

[GO!](#)

What if I wear bifocals?

While LASIK does not deter the natural aging process of the eye (which causes presbyopia), a procedure called monovision can be performed. Monovision is a method of distance vision correction to account for presbyopia. In monovision, the distance vision of the dominant eye is corrected as normal, while the distance vision of the non-dominant eye is slightly under-corrected in order to assist near vision for tasks such as reading. For those requiring the best distance and/or unaided night vision possible, monovision is less desirable. As a guideline, patients from their late 30's to 50 years old should strongly consider slight monovision, while patients over 50 years old should strongly consider full monovision.

[More on Considerations >](#)

Will my insurance cover LASIK?

In most instances, insurance companies consider LASIK "elective" and do not cover the procedure. You should check with your benefits provider to see if they cover LASIK or allow LASIK to be paid for with pre-tax income under a flexible benefits plan. For your convenience, The Laser Vision Institute offers a simple payment plan and accepts all major credit cards.

[More on Payment Options>](#)

Can I have both eyes treated on the same day?

Most patients do elect to have both eyes treated on the same day. The advantages include convenience, less total time away from work and balance in vision. Consult with your physician before you decide. [More on Procedure >](#)

Does the procedure hurt?

Laser vision correction procedures are usually painless. The use of topical anesthesia eye drops numbs the eye. Occasionally, some patients experience slight discomfort a few hours after the procedure. Post-operative discomfort may include slight stinging, excessive tearing and a foreign body sensation. Typically, over-the-counter pain relievers ease this discomfort. A post-operative nap is also recommended to ease discomfort.

[More on Procedure >](#)

For a few weeks, until the eye completely heals, most patients may experience increased glare and halos around bright lights. Patients may also experience some blurriness within the first days after the procedure. Since laser vision correction was first performed in the late eighties, there have been no proven long-term negative effects on the eye's strength.

[More on Considerations >](#)

How long does the whole LASIK procedure take?

The laser operates, on average, less than a minute per eye. Time in the laser room is less than 15 minutes and total time in a Laser Vision Institute facility is generally between two and four hours.

[More about the Procedure Day >](#)

How long will it take for me to achieve stable vision?

Each patient's healing response is different. While most patients will achieve stable vision overnight, others may take a few days or in rare cases, a few weeks. However, most patients report that they return to their normal activity schedule within a day or two.

[More about Post Operative Care >](#)

How soon can I resume normal activities?

Most patients are able to drive and resume normal activities the next day. Patients should not wear eye makeup, swim, get water in their eyes, or expose themselves to dusty or dirty environments for at least three days after surgery. In addition, patients should not rub their eyes for at least ten days after surgery.

[More about Post Operative Care >](#)



[Home](#)
[About Us](#)
[LASIK](#)
[Contact](#)
[Careers](#)

Call Us Toll Free:
1-888-978-536

laservisioninstitute.com : About LASIK

February 15, 2002

about

LASIK

[Book a FREE Consultation](#)

[Find a Location...](#)

Imagine freedom from your ill-fitting, uncomfortable glasses that constantly fog up.

Imagine life without the daily hassle of contact lenses that dry out or tear.

Thanks to The Laser Vision Institute, you may say goodbye to glasses or contact lenses.

Laser vision correction is a common procedure that has been performed on millions of people around the world. The Laser Vision Institute offers the most popular form of laser vision correction, LASIK (laser assisted in situ keratomileusis).

This area of our web site provides information that can help you to evaluate the LASIK corrective procedure and The Laser Vision Institute's process. Choose from the Topics below:

About Us:

[Introduction](#)
[Company News](#)
[Locations](#)
[Physicians](#)
[Technology](#)
[Testimonials](#)
[Career Opportunities](#)

About LASIK:

[Introduction](#)
[How the Eye Works](#)
[The LASIK Difference](#)
[The Procedure Day](#)
[Post-Operative Visits](#)
[Considerations](#)
[Frequently Asked Questions](#)
[Payment Options](#)

Contact Us:

[General Info](#)
[Contact Form](#)
[Schedule a FREE Consultation](#)
[Career Application](#)

Subscribe to Our Free LASIK News Bulletin

Receive news and special offers via e-mail. Enter your e-mail address below and press Go!

