

April 5, 2018

Donald S. Clark, Secretary
Federal Trade Commission
Constitution Center
400 7th Street SW
5th Floor, Suite 5610 (Annex F)
Washington, DC 20024

Dear Secretary Clark:

I am an optometrist practicing in the Sacramento area who would like to offer feedback regarding proposed changes to the Contact Lens Rule. I personally take care of 1-3 patients each month who suffer significant corneal complications as a result of unmonitored contact lens use. Without exception, the affected patients purchase contact lenses for 2 or more years through online channels that use disingenuous methods to "verify" expired or non-existent prescriptions. Any optometrist can tell you a similar story. Online contact lens sellers have operated above the law without consequence, yet the FTC is considering an unnecessary and costly paperwork burden for doctors who prescribe contact lenses. The public would be better served if the FTC enforced the existing law which requires online retailers to verify patient prescriptions. It is well-known that these online retailers fill expired or non-existent prescriptions, abuse passive verification, and generally scam the system.

I listened to some of the FTC's public workshop that was held on March 7, 2018, and the willful ignorance of the FTC officials was breathtaking. The overall vibe reflected little respect for my profession, and even less respect for my status as a small business owner in my community. It is astonishing to me that clinicians were portrayed as self-serving and unethical, while the abuses and illegal practices of unscrupulous online contact lens resellers continue to be elevated by the FTC.

To test the faulty passive verification process myself, I recently ordered contact lenses for my dog from the Hubble website. The Rx was fabricated, and I gave my contact information as the prescribing doctor. A barely audible voice mail was left on my office phone line, and the lenses arrived a few days later at my home address. Yes, they were addressed to my dog.

To be fair, I realize that there are eye care professionals who do not abide by the current Contact Lens Rule, but the vast majority of us understand the important balance between economic freedom and safety. In summary, I would like to emphasize the following:

- The FTC is sorely mistaken to think that burdensome paperwork requirements will do anything to improve patient safety.
- The position of the American Optometric Association will result in the best outcomes for all involved.
- My objection to the proposed regulation is based on the oath I took to protect my patients' ocular health.
- The FDA has classified contact lenses as Class II medical devices in recognition of the risk for devastating loss of sight.
- Public health will continue to suffer in the form of unnecessary vision loss if the FTC fails to use its enforcement authority to crack down on illegal contact lens sales involving mass retail industry giants over the internet.

If passed, I will think of this regulation as a failure each time I console a future patient who is in misery and facing vision loss due to a preventable corneal ulcer. Thank you for considering my feedback on this issue.

Respectfully,
Lisa Heuer, O.D.