



American Optometric Association

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September 14, 2012

Federal Trade Commission  
Office of the Secretary  
Room H-113 (Annex X)  
600 Pennsylvania Ave., NW  
Washington, DC 20580

**Re: Pet Medications Workshop**

Dear Secretary Clark:

The American Optometric Association (AOA) is pleased to provide comments in connection with a workshop to examine competition and consumer protection issues in the pet medications industry. The AOA represents approximately 36,000 doctors of optometry, optometry students and paraoptometric assistants and technicians. Optometrists serve patients in nearly 6,500 communities across the country, and in 3,500 of those communities are the only eye doctors. Doctors of optometry provide more than two-thirds of all primary vision and eye health care in the United States.

Recent changes to the distribution and prescription portability practices in the contact lens industry, put in place by the 2004 Fairness to Contact Lens Consumer Law, might yield lessons applicable to the pet medications industry. Below is our opinion on how the FCLCA has impacted optometrists and, more importantly, patients.

**Patient Safety Concerns**

Patient safety is a primary public health concern of the AOA. The original intent of the FCLCA was to provide a statutory and regulatory framework for increasing consumer freedom of choice in contact lens purchasing while also increasing safeguards for the contact lens wearing patient population.

The AOA fully supports both of these goals. However, the AOA believes that there are problems with both the crafting and the enforcement of the current statute that weaken the patient protection goals of the FCLCA. This reality negatively affects the contact lens wearing population, and is a cautionary tale for the pet medications industry.

One peer-reviewed published study found that those who purchased their contact lenses online had a statistically significantly higher rate of disregard for FDA recommendations on contact lens safety than those who purchase their lenses from an eye care practice. The improper use of contact lenses has been associated with bacterial, fungal, and viral conjunctivitis, corneal abrasions, corneal hypoxia, corneal neovascularization, recurrent corneal erosions, and corneal ulcer which can lead to permanent vision loss if left untreated. Another peer-reviewed, published study reports that purchasing lenses on-line is a risk factor for increased complications with contact lenses.

Other risks include allergic and hypersensitivity reactions, secondary to contact lens absorption and concentration of toxic chemicals, exacerbation of dry eye syndromes, reduction in visual acuity and contrast sensitivity, and other visual complications that can interfere with daily life activities. Optometrists around the country frequently report cases where contact lenses are being improperly used and patients are suffering from adverse effects after purchasing their lenses on-line.

In fact, corneal problems suffered by individuals often cause extreme pain and are frequent conditions seen in emergency outpatient departments. Therefore, it is incumbent on all stakeholders to improve to compliance of the contact lens wearing consumer.

### Passive Verification

If a doctor does not respond to a request for contact lens prescription verification within eight business hours, then the seller may complete the sale of the contact lenses. The AOA has received complaints from members on this rule being abused. Sellers are using tactics such as non-user friendly automated phone calls, faxing during non-business hours, and incorrect counting of eight business hours. If a doctor is unable to respond on behalf of the patient due to these unscrupulous business practices, then patients are unprotected from medical devices that carry potential risks.

### Deficient Verification Practices

The AOA has also received complaints about sellers advertising and selling lenses, prescriptive and decorative, with no prescription necessary. These sellers simply ignore the verification process and mail lenses directly to the consumer. In consumer alerts, the FTC warns that all lenses, even decorative lenses, require a prescription and failing to have one could result in injury or illness. Multiple studies have demonstrated that purchasing cosmetic contact lenses without a prescription is associated with higher risk for sight-threatening adverse events.

In conclusion, the passive verification requirements in the FCLCA are a poor method of prescription verification that should be remedied in the FCLCA and not duplicated in any legislation contemplated for the pet industry. This system has led indirectly to a higher incidence of unhealthy and risky behaviors among eye care consumers. Changes in the verification methods, as well as more effective enforcement should be goals of the FTC in both the FCLCA and any other system patterned after it.

Sincerely,

  
Roger L. Jordan, OD  
Chair  
AOA Federal Relations Committee