Reps. Michael Burgess, M.D. (R-TX) and Lisa Blunt Rochester (D-DE) introduced the bipartisan Contact Lens Prescription Verification Modernization Act (H.R. 2748) to help make the contact lens prescription verification process simpler and safer for millions of Americans.

Help Make Prescription Verification Simpler and Safer for Contact Lens Patients
Co-Sponsor H.R. 2748, the Contact Lens Prescription Verification Modernization Act

Although contact lenses are safe and effective, their improper use or fit can lead to serious health complications, including:

- Infections
- Corneal Edema
- Ulcers

A poor-fitting contact lens can also lead to an irreversible growth of blood vessels in the eye (corneal neovascularization) which can result in:
- Scarring
- Infections
- Blindness
- Removal of the eye due to persistent, uncontrollable pain

Summary

Contact lenses are a safe and popular choice for vision correction. Because ill-fitting or improperly-used contact lenses can result in serious eye and vision conditions, the FDA regulates contact lenses as Class II and Class III medical devices which require an eye doctor’s prescription and oversight. Both the FDA and the CDC inform patients that contact lenses are not “one-size-fits-all” devices and that regularly-scheduled comprehensive eye exams are critical to ensuring optimal eye health.

Through the Fairness to Contact Lens Consumers Act (FCLCA), Congress charged the FTC with enforcing contact lens prescription verification requirements. However, lax FTC enforcement of unscrupulous online contact lens sellers and the continued use of problematic verification robocalls has led to a growth in illegal sales, including through the filling of expired or non-existent prescriptions and the filling of prescriptions with devices other than what was prescribed by the doctor.

The Health Care Alliance for Patient Safety support the bipartisan Contact Lens Prescription Verification Modernization Act (H.R. 2748), to help modernize the contact lens prescription verification process and make it simpler and safer for millions of contact lens wearers. U.S. House and Senate members are asked to co-sponsor the Contact Lens Prescription Verification Modernization Act (H.R. 2748).
The Health Care Alliance for Patient Safety (HCAPS) was founded in 2018 to advocate for patient safety and to protect and defend the doctor-patient relationship. Our members come together from across the nation to raise awareness and protect public health. Advancing policy and collaboration between leading health care advocates, vision innovators, and treatment specialists is essential to push patient care and vision protection forward.

The U.S. Food and Drug Administration (FDA) regulates contact lenses as Class II and Class III medical devices which require an eye doctor's prescription and oversight. The FDA and the U.S. Centers for Disease Control and Prevention (CDC) inform patients that contact lenses are not “one-size-fits-all” devices and that regularly-scheduled comprehensive eye exams are critical to ensuring optimal eye health.

Increasingly, online contact lens sellers are using verification robocalls that are difficult to understand, do not include all of the necessary information to confirm the prescription, and create barriers for doctors to communicate back the necessary prescription corrections—including that the request is being made for the wrong devices or for an individual that is not a patient of that doctor. Some online sellers are knowingly taking advantage of the current “passive verification” system (doctors have eight business hours to respond or the prescription is considered verified) to sell medical devices to patients not prescribed by an eye doctor—needlessly placing them at risk.

A 2016 patient survey highlighted the scale of the problem:

1 in 3 patients were able to purchase lenses using an already-expired prescription.

1 in 4 patients reported receiving different medical devices than those prescribed by their eye doctor.

Today, millions of contact lens wearers purchase lenses online through Internet mass retailers. As a patient health safeguard, the FCLCA requires online sellers to verify the validity of contact lens prescriptions with the patient’s doctor before fulfilling an order. While the FCLCA clearly allows telephone, fax, or email for verifying prescriptions, the FTC has interpreted the law to allow robocalls as well. However, the use of robocalls to confirm the accuracy of a prescription, which includes specific numbers for strength, base curve and quantity, is far too complicated for an automated phone system.

The Contact Lens Prescription Verification Modernization Act (H.R. 2748) would also further empower patients by ensuring that online contact lens sellers offer a method for allowing patients to upload an electronic copy of their contact lens prescription, thereby skipping the verification process altogether.

Help make the prescription verification process simpler and safer for contact lens patients: Co-sponsor the Contact Lens Prescription Verification Modernization Act (H.R. 2748).

To co-sponsor the Contact Lens Prescription Verification Modernization Act (H.R. 2748) in the House, please contact Alexa Roberts in Rep. Burgess’ office at 5-7772.

For more information, please contact HCAPS Washington Office staffer:

Ralph Kohl
ralph@patientsafetytoday.com
202-631-0208

1505 Prince Street, Suite #300
Alexandria, VA 22314
P: 800-365-2219
FTC publication in the Federal Register shows that FTC is aware passive verification and robocalls are being used to manipulate the system, but are unwilling to take action

Federal Register/Vol. 84, No. 102/Tuesday, May 28, 2019/Proposed Rules

FTC states:

“Concerns about passive verification resulting in patients receiving contact lenses for which they have no prescription are not new, and were considered when Congress passed the FCLCA and in the NPRM in 2016. What is new, however, is the emergence of business models that rely exclusively, or almost exclusively, on passive verification as a means to substitute their own brand of daily contact lenses. Under these business models, sellers advertise directly to consumers, often through Facebook or other social media platforms, and often sell their lenses through subscription services. Several of these companies sell one type of lens only, made from a single material, with one modality, base curve, and diameter. Some consumers who have been prescribed toric lenses for astigmatism or multifocal lenses have ordered and received lenses from these sellers, unaware at the time they order that the sellers do not offer appropriate lenses for them. The only information some sellers request from consumers about their contact lens prescription is the desired power(s) of the lenses, and the websites for some do not include a mechanism for consumers to upload their actual prescription. Rather, these sellers ask consumers to provide prescriber information and represent that they will check with, or verify, the prescription with the prescriber. Sellers may then contact the prescriber with a verification request that includes the power of the consumer’s lenses, but substitutes the seller-manufacturer’s name as the brand of lens. Should a prescriber fail to invalidate such a verification request within eight business hours (as dictated by the Rule), the seller may believe it is authorized to ship that month’s lenses, and subsequent subscription orders for a year or two, depending on state prescription expiration limits. The Commission is concerned about the misuse of passive verification to substitute a different brand and manufacturer of lenses. If a seller knows or should know that a verification request includes a different brand and manufacturer than that prescribed by the prescriber, the verification request is not valid and does not commence the eight-business-hour verification period.”