 [Subscribe](#)

Title

Topic

The Procedure Day

When you arrive at The Laser Vision Institute on the day of your procedure, you will complete a brief check-in process. You can ask questions at any time. We want you to be as comfortable and relaxed as possible... [More >](#)

Post-Operative Visits

Coming Soon! [More >](#)

Considerations

LASIK patients must be at least 18 years of age and must not be pregnant or nursing. The conditions listed below may present additional risks or complications and should be discussed... [More >](#)

Frequently Asked Questions

Answers to questions that are frequently asked by those considering LASIK laser vision correction... [More >](#)

Payment Options

Payment options for laser vision correction at The Laser Vision Institute. Payment plans are available. Deposit and Cancellation information... [More >](#)

Book a Consultation

Book a consultation online! [More >](#)

[Page Top](#)

Powered by **vital**.com

Laservisioninstitute.com : About Us : Testimonials

February 15, 2002

about us:
Testimonials

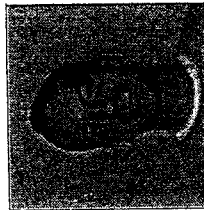
Read what our patients have to say about their results from their LASIK procedure:

"I have not been able to see clearly since age 6, I am now 41 and before the procedure I couldn't read the "E" on the eye chart. I am still waking up every morning thinking I went to sleep with my contacts in!"

Tami Maurer

"The LASIK procedure was great and the results incredible. Everyone was very professional and friendly. I highly recommend the procedure and The Laser Vision Institute."

Dr. Jay Elbrecht



"To anyone who is considering LASIK — Go for it! It's so simple and the results are amazing! It's so worth it. I'd do it again in a heartbeat. I'm so glad I did it!"

Holly Wight



"I have been wearing glasses or contacts for 19 years. When a few friends of mine had LASIK done and had great results, I decided to have it done also. The results were instantaneous; I was able to see when I got off the chair in the

About Us:

[Introduction](#)
[Company News](#)
[Locations](#)
[Physicians](#)
[Technology](#)
[Testimonials](#)
[Career Opportunities](#)

About LASIK:

- [Introduction](#)
- [How the Eye Works](#)
- [The LASIK Difference](#)
- [The Procedure Day](#)
- [Post-Operative Visits](#)
- [Considerations](#)
- [Frequently Asked Questions](#)
- [Payment Options](#)

Contact Us:

General Info
Contact Form
Schedule a FREE Consultation
Career Application

**Subscribe to Our Free
LASIK News Bulletin**

Receive news and special offers via e-mail. Enter your e-mail address below and press

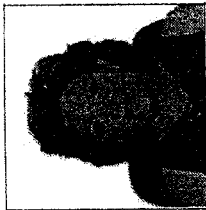
Gol

Subscribe

C Remove

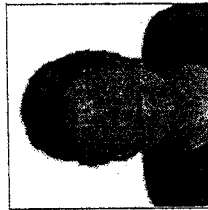
Ge

"After 25 years of wearing contacts and glasses, now I do not need them. Everyone at The Laser Vision Institute is friendly and the procedure only took 10 minutes!"
Lisa Tally

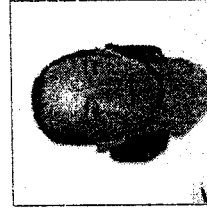


"Best thing I ever did!"
Cindy B. Larsen

"I cannot say enough about my laser eye surgery. It is so wonderful to be able to go in a store and be able to read labels and price tags. Read the newspaper without glasses. Everything is so clear and beautiful. I recommend this procedure to everyone that has to wear glasses, get rid of those things!"
Linda Brooks



"LASIK has allowed me to revisit my youthful years when I could see without glasses, contacts. On a windy day I feel free to walk in the wind clearly."
Thomas Waller



"As a police officer, this procedure has given me more confidence and opportunity than before. It is great to see 20/20, 24 hours a day, seven days a week."
Daniel Floyd

"The LASIK surgery has enhanced my life so very much. The revitalized gift of vision is beyond an expression of words. The entire staff was accommodating, professional, and sincere."
Tami Gir

"Laser vision correction has given me a new



Decision and Order

DECISION AND ORDER

The Federal Trade Commission having initiated an investigation of certain acts and practices of the respondents named in the caption hereof, and the respondents having been furnished thereafter with a copy of a draft of complaint which the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondents with violation of the Federal Trade Commission Act; and

The respondents, their attorney, and counsel for Federal Trade Commission having thereafter executed an agreement containing a consent order, an admission by the respondents of all the jurisdictional facts set forth in the aforesaid draft of complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in such complaint, or that the facts as alleged in such complaint, other than jurisdictional facts, are true and waivers and other provisions as required by the Commission's Rules; and

The Commission having thereafter considered the matter and having determined that it had reason to believe that the respondents have violated the said Act, and that complaint should issue stating its charges in that respect, and having thereupon accepted the executed consent agreement and placed such agreement on the public record for a period of thirty (30) days for the receipt and consideration of public comments, and having duly considered the comment received from an interested party pursuant to section 2.34 of its Rules, now in further conformity with the procedure prescribed in section 2.34 of its Rules, the Commission hereby issues its complaint, makes the following jurisdictional findings and enters the following order:

1. Respondent The Laser Vision Institute, LLC ("LVI"), is a Florida corporation with its principal office or place of business at 3801 South Congress Avenue, Lake Worth, Florida 33461.

