



California Optometric Association

2415 K Street Sacramento, California 95816
Phone: 916.441.3990 Fax: 916.448.1423

January 30, 2017

Donald S. Clark
Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Suite CC-5610 (Annex C)
Washington, DC 20580

RE: Contact Lens Rule, 16 CFR part 315, Project No. R511995

Dear Mr. Clark:

The California Optometric Association (COA) appreciates the opportunity to comment on proposed changes to the Federal Trade Commission's Contact Lens Rule [*Federal Register* / Vol. 81, No. 235 / Wednesday, December 7, 2016 / Proposed Rules].

COA opposes the proposed amendment to the Rule that would require contact lens prescribers to obtain a signed acknowledgement after releasing a contact lens prescription to a patient, and to maintain it for at least three years.

The proposed change fails to deliver any additional consumer protections. Meanwhile, it adds considerable costs to optometric small business owners, a move that will be cheered only by cut-rate retail competitors who treat contact lenses as a commodity rather than as medical devices that can pose serious risks when used improperly.

From the patient perspective, the new rule is just another piece of paper to sign, not necessarily more clarity. Meanwhile, the new regulation mandates a new and costly record-keeping process on optometric small business owners. As a result, some doctors will have to hire computer programmers to create a new form in their Electronic Health Record (EHR) systems, costing thousands of dollars. If their systems do not allow for the new document or are not configured to keep the document for three years, the doctor may have to upgrade their EHR, costing even more. Small businesses have been facing a regulatory onslaught from Washington and this is just another example of an unnecessary regulation.

The expansive growth of the retail contact lens industry over the past decade is clear proof that the Contact Lens Rule is working. The American Optometric Association and COA continuously work to educate our members to ensure optometric businesses comply with the existing rule. Consumers are able to obtain their contact lens prescriptions and have them filled at the location of their choice. Retailers have spent millions of dollars in direct-to-consumer advertising and the public is well aware they have options when filling their contact lens prescriptions.

Optometrists care deeply about their patients. We take an oath and are held to a legal standard of care to put our patients' needs and safety first. This is why

optometrists have historically opposed contact lens sales at retail stores. Contact lenses are a medical device and improper use has caused severe eye problems, including blindness. We have found patients get more consistent follow-up and needed care when they receive their contact lenses through their doctor.

Retail stores consider contact lenses as just another commodity. They don't have any responsibility for the patient who comes to an optometrist with a serious eye problem after years of refilling their prescription online. Unfortunately, these kinds of complications are common since retailers routinely fill contact lens prescriptions past their expiration date.

Again, thank you for the opportunity to comment. If you have any questions, please feel free to contact COA's Governmental Affairs Director Kristine Shultz at kshultz@coavision.org.

Sincerely,

A handwritten signature in black ink that reads "Stevin Minie OD". The signature is written in a cursive, flowing style.

Stevin Minie, OD
President