



AMERICAN OPTOMETRIC ASSOCIATION

April 23, 2019

The Honorable Chairman Joseph Simons
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chair Simons,

The American Optometric Association (AOA) represents 33,000 doctors of optometry and optometry students. The AOA is the voice of the nation's family eye doctors and a leading authority on eye health, vision care, and patient safety issues. In March 2017, the AOA reached out to the FTC to urge the Commission to investigate Hubble Contacts and the company's potential violations of the Fairness to Contact Lens Consumers Act and the Contact Lens Rule (16 CFR Part 315). In the two years since our initial inquiry to the FTC regarding Hubble Contacts, the AOA has continued to supply the FTC with reports of potential rule and law violations by the company.

Specifically, we continue to receive reports that Hubble Contacts is not appropriately verifying contact lens orders in accordance with 15 USC 7603(a). AOA has reports from physicians that Hubble Contacts has sold and is selling contact lenses that have not been prescribed by doctors as is required by 15 USC 7603(d). Included below are additional reports of potential violations from across the country. **The AOA is again urging the FTC to take immediate action to protect patients and uphold the requirements of the Fairness to Contact Lens Consumers Act (FCLCA) and the Contact Lens Rule. As you can see from the reports included below, by allowing this company to operate with impunity, patients are being put at risk.**

Physician Reported Hubble Contacts Potential Violations

A doctor in New York reported:

This week two previous patients fit with single use lenses came in wearing Hubble. They were told that all they had to do was give Hubble the lens power and Hubble would "convert" the Rx. Both patients were uncomfortable and upon evaluation the fit was unacceptable to anyone after professional inspection.

A doctor in Nevada reported:

I had a patient order contact lenses without the proper parameters or modality from Hubble. She admitted that she wears them 2-3 days then throws them out! I told her that we did not get a proper verification notification from Hubble and if we did, we would not have approved it because she was fit with a monthly lens. She states that she did give them my information but we did not get one on our end. She obviously thought it was OK to wear them longer than dailies. This is dangerous and irresponsible of Hubble to sell a lens to a patient without verification and obviously without proper instructions.

A doctor in Washington reported:

My patient had an exam and was written a contact lens prescription for Biofinity monthly contact lenses (8.6 bc/14.0 dia/-4.25 power) on 7/13/2016. She returned for an exam yesterday wearing daily disposable contacts from Hubble (8.6 bc/14.2 dia according to their website and -4.25 power). On exam, she had mild superficial punctate staining on both corneas. She reported she had been purchasing monthly supplies of these contacts for the past 2 years. The standard of care is to have the fit of any new contact lens as well as the health of the eye surface evaluated after several hours wear to look for any adverse effects. This patient did not have either of those done for two years. Hubble basically refit her into their contact lens, and did not ensure CF received proper follow-up care with their lens prior to selling her a supply of lenses over a period of two years.

A doctor in Texas reported:

A patient filled her Rx online from both Hubble and Waldo. The contact lens information Rx request was never faxed nor phoned to our office for verification, yet the order was completed and received by the patient from each company. The patient's actual contact lens prescription has -1.25 cyl OD and -1.75 cyl OS. The lenses that were filled by each company (Hubble and Waldo) only had the spherical power correct. They didn't account for the spherical equivalent of the astigmatism correction (which with that much cylinder should always be a toric lens for optimal vision).

A doctor in Ohio reported:

I am writing about a patient who did not have a valid contact lens Rx and it had been well over a year since her last exam. It had been about 10 years since she last wore lenses. Before scheduling an exam to be fit in multifocal contact lenses, she went to Hubble. From there she was able to order lenses for a "free trial" by just entering her glasses Rx online. No doctor was ever consulted about prescribing these lenses. She discontinued wear as she did not like the vision. She presented to our clinic about 2-3 weeks after getting the trial lenses. In the course of the exam, it was discovered she still had a contact lens in her right eye that she was not aware of. This had caused symptoms including: blurred vision, ocular discomfort, and dryness. She experienced epithelial disruption (SPK) but no lasting damage is expected. She was disappointed to know that no doctor had been referenced regarding the lenses. She was properly refit and educated about lens care and compliance. None of these issues should have occurred if her contact lens Rx had been properly verified and she had been properly educated.

A doctor in New Jersey reported:

A patient has filled a prescription for Hubble contact lenses without a valid prescription. We wrote the following prescription for a patient on 5/3/17; OD: Air Optix NIGHT & DAY, BC 8.4, D 13.8, Rx -6.50; OS: Air Optix NIGHT & DAY, BC 8.4, D 13.8, Rx -6.00; The patient came back for a yearly exam on 2/16/19 and stated that she had gone online and used the prescription we issued to order Hubble contacts, which she has been mailed monthly. Not only is the contact lens brand obviously different, the base curve and diameter are different. They've also continued to fill the contact lenses even though the Rx expired on 5/2/18.

