

From: Gerard Lozada
Sent: Monday, June 07, 2004 2:36 PM
To: CONTACTLENSSTUDY
Subject: FCLCA Competition Comment

May 15, 2004

TO: FEDERAL TRADE COMMISSION

FROM: DR. GERARD LOZADA

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RE: CONTACT LENS RULE, PROJECT NO. R411002

CONSIDERATIONS REGARDING
THE FAIRNESS TO CONTACT LENS CONSUMERS ACT (FCLCA)

Currently, health care providers are in charge of their patient's health and safety. Cardiologists decide what type of pacemaker best controls a patient's heart; internists decide what type of medication best controls a diabetic's blood sugar; optometrists, ophthalmologists, and, in some states, opticians decide what type of contact lens best suits a patient's vision, health and lifestyle. The Fairness to Contact Lens Consumers Act (FCLCA) is unique in that it currently permits vendors to provide contact lenses to patients if the eye care practitioner does not respond within 8 business hours. In effect, this places contact lens health and safety into the hands of a vendor who may never actually see a patient's prescription. By utilizing unlicensed vendors, the law promotes competition, but is this at the expense of health and safety? Some will argue that no health or safety issues exist. If so, why did a survey by the Center for Contact Lens Research (CCLR) at University of Waterloo, School of Optometry find that 2.7 million patients stop wearing contact lenses each year? 1-800-CONTACTS recently stated that \$10 million in contact lens orders have been canceled since FCLCA went into effect and blames eye care providers for their loss. In regard to competition, which makes more sense — thousands of eye care providers are risking fines for withholding valid contact lens prescriptions or, by being forced to comply with FCLCA, third party contact lens vendors are no longer able to fill invalid contact lens prescriptions? As stated previously, unlicensed vendors providing contact lenses to patients does increase competition, but the accusation being made points towards profits, not towards health and safety.

Please note that I am in favor of providing contact lens prescriptions to patients. Please also note that I am not in favor of vendors self-regulating. I ask the FTC to provide a framework that both promotes competition and provides for consumer health and safety.

Thank you for your consideration.