

Dear FTC Commissioners:

I am a doctor of optometry providing essential primary eye health and vision care in my home community of Russellville, Arkansas.

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. 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.

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.

I have heard claims from the large contact lens vendors that a yearly exam is not essential and that contact lenses should be freely dispensed without medical documentation or assessment. My own patient experience proves otherwise. I have had patients present with extensive damage to their eyes from extended contact lens wear and report that 1800 Contacts or another similar retailer has approved their orders for years (up to 10). I have sent in denials for expired prescriptions according to the laws governing the online retailers, only to find that the retailer has already shipped the lenses. A recent argument regarding this discussion shows that the American Ophthalmological Society recommends exams every 2-5 years for patients under 45. That is true, UNTIL they have a reason to come sooner, such as compromised health or the use of an FDA approved medical device worn on the eye. There is

absolutely no need for additional paperwork to impose restraints on my patients and doctors when the retailers themselves do not follow the already established and very fair guidelines. I have no problem with my patients purchasing contact lenses elsewhere when they are done so in an appropriate manner. Filling 5 year expired prescriptions with no approval from a doctor or filling prescriptions with different powers and parameters when a doctor has specified the parameters is not only harmful to the patient it is unlawful.

*Sincerely,*

Melia Robertson, OD