



Chino Hills Eyecare

Optometry

Dr. Suneet K. Gupta, O.D.

April 6, 2018

Dear FTC Commissioners:

I am a doctor of optometry providing essential frontline eye health and vision care in my home community of Chino Hills, CA.

There is no justification for targeting eye doctors—optometrists and ophthalmologists—and our patients with new paperwork and document storage requirements as your misguided Contact Lens Rule proposal would do, while the Commission allows retailers who blatantly violate the law to operate unchecked. We have multiple accounts of patients ordering lenses from HUBBLE contact lens company without a valid eye exam and returning to us stating that the lenses we prescribed were not working well. In fact the company switched the patient's lenses without letting them know there is a significant difference in material and oxygen transmission and comfort. Often this leads to ocular discomfort, infections, corneal abrasions, edema and blurry vision. This is just one example.

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. These calls usually happen in the late hours of the night and no one is able to verify. 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 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.

Sincerely,

Suneet Gupta, O.D.