Decision and Order

2. Respondent Marco Musa is the President of the corporate respondent. Individually or in concert with others, he formulates, directs, controls, or participates in the policies, acts, or practices of the corporation. His principal office or place of business is the same as that of LVI.

3. Respondent Max Musa is the Chief Executive Officer of the corporate respondent. Individually or in concert with others, he formulates, directs, controls, or participates in the policies, acts, or practices of the corporation. His principal office or place of business is the same as that of LVI.

4. Respondent Marc'Andrea Musa is the Vice-President of the corporate respondent. Individually or in concert with others, he formulates, directs, controls, or participates in the policies, acts, or practices of the corporation. His principal office or place of business is the same as that of LVI.

5. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

DEFINITIONS

For purposes of this Order, the following definitions shall apply:

1. Unless otherwise specified, "respondents" shall mean The Laser Vision Institute, LLC, a corporation, its successors and assigns and its officers; Marco Musa, Max Musa, and Marc'Andrea Musa, individually and as officers of the corporation; and each of the above's agents, representatives, and employees.

Decision and Order

2. "Competent and reliable scientific evidence" shall mean tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.
3. "Refractive surgery services" shall mean any surgical procedure designed to improve the focusing power of the eye by permanently changing the shape of the cornea.
4. "Device," shall mean as defined in Section 15 of the Federal Trade Commission Act, 15 U.S.C. § 55.
5. "Commerce" shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

I.

IT IS ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, or sale of LASIK surgery services or any other refractive surgery services, in or affecting commerce, shall not represent, in any manner, expressly or by implication, that such services:

- A. Eliminate the need for glasses and contacts for life;
- B. Eliminate the need for reading glasses; or
- C. Eliminate the need for bifocals, unless, at the time it is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Decision and Order

II.

IT IS FURTHER ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, or sale, of LASIK refractive surgery services or any other refractive surgery services, in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, about the efficacy, safety, performance, or benefits of such services, unless, at the time it is made, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

III.

IT IS FURTHER ORDERED that respondents, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, or sale, of LASIK refractive surgery services or any other refractive surgery services, in or affecting commerce, shall not misrepresent, in any manner, expressly or by implication:

- A. That consumers will receive a free consultation that determines their candidacy for LASIK or any other refractive surgery services,
- B. The cost to consumers to have their candidacy for refractive surgery services determined, or
- C. The information consumers will receive during a consultation for refractive surgery services.

IV.

Nothing in this order shall prohibit respondents from making any representation for any device that is permitted in labeling for such device under any new medical device application approved by the Food and Drug Administration.

Decision and Order

V.

IT IS FURTHER ORDERED that respondent The Laser Vision Institute, LLC, and its successors and assigns, and respondents Marco Musa, Max Musa, and Marc'Andrea Musa shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

- A. All advertisements and promotional materials containing the representation;
- B. All materials that were relied upon in disseminating the representation; and
- C. All tests, reports, studies, surveys, demonstrations, or other evidence in their possession or control that contradict, qualify, or call into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations.

VI.

IT IS FURTHER ORDERED that respondent The Laser Vision Institute, LLC, and its successors and assigns, and respondents Marco Musa, Max Musa, and Marc'Andrea Musa shall deliver a copy of this order to all current and future principals, officers, and directors, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondents shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

Decision and Order

VII.

IT IS FURTHER ORDERED that respondent The Laser Vision Institute, LLC., and its successors and assigns shall notify the Commission at least thirty (30) days prior to any change in the corporation that may affect compliance obligations arising under this order, including, but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. Provided, however, that, with respect to any proposed change in the corporation about which respondent learns less than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

VIII.

IT IS FURTHER ORDERED that respondents Marco Musa, Max Musa, and Marc'Andrea Musa, for a period of five (5) years after the date of issuance of this order, shall notify the Commission of the discontinuance of their individual current business or employment, or of their individual affiliation with any new business or employment in the eye care industry. The notice shall include respondent's new business address and telephone number and a description of the nature of the business or employment and his duties and responsibilities. All notices required by this Part shall be sent by certified mail to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Decision and Order

IX.