A doctor in Washington reported:

I cared for a patient that I had not seen in two years. Patient was wearing contacts that she "Ordered online". She was fit with Air Optix NIGHT & DAY and had been sleeping in them regularly. She said she was now wearing Hubble contacts, but the patient had no idea that the Hubble lenses are not approved for extended wear.

A doctor in Kansas reported:

Verification call was received from Hubble Contacts. The patient name and address are incomprehensible.

A doctor in Florida reported:

I saw a patient who came in for an exam holding a box of Hubble contact lenses. She was supposed to be wearing a toric lens in one eye. The Hubble lenses were a lower power than her spherical component. She was given a spherical, instead of toric lens, that did not match her actual prescription.

A doctor in Connecticut reported:

Had a patient today who was prescribed the following Rx last year:

OD: -3.00 Biofinity

OS: -4.00-1.25x180 Biofinity Toric

She saw an ad for Hubble contacts on Facebook and decided to order. 3 weeks ago she had a corneal abrasion treated at the hospital, said it took her 3 weeks to resolve. Eye still shows signs of inflammation. Both eyes have early limbal neovascularization.

The patient told me she was not aware Hubble was selling her daily disposable contacts, and she was wearing them like a full time reusable lens. There is no record of Hubble reaching out to our clinic to approve the Hubble lens prescription.

A doctor in Kentucky reported:

Today our office received a phone call and a person with the name of Carl stated he was needing a contact lens Rx verified and to listen to the recording and then follow the instructions at the end. I asked the company name and he said "Visionpath". Upon listening to the recording, I could not understand the patient's name, there was no brand of CL identified as what the patient was ordering, only a material name. Once I realized that the recording was not adequate to verify an Rx I hung up, called the number for Paul Rogers that Carl had given me to call if questions. At this number I received a voicemail that "someone should be with us in a couple of days". I left a message that the Rx could not be verified due to pts name not being understood and no CL brand. Within minutes, I received another call from Carl and he stated I "hung up one second too quick" and he needed me to try again. I explained to him that I could not make out the patient's name and he gave me the name, and the address. Upon opening the patient's chart, I advised Carl that this patient had never been seen for a contact lens exam, never been fitted in our office and had no contact lens Rx, only a spectacle Rx. He stated okay and hung up. A few minutes later, another call was taken by our optician and this was a woman trying to verify the same patient's Rx. My optician advised her that she could not verify that Rx as the patient didn't have one. The woman asked to "speak to someone who could" and my optician informed her again that there was no Rx for contact lenses for the patient. Again, the call ended. A short while later our office again received a call from the same company, same woman, and when I again advised her that we had already told them 3 times there was no Rx to verify, she stated that we need to deny it at the end of the recording.

A doctor in Illinois reported:

I recently had a patient that was able to order a continual supply for the past year of Hubble contacts without ever being fitted in them or having a contact lens prescription for them.

A doctor in Pennsylvania reported:

A patient indicated that she needed a copy of her contact lens prescription so that she could continue to get her HUBBLE contact lenses. She has previously been prescribed a daily toric contact lens. Patient informed me that HUBBLE doesn't have any toric contacts yet but she just types in the first number of our prescriptions and they send her a supply of daily contact lenses. No doctor in our practice fits Hubble contact lenses.

A doctor in Ohio reported:

Hubble attempted to verify a prescription with the patient last name incomplete on a Friday night, trying to fill "methfilcon A" without a brand name. I couldn't find the patient since there wasn't enough information, so I'm unable to contact Hubble to deny, although I did leave a message for "Paul Rodgers". The voicemail stated that they may reply in 2 business days.

A doctor in Florida reported:

I received a report from a patient that was able to order Hubble contacts from a contact lens prescription we wrote for her. We never wrote a prescription for Hubble contacts and do not fit Hubble contacts and we never received a contact lens verification request compliant with the Contact Lens Rule for this patient.

A doctor in Florida reported:

Hubble contacts reached out to my optometry office to verify a contact lens prescription. They left a message on the answering machine with no patient name or reference number only a quantity of lenses and lens power and base curve. Our call to the company was not returned.

A doctor in South Carolina reported:

In September 2018, a patient KS ordered 375 contact lenses from Hubble. She requested -0.75 right eye and -1.50 left eye. Her correct prescription was -1.25 right eye and -1.00 left eye and her prescription had expired in December of 2017. We tried to contact Hubble contact lenses to notify them that the prescription was wrong and that the prescription was expired, but we were unable to find any reliable contact information.

On October 13th, 2018, a patient presented with an order of Hubble lenses that she couldn't see out of. She felt the prescription was off. Her real prescription was for Bausch + Lomb ULTRA for presbyopia -3.50/High Add in both eyes. She apparently ordered and was shipped -0.50 sphere lenses and couldn't see up close or far away with the lenses. She was upset with Hubble because they were supposed to verify that the prescription was correct before they shipped the lenses. We never received any verification.

