



October 26, 2009

The Honorable William E. Kovacic
Chairman
U.S. Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, DC 20580

RE: Fairness to Contact Lens Consumer Act; Complaints to the FTC

Dear Chairman Kovacic:

On December 6, 2003 the Fairness to Contact Lens Consumer Act (FCLCA) was enacted. The enactment of this legislation means that all contact lens prescribers are required to provide patients with a copy of their contact lens prescription after a contact lens fitting and verify those prescriptions to a third party designated by a patient, such as an online seller.

It has come to our attention that online sellers may be neglecting to verify each prescription with a patient's provider. By not following the rules set forth by the FCLCA, consumers are placed at a substantial risk. Optometrists and ophthalmologists who become aware of such practices would like the opportunity to file complaints with the Federal Trade Commission. In the past a FCLCA complaint form was available on the FTC website. Currently, upon visiting the web link, our members are receiving a message stating that the complaint form is no longer available. Some of FTC web pages link to the general FTC consumer "complaint assistant," but this form has proven to be ill equipped to handle complaints by prescribers about contact lens sellers who are not following the requirements of the FCLCA.

We would like to discuss how we can help the FTC enhance visibility for the contact lens rule requirements for sellers, and we would like for the FTC to make the FCLCA complaint form accessible again.

We look forward to hearing from you. Please contact Lauren Finkelstein, AOA's Manager of Political Affairs, at lfinkelstein@aoa.org or (703) 837-1378 at your earliest opportunity.

Sincerely,

A handwritten signature in black ink that reads "Michele R. Haranin, O.D.".

Michele Haranin, O.D.
Chair, Federal Relations Committee
American Optometric Association

A handwritten signature in black ink that reads "Michael Repka, M.D.".

Michael Repka, M.D.
Secretary, Federal Affairs
American Academy of Ophthalmology