IT IS FURTHER ORDERED that respondent The Laser Vision Institute, and its successors and assigns, and respondents Marco Musa, Max Musa, and Marc'Andrea Musa shall, within sixty (60) days after service of this order, and at such other times as the Federal Trade Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

X.

This order will terminate on July 8, 2023, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

- A. Any Part in this order that terminates in less than twenty (20) years;
- B. This order's application to any respondent that is not named as a defendant in such complaint; and
- C. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.

Analysis

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from The Laser Vision Institute, LLC and its principals, Marco Musa, Max Musa, and Marc'Andrea Musa (collectively, "LVI").

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves alleged misleading representations about LASIK (laser assisted *in situ* keratomileusis) refractive surgery services designed to improve the focusing power of the eye by permanently changing the shape of the cornea (the clear covering of the front of the eye), thereby reducing patients' dependence on eyeglasses and contact lenses.

The complaint alleges that LVI failed to substantiate claims that its LASIK surgery services: (1) eliminate the need for glasses and contacts for life; (2) eliminate the need for reading glasses; and (3) eliminate the need for bifocals. Among other reasons, the complaint alleges that LASIK surgery does not eliminate most peoples' need for reading glasses.

According to the FTC complaint, LVI falsely claimed that consumers will receive a free consultation that determines their candidacy for LASIK. In fact, the complaint alleges that consumers receive a free, initial meeting with an LVI representative during which consumers receive a quoted price for the procedure based on their prescription and other desired services, and are required to pay a \$300 deposit before the risks and limitations of LASIK are disclosed to them and their candidacy is determined by a health care professional at a future

Analysis

time. The \$300 deposit is non-refundable if, after the consultation, consumers elect not to undergo the procedure. Consumers are refunded \$200 of the deposit if they are later rejected as medical candidates.

The proposed consent order contains provisions designed to prevent LVI from engaging in similar acts and practices in the future.

Part I of the order prohibits claims that LASIK surgery services or any other refractive surgery services: (1) eliminate the need for glasses and contacts for life; (2) eliminate the need for reading glasses; or (3) eliminate the need for bifocals, unless the claims are substantiated by competent and reliable scientific evidence. “Refractive surgery services” are defined as any surgical procedure designed to improve the focusing power of the eye by permanently changing the shape of the cornea.

Part II of the order requires that future claims about the benefits, performance, efficacy, or safety of any refractive surgery service be substantiated by competent and reliable scientific evidence.

Part III of the order prohibits LVI from misrepresenting: (1) that consumers will receive a free consultation that determines their candidacy for LASIK or any other refractive surgery services; (2) the cost to consumers to have their candidacy for refractive surgery services determined; or (3) the information consumers will receive during a consultation for refractive surgery services.

Part IV of the order permits device claims approved by the FDA under any new medical device application.

Parts V and VI of the order require LVI to keep copies of relevant advertisements and materials substantiating claims made in the advertisements, and provide copies of the order to certain of its personnel.

Analysis

Part VII of the order requires the corporate respondent to notify the Commission of changes in corporate structure.

Part VIII of the order requires the individual respondents to notify the Commission of their employment status in the eye care industry.

Part IX of the order requires LVI to file compliance reports with the Commission, and . Part X provides that the order will terminate after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Complaint

IN THE MATTER OF

LCA-VISION, INC. d/b/a LASIKPLUS

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATIONS OF
SEC. 5 AND SEC. 12 OF THE FEDERAL TRADE COMMISSION ACT

Docket C-4083; File No. 0223098
Complaint, July 8, 2003--Decision, July 8, 2003

This consent order, among other things, prohibits Respondent LCA-Vision, Inc., doing business as LasikPlus, from representing that LASIK (laser assisted *in situ* keratomileusis) or any other refractive surgery services – that is, any surgical procedure designed to improve the focusing power of the eye by permanently changing the shape of the cornea (the clear covering of the front of the eye) – (1) eliminate the need for glasses and contacts for life; (2) pose significantly less risk to patients' eye health than wearing glasses or contacts; or (3) eliminate the risk of glare and haloing, unless the claims are substantiated by competent and reliable scientific evidence. The order also requires the respondents to possess and rely on competent and reliable scientific evidence to support any future claims about the benefits, performance, efficacy, or safety of any refractive surgery service.

Participants

For the Commission: *Matthew Daynard, Mary K. Engle and Carolyn Cox.*

For the Respondent: *J. Beckwith Burr, Wilmer, Cutler & Pickering.*

COMPLAINT

The Federal Trade Commission, having reason to believe that LCA-Vision, Inc., a corporation ("respondent"), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent LCA-Vision, Inc. ("LCA") is a Delaware corporation with its principal office or place of business at 7840