October 16th, 2018, we received a voicemail from Hubble with stating that they were verifying a contact lens prescription.. Our patient's prescription was for Bausch + Lomb ULTRA for Astigmatism -3.75 -

1.75 x 180 right eye and -2.75 -1.75 x 170 left eye. Hubble request verification to dispense -3.00 sphere in the right eye and -2.75 sphere in the left eye. On this verification message, they left a phone number for us to reach them at, but it is just a dead end (844-462-9275).

A doctor in Illinois reported:

I recently had a patient who ordered contacts on line from Hubble without the verification. She gave Hubble my name and office info, as well as the prescription. The prescription was never verified with the office, and she states that she received a shipment notification the day after. She contacted Hubble on Sunday, and Monday the contacts already shipped. They are now asking her if she wants a refill via numerous emails. The patient was fit in 1-Day Acuvue Moist.

A doctor in Arkansas reported:

We received contact lens verifications from Hubble. Neither request was from an active patient but the addresses were local. They message has a phone number to contact with questions but it goes to voicemail and he does not call us back (Paul Rogers 1844-462-9275). We do not fit those lenses.

A doctor in California reported:

One of our patients ordered contacts from Hubble. Hubble never contacted us for a valid prescription.

A doctor from Indiana reported:

I have a patient who reported ordering from Hubble contact lenses without a valid Rx from my office. He was sold the Hubble brand daily disposable contact lenses. Hubble never contacted us requesting Rx verification.

A doctor in Virginia reported:

I received a verification for a patient's contact lens prescription from Hubble contact lenses. I denied the request because the prescription requested did not match that prescribed by the doctor. I notified the patient that we would not approve the request due to this. The patient continued to tell me that they received Hubble contacts within the last few months and that we "must have approved it." I explained that we did not approve this for the patient, and they should not receive lenses without our approval.

A doctor in Texas reported:

I saw a patient yesterday for a medical visit that was given two months of Hubble Brand contact lenses even though we had faxed over her correct contact lens prescription that was written for ACUVUE OASYS 1-DAY for Astigmatism. I diagnosed the patient with Moderate Infiltrative Keratitis attributable to the incorrect contact lenses being distributed to her.

A doctor in Texas reported:

Treated a patient who had been prescribed Oasys at her last exam. The patient had been wearing Hubble contacts and had corneal complications. No inquiry or phone call was ever made from Hubble about selling the patient their Hubble Daily contacts.

A doctor In New Hampshire reported:

I have had another patient in today whose contact lens prescription has expired and so reported she got free Hubble contact lenses online after her prescription had expired. Hubble tried to verify the prescription and we told them that the prescription had expired 3 months ago. The company filled it despite our verifying that it was not valid.

A doctor in New Hampshire reported:

I had a patient that I prescribed Dailies Total1 contact lenses to last year due to dryness and discomfort in other daily contact lenses. Patient reported she went online and got a subscription from Hubble. She tried them a few times when she first got them and they were uncomfortable so she just wore her glasses most of the time. Six months later the patient broke her glasses and wore her Hubble contact lenses instead. After a week of wearing, patient presented with red irritated painful eyes with infection and keratitis.

A doctor in Minnesota reported:

Patient presented reporting poor near vision. Patient had been prescribed bifocal contact lenses previously. Patient presented wearing Hubble Contacts. The patient reported she had no idea she was not ordering bifocal contact lenses.

A doctor in North Carolina reported:

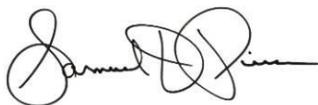
Our office received a voicemail for an online contact lens purchase. The company did not leave their name, just a phone number and fax number. The contact person was indicated as Paul Rogers. I called the number, and it went straight to voicemail. The computer voice CL verification message is very difficult to understand, but I was able to determine the patient name and powers ordered. This patient has not been in our office since 2013, her Rx was never finalized, and the powers ordered were completely wrong. (She is a +7.50, +7.00, and she ordered +6.00 OU).

A doctor in Illinois reported:

I recently saw a patient who presented wearing contact lenses. She had not previously been prescribed contact lenses. Patient reported that she went to hubblecontacts.com and entered her glasses prescription and received a supply of contact lenses.

As previously noted, we continue to believe that Hubble Contacts is in violation of the Contact Lens Rule. The AOA and its member doctors are calling upon the FTC to take action to protect patients and uphold the requirements of the Fairness to Contact Lens Consumers Act and the Contact Lens Rule. If you have additional questions or need more information, please contact Kara Webb, Director of Coding and Regulatory Policy at kcwebb@aoa.org or 703-837- 1018.

Sincerely,



Samuel Pierce, OD
President, American Optometric Association