



Chairwoman Edith Ramirez
Federal Trade Commission
Office of the Secretary, Constitution Center
400 7th Street SW, 5th Floor, Suite 5610 (Annex C)
Washington, DC 20024

Federal Trade Commission
Receiver
FEB 10 2017
Chairman

January 31, 2017

Dear Chairwoman Ramirez,

I have been a practicing doctor of optometry for 23 years. On an annual basis I provide care for many patients who wear contact lenses. As their physician, and in accordance with the American Optometric Association's Standards of Professional Conduct, my primary ethical responsibility is to place my patients' interest above my own. In keeping with this, I have complied with the requirements of the Fairness to Contact Lens Consumers Act (FCLCA) and the corresponding Contact Lens Rule by providing copies of contact lens prescriptions to my contact lens wearing patients at the end of the contact lens fitting process.

I do, however, oppose the new FTC proposal which would require that all of my contact lens wearing patients sign an acknowledgement of receipt of a contact lens prescription and require me to keep these forms on file for years. I am angered that the FTC will not, under its existing authority, seek to more-fully address the unscrupulous business practices of online contact lens sellers who are responsible for this proposal. These businesses have been putting the health and safety of my patients at risk for more than a decade, and this heavy-handed change is an unnecessary step which presupposes that all doctors of optometry are not complying with federal law. I know of no physician who does not comply with present law. This new proposal would also disrupt the doctor-patient relationship by communicating to patients that they should be wary of their physician and assume that members of their profession have been violators of federal law.

Additionally, while the FTC seems to dismiss the potential burden on physicians for complying with this new requirement, the proposal would undoubtedly add new costs for doctors and patients: it would require an additional step in the patient engagement process and necessitate ongoing staff training to ensure that physicians are meeting this unprecedented requirement. It also requires that physicians maintain these patient-signed forms for a number of years for possible review at a later date. In the past, the FTC underestimated and subsequently corrected the estimated burden on physicians for complying with the present Contact Lens Rule, and I am concerned that the FTC is repeating this same mistake.

I believe that those who violate the FCLCA rule should face enforcement action. I stand with a national organization, the American Optometric Association, which advocates full compliance of existing law and has sought FTC guidance for its doctor education materials concerning this. But now I fear being severely penalized in an ongoing way for the potential actions of a very few possible outliers. Accordingly, I respectfully request that the Commission look again at the costly impact of this burdensome proposal and, in doing so, give new and careful consideration to how it will harm tens of thousands of small and mid-sized eye care practices in communities across our country and serve as the basis for an utterly false and hostile presumption for my patients.

Sincerely,

Nathan W. Gorham, O.D.