

# Anti-Kickback FAQs

**Question:** *May a Walmart or Sam's Club Associate recommend or promote an independent optometrist leasing space in the facility?*

**Answer:** A Walmart or Sam's Club Associate may not recommend, promote, or refer a customer to an independent optometrist leasing space in the facility. Instead, the Associate should educate the customer on the availability of different optometrists in the community, including the independent optometrist in the facility. The associate should tell the customer "You have multiple choices in the community for your eye care needs, including an Independent Doctor of Optometry next door." The customer then as the information to decide which optometrist to see.

1. **Question:** *May I place the independent optometrist's business card in the Vision / or Optical Center?*

**Answer:** In certain states, a Vision Center or Optical Center may allow an independent optometrist to place his or her business cards in the Vision Center or Optical Center available to customers to pick-up. These states are Alabama, Alaska, Arizona, Connecticut, Florida, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Vermont, Wisconsin, and Wyoming.

The business cards are then available for a customer to pick-up as they wish. Walmart and Sam's Club Associates may not actively handout an independent optometrist's business cards to customers or place in a customer's optical or pharmacy bag in any state.

2. **Question:** *May the Vision Center or Optical Center post signs about an independent optometrist in the vision center or elsewhere in the store or club?*

**Answer:** An independent optometrist may place signs about his or her practice in his or her licensed space (the independent optometrist's office). The independent optometrist's credentials and hours may also be placed in the standard black stand sign available in most Vision Centers and Optical Centers, provided from the Home Office. In some states, the independent optometrist may also post his or her exam fees in the black stand sign. These states include Alabama, Alaska, Arizona, Connecticut, Florida, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Vermont, Wisconsin, and Wyoming.

Other signing about the independent optometrist may be allowed, but all such signing must first be reviewed and approved by the Home Office by emailing [\\_\\_\\_\\_\\_@wal-mart.com](mailto:_____@wal-mart.com).

3. **Question:** *May the Vision Center post a banner or sign listing the services provided by an independent optometrist?*

**Answer:** An independent optometrist may place signs about his or her practice in his or her licensed space (the independent optometrist's office). This includes signs listing the services he or she provides.

In many states, the independent optometrist's may also be list the services he or she provides in the standard black stand sign available in most Vision Centers and Optical Centers, provided from the Home Office. These states include Alabama, Alaska, Arizona, Connecticut, Florida, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Vermont, Wisconsin, and Wyoming.

Other signing about the independent optometrist may be allowed, but must first be reviewed and approved by the Home Office by emailing [\\_\\_\\_\\_\\_@wal-mart.com](mailto:_____@wal-mart.com).

4. **Question:** *May the Vision Center or Optical Center post signs listing the insurance plans accepted by the independent optometrist?*

**Answer:** An independent optometrist may place signs about his or her practice in his or her licensed space (the independent optometrist's office). This includes signs listing the insurance plans he or she accepts.

In many states, the independent optometrist's may also be post the insurance plan he or she accepts. This should be posted near or next to the standard black stand sign available in most vision centers from the Home Office. These states include Alabama, Alaska, Arizona, Connecticut, Florida, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Vermont, Wisconsin, and Wyoming.

5. **Question:** *May the Vision Center or Optical Center include information about an independent optometrist while conducting intercepts?*

**Answer:** The Vision Center intercept program is a great tool to tell customers about the Walmart/Sam's Club Vision and Optical Centers. An intercept should focus only on promoting general eye health and the services offered by the Vision Center or Optical Center. The services of an independent optometrist should not be advertised or promoted during an intercept.

If during an intercept a customer asks for a recommendation or referral about what eye doctor to see, educate the customer on the options of optometrists in the community. Associates can tell the customer about the multiple choices of eye care provider in the community, including the Independent Optometrist next door. The customer then has information to decide what optometrist to see. If after receiving this information the customer asks how to contact the optometrist in the facility, the Associate may direct the customer to the optometrist office for more information.

6. **Question:** *Can a Vision Center or Optical Center Associate make appointments or take phone calls for the independent optometrist?*

**Answer:** Making appointments and taking phone calls are op-tech services provided under the independent optometrist's lease agreement. If the independent optometrist has contracted for op-tech services as part of his or her lease agreement and the service is provided during the hours the optometrist has contracted, Associates should take appointments and phone calls for the independent optometrist. If the independent optometrist has elected to provide his or her own op-tech services rather than contracting to have Walmart or Sam's Club provide that service, the independent optometrist will provide a way to schedule appointments and take phone calls when he or she is not in the office.

7. **Question:** Is it still permissible for an independent optometrist to offer eye exam discounts to Associates?

**Answer:** Yes, it is still permissible for an independent optometrist to offer eye exam discounts to Associates as long as the discount is offered to all Associates globally or all Associates in the facility. Independent optometrists are NOT required to give discounts to Associates. They may decide on their own to offer any amount of discount for any time period if the same discount is extended to ALL Associates. Please see [VCOG 1206](#) for more information.