

From: Wesley Garton
Sent: Friday, April 02, 2004 11:31 AM
To: CONTACTLENSRULE
Subject: CONTACT LENS RULE, PROJECT NO. R411002

TO: FTC

FROM: DR. WES GARTON

RE: CONTACT LENS RULE, PROJECT NO. R411002

This is an example of the type of behavior which the trade rule needs to address.

I would like to bring to your attention a situation that I believe violates existing federal law, state law and Kansas's optometry law.

I examined CD, a 25-year-old gentleman, on three occasions. The most recent was February 28, 2002. He has only been a spectacle wearer in the past and at no time have I fitted him with contact lenses or observed contact lenses on his eyes.

On October 29, 2003 I received a fax from Vision Direct, Inc. requesting verification of CD's contact lens prescription. I responded to this request within 2 hours and informed them that there is no existing or valid contact lens prescription.

I attempted to contact CD a number of times because I suspected he had been examined elsewhere and that another provider could provide him with his contact lens prescription.

When I talked to CD today he explained to me that I am the only eyecare provider he has ever seen. He said that after wearing glasses for a few years he became interested in contact lens wear, asked a number of friends and they suggested he obtain them online. Sometime in February 2003 he contacted Vision Direct, Inc., provided them with his eyeglass prescription and they sold him Acuvue disposable contact lenses (based on the eyeglass prescription.) At that time they didn't ask him who his eyecare provider was or attempt to obtain his contact lens prescription. Recently he was almost out of contact lenses and reordered a new supply. He said that he had already received his most recent contact lens order from Vision Direct, Inc., in spite of my timely response and indication to them that there is no valid contact lens prescription.

By receiving contact lenses without a valid prescription, CD is exposed to a number of risks. He was not examined and evaluated for his suitability for wearing contact lenses. It appears that he was given the incorrect lens power, and the steep base-curve will probably result in tight, improperly fitting lens. He was not instructed on proper contact lens insertion and removal. He was not instructed on proper lens care and wearing schedule. He was not evaluated for lens complications over a follow-up period as he increased his wearing time. He was not cautioned about signs and symptoms of problems related to contact lens wear that should receive professional attention. All of these deficiencies greatly increase his potential for serious, sight-threatening complications.

I believe this is a blatant violation of current federal and state regulations regarding prescription devices.

I would be glad to provide you with more information for your investigation of this case.

Sincerely,

Wesley E. Garton, OD