March 25, 2002

Office of the Secretary
Federal Trade Commission , Room 159
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Sir:

This letter is in response to the proposed changes to the Telemarketing Sales Rule, including its proposal to create a national "do not call" registry. My name is Richard L. Cluck and I am President and CEO of LifeShare, a non-profit blood center located in Elyria, Ohio.

Under the FTC's proposal, non-profit entities such as blood centers that use blood center employees to recruit donors would be exempt from the proposed Do Not Call registry. However, non-profit entities that hire for-profit telemarketing or telerecruiting firms to recruit donors would not be exempt. LifeShare, since 1999, has used a for-profit telemarketing firm to recruit its whole blood donors.

It is this specific issue that concerns me the most under the FTC's proposal which is pivotal to our future wellbeing. Our relationship with this telemarketing firm has been exceedingly wholesome. The proposed FTC rules jeopardize that relationship and puts this Blood Center's future in doubt.

As background, LifeShare utilized its own telemarketing staff until the function was outsourced approximately two years ago. The reasons for outsourcing the department were: vacant positions could not be filled and over time they were growing exponentially as turnover of telerecruiters was extremely high; the work ethic of this level of staff was inferior; reliability was poor, that is, absences were high and tardiness frequent. In sum, the blood collection rate for this department was decreasing and attempts for corrective action were not successful. In addition, telecommunications technology of the future required not only technologically proficient individuals at the helm but state-of-the-art communications equipment; LifeShare did not have the financial wherewithal to make these investments.

Our track record during the last two years is proof that we have overcome these operational issues. Moreover, other benefits derived from the telemarketing firm include e-mail capability with our donor base and also virtual agent messaging capability. Neither of these capabilities would we have without our external relationship. This telemarketing firm will offer other advantages and conveniences in the future which will benefit LifeShare's donor recruitment. In short, these firms specialize in telecommunications and are "flat out" better at it.

This proposed rule change is very, very important to LifeShare. Our past experience has proved beyond a doubt that our current relationship with the for-profit telemarketing firm is far superior to whatever could be refashioned with an internal telemarketing department. There is no singular issue I can think of that would put the Blood Center's future more in jeopardy than not exempting for-profit telerecruiting firms.

Every blood center is concerned about its donation rate in the future as more and more "deferral" criteria are promulgated by the FDA. Currently we are dealing with "mad cow disease" that is projected to remove (defer) anywhere from 630,000 to one million active donors nationwide. At the same time, hospitals are using more blood and blood components; last year they used eight percent more than the previous year. Consequently, it is truly unconscionable to promulgate other restrictive measures that will make donor recruitment in fact worse.

In conclusion, blood centers for the purpose of "donor recruitment" need to be made exempt from the FTC's proposed changes to the Telemarketing Sales Rule regardless of whether the telemarketing function is carried out internally or via a contracted for-profit entity. It is my opinion that LifeShare likely will not survive without this consideration.

Thank you for the opportunity to comment.

Sincerely,

Richard L. Cluck
President and CEO