



SKOWRON EYE CARE

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

March 26, 2018

Dear Secretary Clark,

I am a Doctor of Optometry providing essential primary eye health and vision care to families in the Elmhurst Ill area. I had the opportunity to attend the FTC's public workshop examining contact lens marketplace and analyzing proposed changes to the contact lens rule. I was voluntarily away from my practice and my patients to be in Washington, DC to ensure that the perspective of concerned eye doctors and patients was heard, especially in a discussion involving the internet mass retail industry giants.

Despite the valuable information provided by the FDA and the CDC regarding the need for appropriate care and oversight when wearing contact lenses, as we heard during the workshop, there are still retailers that reject contact lenses as a medical device and view them simply as a "barcode on a box." I was also shocked that there was not one mention during the workshop of the on-going FTC litigation against 1-800-CONTACTS who currently stands accused of using anti-competitive sales tactics and causing higher prices. Instead, much focus was given to accusations against my profession and questions were raised regarding my motives as a physician. FTC staff also seemed to discount the value of the care I provide to my patients saying that comprehensive eye exams were not the "end all be all." Overall, the open hostility to my profession and the care I provide to my patients was difficult to witness.

It was striking to me that so many workshop panelists agreed, from professional organizations, economics experts and optical retailers, that, in many ways, the contact lens rule is working well, only 309 complaints over 200,000,000 prescriptions written. Despite this, the FTC is still considering to impose a new, unnecessary and burdensome contact lens paperwork proposal – an idea put forth by 1-800-CONTACTS, the very same company that stands accused of anti-competitive behavior. The struggles of small business owners are real and while FTC staff may want to diminish the impact that staff turnover and other issues have on small businesses, to me these are very real challenges.

Based on the workshop, it appeared to me that the FTC staff had little respect for my profession and my status as a small business owner physician. Instead, the very companies that FTC has identified for inappropriate business conduct continue to be elevated in this setting with little regard to whether their recommendations and motives may be driven purely by their own business interests.

I urge the FTC to abandon its proposed new paperwork requirement for doctors and their patients and instead use the Commission's enforcement authority to recognize patient safety as the priority and immediately crack down on illegal contact lens sales, especially those occurring through the Internet that place the public at risk.

Recent action by the FDA has demonstrated the importance of holding companies like Opternative accountable for breaking the law and misleading the public by marketing unapproved vision test apps. With the FDA taking such decisive action to protect the public, I also urge the FTC to investigate Opternative and the companies it partners with, including 1-800 CONTACTS, and do everything possible to hold them accountable under the Fairness to Contact Lens Consumers Act (FCLCA).

Sincerely,

Mark L. Skowron OD / President Illinois Optometric Association

