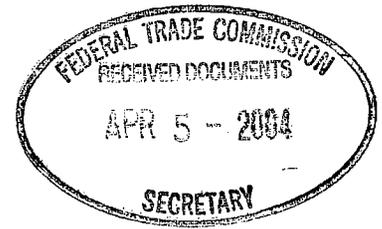


R.W. Icke, O.D.

KS



Date: 3-25-04  
To: Federal Trade Commission  
Re: Contact Lens Rule, Project No. R411002

Because of the intensive advertising campaigns that soft lens manufacturers and sellers have launched, the public seems to believe that soft contact lenses are harmless devices. They are not. I have treated and/or referred about a dozen bacterial corneal ulcers in my office and have observed corneal ulcer scars in about a dozen more patients. Corneal ulcers leave scars, and if the scar is within the pupillary area then permanent visual damage will result. Nearly all bacterial ulcers I have observed have occurred in soft contact lens wearers. Even though "cosmetic" contact lenses do not correct vision, they do raise the risk of infection to the same level as contact lenses which do correct vision. The potential danger of contact lenses is from the mechanical fit, oxygen reduction to the cornea and the condition of the contact lenses. Contact lenses must either be cleaned properly or disposed of at appropriate intervals to insure that the lenses are in good condition. Visual correction or non correction has no effect on safety. Any definition of a prescription contact lens must include "cosmetic" lenses. All contact lenses must be by prescription.

The passive verification period should be increased to 24 business hours to allow offices in small towns, which may only be open for 1 or 2 days a week, time to respond. There are also occasions, when records are difficult to find. I have on 2 occasions been asked to verify prescriptions which were about 6 years old. In one of those cases the record was in a bad debt file, because she had taken trial lenses and refused to return for follow-up. I suspect both people had been buying contact lenses for years without a valid prescription.

A contact lens seller should only be able to sell contacts after receiving a written contact lens RX and should be able to sell only the quantity of lenses specified on the RX. Most of the verification requests that I have received have been over 1 year after the contact lens evaluation. Selling a full year supply of the contacts near the expiration date results in excessive time between eye exams and contact lens evaluations.

Automated telephone calls for verification must not be allowed. I received the following message on my answering machine at least twice (Monday 5:58 p.m. & Saturday 5:43 p.m.): "Request that you verify the prescription information your patient has provided us, otherwise Press 2 — We have noted that your office will not respond to your patients request that you verify the prescription information your patient has provided us." As this was from an automated phone machine, the patients name and contact lens RX were given during my answering machine's message (stating office hours) and before the tone. I called 1-800-CONTACTS daily for several days requesting the patients name each day, and I was told that they would contact me with that information. They never did.

Contact lens wearers certainly should be able to purchase contact lenses from non-professional sources, if they wish, but safeguards need to be in place to assure that contact lens prescriptions are filled as written.

Sincerely,

A handwritten signature in cursive script, appearing to read "Russell W. Icke".

Russell W. Icke, O.D.