



April 9, 2013

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

Re: Contact Lens Rule: FTC File No. P054510

Dear Secretary Clark:

The American Optometric Association (AOA) is pleased to provide information to the Office of Management and Budget (OMB) as directed by the Paperwork Reduction Act (PRA), 44 USC 3501-3520. 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.

The Federal Trade Commission (FTC) has asked interested parties to comment on the accuracy and clarity of information they have collected regarding the Fairness to Contact Lens Consumer Act (FCLCA) and the Contact Lens Rule. The FTC has also requested suggestions on how to minimize the burden of the collection of information.

Accuracy and Clarity of Information

The AOA generally confirms the accuracy of the information provided by the FTC, but the information is only slightly off according to our data.

- The FTC states that there are approximately 38 million contact lens wearers in the U.S.; the AOA puts that estimate closer to 40 million.
- The average examination cycle should, in theory, be 12 months, but it is actually closer to 18 months. This means that there are fewer than 38 million contact lens examinations a year.
- Around 33% of people get their contact lenses from a third party as opposed to 35.9%.
- According to Robert W. Baird & Co., the contact lens industry is a \$2.6 billion industry in the U.S. and a \$6.8 billion globally.
- According to AOA survey data for 2012 optometrist's median hourly earnings were \$65.22/hr.
- Prescribers spend 3 to 5 minutes providing the prescription to a patient.

Passive Verification

The passive verification process of the FCLCA requires doctors to respond to a request for contact lens prescription verification within eight business hours. It is estimated that this process takes about 3 minutes of staff time from the providers. Prescription verification is extremely important. Without it, patients could receive an incorrect prescription or an incorrect number of lenses posing a threat to their vision and eye health. Unfortunately, the current rule on passive verification does create an extra burden on doctors. For example, sellers often attempt to verify using unintelligible robo-calls or fax verification forms that are sent during non-office hours. Often, sellers do not provide contact information if there are questions regarding verification. These practices employed by sellers create a greater burden of the collection of information by doctors and we believe that this should be added to the cost burden.

In conclusion, the majority of information collected by the FTC is accurate, but it should be noted that the passive verification requirements in the FCLCA are a poor method of prescription verification that should be remedied. This system has led indirectly to a higher incidence of unhealthy and risky behaviors among eye care consumers, and a greater burden on doctors. Changes in the verification methods, as well as more effective enforcement, should be goals of the FTC in the FCLCA.

Sincerely,



Roger L. Jordan, OD
Chair
AOA Federal Relations Committee