

Dear FTC Commissioners:

I am a doctor of optometry providing essential eye health and vision care in my home community of Greenville, South Carolina. I believe the FTC proposal Contact Lens Rule is both an unnecessary, and unduly burden to small businesses. There is no justification for targeting eye doctors and our patients with new paperwork and document storage requirements, as your misguided proposal would do, while the Commission allows retailers who blatantly violate the law to operate unchecked. Under the Fairness to Contact Lens Consumers Act, the FTC plays an important role in overseeing and enforcing the law's key provisions. The FCLCA requires that online contact lens resellers verify patients' contact lens prescriptions with their eye doctor and that eye doctors provide patients with a copy of their contact lens prescription. While the majority of eye doctors, including myself, routinely comply with the requirements of the law, nearly 1-in-3 consumers report ongoing illegal conduct by online contact lens resellers. This includes the common practice of supplying patients with contact lenses without any prescription at all, with an expired prescription, and/or failing to verify the validity of the prescription. As part of the FTC's ten-year review of regulations implementing the FCLCA, the Commission issued a proposed change in 2016 which, instead of focusing on ongoing patient health and safety concerns, and the blatant disregard for existing law by online contact lens suppliers, would mandate that every practicing eye doctor who prescribes contact lenses in the United States – optometrists and ophthalmologists – obtain, from each of about 40 million contact lens-wearing patients, a signed document indicating that the patient received a copy of their contact lens prescription.

Your agency's own complaint data confirms that doctors comply with the law, a finding that Members of Congress have specifically recognized in Congressional hearings with FTC officials and further affirmed on March 23rd through passage of 2018 government funding legislation (Public Law 115-141) and the following report directive:

Contact Lenses—The [Senate Appropriations] Committee is disappointed in the FTC's decision not to include the proposed patient safety improvements related to the prescription verification process in its draft contact lens rule and instead impose new paperwork requirements on patients and doctors that are unnecessarily burdensome. The Committee directs the FTC to prioritize patient safety and consider enforcement mechanisms under its existing authority or revisions to the draft rule that address sales of excessive quantities of lenses, illegal substitutions, and communication challenges associated with prescription verification, including robo-calls. The Committee further directs the FTC to continue to confer and consult with other Federal agencies, including the Food and

Drug Administration, to optimize its enforcement and consumer education activities.

There are many voices purportedly [paying consultants to voice unfounded claims](#) about why you should continue with the proposed rule. I urge you to listen to the nation's eye doctors and other public health experts in recognizing contact lenses as a **medical device** and by joining with the FDA and the CDC in making quality care and patient health and safety a priority in Washington, DC.

According to FTC estimates, the new paperwork mandate would cost doctors roughly \$10.5 million in the first year. A study conducted by a group of independent health economists found that, if finalized, costs could be nearly ten-times FTC estimates. While I understand that the Commission believes additional regulations are needed to address a perceived lack of compliance on the part of eye doctors, I believe that FTC time and taxpayer resources would be better served by the Commission focusing on exercising its existing authority to combat illegal contact lens sales. Rather than implement the current proposal, I believe that the FTC and Congress' shared goal of balancing market competition with safe and healthy use of medical devices can be achieved by FTC enforcement of existing healthy safeguards instead of a new paperwork mandate. Combating illegal contact lens sales would help better safeguard patient sight (reducing dollars spent on healthcare) while posted signage of patients' rights would help educate consumers without adding a new regulatory cost and without unduly burdening eye doctors, many of whom are small business owners.

Thank you for your time and consideration.

Sincerely,

Brittany Love, OD