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## **CONGRESS REJECTS ATTACKS ON OPTOMETRY**

*Reps. Whitfield and Allen to Continue Crackdown on  
Irresponsible Internet Contact Lens Sellers in 2007*

**ST. LOUIS, MO** – Dec. 13, 2006 – Consumers won a significant victory early Saturday morning when Congress, at the urging of the American Optometric Association, rejected a special interest contact lens sales provision that would have placed the visual health of many Americans at risk by allowing an expansion of deficient prescription verification practices by unscrupulous Internet contact lens sellers. The decision by Congress marks the end, for now, of a two-year \$2.2 million anti-optometry lobbying effort financed by the Internet contact lens sales industry in order to pass a pro-industry rewrite of the 2003 Fairness to Contact Lens Consumers Act (FCLCA).

“Patients are safer today because Congress heard the concerns of optometrists and made an informed decision,” said C. Thomas Crooks, III, O.D., AOA President. “We applaud Reps. John Dingell (D-MI), Frank Pallone (D-NJ), Ed Whitfield (R-KY) and Tom Allen (D-ME) for their leadership on this issue and look forward to continuing our work in Washington, DC to protect patients’ health and help ensure that consumers benefit from proper access to the lenses they need.”

Rather than working with eye doctors to verify a patients’ contact lens prescription within the 8-hour period specified by the FCLCA, irresponsible Internet sellers place sales ahead of patient safety. They fill orders immediately without verification, overfill orders or evade any direct contact with the prescribing doctor. One Internet seller even uses automated telephone “robo-calls” to doctors’ offices to convey important patient information. In response, the AOA and pro-optometry Members of Congress have called for a Federal crackdown on prescription verification abuses by Internet and mail order contact lens sellers.

Concerns about violations of the FCLCA’s patient protections by Internet sellers, particularly those that are putting patients at risk, have led optometrists and other eye doctors from across the country to file complaints with the U.S. Federal Trade Commission (FTC). The FTC has begun to take enforcement action against the online contact lens sales industry, including through an October 2005 warning to 1-800 Contacts, Inc., the largest online seller, 18 other warning letters to sellers in June 2006, and formal penalties against another Internet contact lens seller. So far, doctors, patients, manufacturers and even sellers themselves have reported to the FTC serious violations of the law by some Internet and mail order contact lens sales companies.

Rejecting the special interest contact lens sales provision – which its backers desperately sought to add at the last minute to unrelated bills to combat methamphetamine abuse (HR 798) and to provide support to babies born prematurely (S. 707) during consecutive late night legislative sessions -- was one of the last acts of the post-election “lame duck” Congress.

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Optometry's latest victory on Capitol Hill follows successful efforts to defeat similar contact lens "channels of distribution" bills in eight states earlier in the year, including one scheme that sought to impose civil and criminal penalties on ODs for prescribing certain contact lenses.

"Right up until the moment Members of Congress had finished their work for the year, the AOA battled an industry that either doesn't want to or doesn't know how to play by the rules," Crooks added. "Although this is an important victory, when it comes to legislation, we'll need to continue to be ready to fight for our patients and our profession all day, and even late, late into the night."

Following a Congressional hearing in September that called national attention to the negligent prescription verification practices of the Internet contact lens sales industry, Reps. Whitfield and Allen introduced the AOA-backed Contact Lens Consumer Health Protection Act.

The Whitfield-Allen bill, which will be re-introduced when the new Congress meets in January, seeks to strengthen patient safety protections under the FCLCA by preventing Internet sellers from using automated telephone "robo-calls" to contact optometric offices, allowing doctors of optometry to respond to verification requests by their choice of fax, e-mail or phone call from a live operator and ensuring that each Internet seller must maintain a toll-free patient safety phone and fax hotline.

*About the American Optometric Association (AOA):*

*The American Optometric Association represents more than 34,000 doctors of optometry, optometry students and paraoptometric assistants and technicians. Optometrists provide more than two-thirds of all primary eye care in the United States and serve patients in nearly 6,500 communities across the country. In 3,500 of those communities they are the only eye doctors.*

*American Optometric Association doctors of optometry are highly qualified, trained doctors on the frontline of eye and vision care who examine, diagnose, treat and manage diseases and disorders of the eye. In addition to providing eye and vision care, optometrists play a major role in a patient's overall health and well-being by detecting systemic diseases such as diabetes and hypertension.*

*Prior to optometry school, optometrists undergo three to four years of undergraduate study that typically culminates in a bachelor's degree with extensive, required coursework in areas such as advanced health, science and mathematics. Optometry school consists of four years of post-graduate, doctoral study concentrating on both the eye and systemic health. In addition to their formal training, doctors of optometry must undergo annual continuing education to stay current on the latest standards of care. For more information, visit [www.aoa.org](http://www.aoa.org).*

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