24 March 2010: Replacement of glasses without a prescription

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The Autorité de la concurrence sanctions the French national association of ophthalmologists (Syndicat national des ophtalmologistes de France - SNOF) for having called for a boycott of opticians affiliated with the Santéclair network

> Version française

Following a referral from the Minister for the Economy, the Autorité de la concurrence issued a decision in which it sanctions the French national association of ophthalmologists (Syndicat national des ophtalmologistes de France - SNOF) in the amount of 50000 euros for having called for a boycott of opticians that are members of the Santéclair network. The latter had launched an initiative which, under certain conditions, would provide persons over 16 years of age with replacement glasses without the need for a prescription, with the insured person also receiving a better reimbursement.

The MAAF-Santéclair initiative

Considering the low level of Social Security coverage of certain healthcare expenses (notably dental and optical), many supplementary health insurance institutions (OCAM) have established partnerships with healthcare professionals. Within this framework, the partner healthcare professionals undertake to provide the insured persons with certain services (set-up of a third party payer system, sometimes rate reductions...). In return, policyholders of the OCAM in question are encouraged to deal with healthcare professionals that are members of the network.

It is in this context that, in late 2003, the MAAF - one of the supplementary health insurance institutions (OCAM) using the Santéclair network - undertook to provide its policyholders over 16 years of age with a 100% reimbursement of the price of replacement glasses acquired without a prescription from an optician member of the Santéclair network, provided that the insured person's situation did not require a consultation with an ophthalmologist.

The call for boycott of the SNOF

In response, between December 2003 and April 2004, by means of circulars and letters, the French national association of ophthalmologists (Syndicat national des ophtalmologistes de France - SNOF) called for a boycott of opticians that had signed a contract of partnership with Santéclair. In particular, it prompted its members to warn patients with regard to the potential risks to their health from dealing directly with opticians without first consulting with an ophthalmologist.

Practices that are damaging to the development of approved health care networks and to patients

Pressure from the SNOF led a certain number of opticians to terminate their partnership contracts with Santéclair and hindered the dynamic of development of these approved networks, despite the fact that the latter are favourable for competition and in the interests of patients, as already indicated by the Autorité de la concurrence [1] .

It is the second time that the Autorité sanctions practices of this type. In February 2009, the National council of the order of dental surgeons (Conseil national de l'Ordre des chirurgiens-dentistes), and several of its regional councils, were sanctioned for having encouraged dental surgeons to avoid any partnership with the Santéclair company.

[1] See opinion 09-A-46 of 9 September 2009. To consult the press release