

Dear FTC Commissioners:

I am a Doctor of Optometry providing essential frontline eye health and vision care in my home community of Hayden, Idaho.

I see contact lens patients every single day. My priority is to provide them with the safest possible contact lens prescription that includes breathability, optimal fit, and clear vision. Fitting contact lenses is a process and often requires multiple trial lenses with repeat visits until adequate comfort, vision, and fit are achieved. We try to achieve this standard in a reasonable amount of time so that everyone in need can be served. The proposed contact lens rule update is burdensome, time consuming, and costly to both patient and the eye care professional. It would add unnecessary time to this fitting process and would often require that the patient return to the office just to sign a piece of paper. Patients are already frustrated enough by our HIPAA forms, health history forms, order forms, etc. The proposed rule is inconvenient for patients, doctors, and staff.

I am much more concerned about the Commission allowing retailers, who violate the law daily, to operate unchecked. 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 23<sup>rd</sup> 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.

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 Food and Drug Administration (FDA) and the Centers for Disease Control (CDC) in making quality care and patient health and safety a priority in Washington, DC. Please use your time and your resources to protect the ocular health of our patients, rather than burdening all of us who are involved in primary eye care with unnecessary rules.

Sincerely,

**Kyle A. Stott, OD**