



WISCONSIN ACADEMY OF OPHTHALMOLOGY

January 30, 2017

RE: Contact Lens Rule, 16 CFR part 315, Project No. R511995

On behalf of the Wisconsin Academy of Ophthalmology, which represents more than 200 ophthalmologists in Wisconsin, we appreciate the opportunity to provide comments to the U.S. Federal Trade Commission (FTC) regarding "Contact Lens Rule, 16 CFR part 315, Project No. R511995." While we welcome changes to the Contact Lens Rule that prioritize patient safety, we are deeply concerned with the proposed new requirements that prescribers have their patients sign an acknowledgment of receipt form when provided a prescription for contact lenses and keep the form for three years. These additional requirements may inadvertently inconvenience patients and place an unfair burden on our doctors, but do nothing to address the business practices of some online retailers that jeopardize the safety of the patients our doctors treat. These issues unfairly create an additional administrative burden for small business owners, like many of our members. This is particularly true when there is no evidence that our members are not complying with the current rule.

As far as the Wisconsin Academy of Ophthalmology is aware, ophthalmologists in Wisconsin are providing patients with their prescriptions in full compliance with the Contact Lens Rule as it is currently written. Our members are going to great lengths to comply with this rule despite serious concerns with its prescription verification system that we believe puts Wisconsin's patients at risk. The current rule's passive-verification system forces a rigid, eight-business-hour window on prescribers to verify prescriptions with sellers. After that window closes, the prescription is filled, regardless of whether a physician verified it, or the customer had a valid prescription at all. The American Academy of Ophthalmology gathered anecdotal evidence which indicated that practices are seeing a significant amount of errors due to incorrect or expired contact lens prescriptions- as high as 40 percent. Wisconsin ophthalmologists have encountered situations with patients ordering contacts online from out-of-state years after their prescriptions expired.

We disagree strongly with the added paperwork that does nothing to improve patient convenience, and contend that it may actually backfire--to require patients to personally visit the office to sign the prescription receipt. Often, eye doctors make prescription power adjustments by ordering contact lens trials, having them sent to the patient, or having patients pick them up and try them for a few days before they call back and give an update. If they are happy with the adjustment, the prescription is updated and they are sent a prescription. Under the new ruling it would require them to actually come back to the office to sign the prescription receipt.

The unnecessary redundancy of the proposed rule is a barrier to patient care. The proposed rule change requiring the maintenance of prescription receipts for 3 years seems unnecessary, as providers maintain the prescription copy in the record for seven years under existing laws. For patient notification, it may be more effective to have "Valid anywhere" printed on the Rx. That may go a lot further toward our goal of empowering our patients than having them sign a piece of paper.

The Wisconsin Academy of Ophthalmology wishes to emphasize that contact lenses are medical devices and the safety of our members' patients should not be sacrificed by bypassing physician oversight of prescription verification. Further, we are not aware of any evidence showing that ophthalmologists are not providing their patients with prescriptions for contact lenses. As such, our members should not face additional administrative burdens under this rule. We strongly urge the FTC to withdraw this proposal and re-approach the Contact Lens Rule with patient safety as its number one priority.