

TESTIMONY BEFORE NEW JERSEY SENATE LABOR,  
INDUSTRY, AND PROFESSIONS COMMITTEE CON-  
CERNING RESTRICTIONS ON CONTACT LENS FIT-  
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October 17, 1984

# COMMISSION APPROVED

New Jersey Testimony

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Thank you, Mr. Chairman. My name is Gary Hailey, and I am a staff attorney and program advisor in the Federal Trade Commission's Bureau of Consumer Protection.

I am here today in response to your request that I present to this committee a summary of the findings of the FTC staff's study of contact lens wearers, which is titled A Comparative Analysis of Cosmetic Contact Lens Fitting by Ophthalmologists, Optometrists, and Opticians. The Commission reviewed this contact lens wearer report -- a copy of which I will leave with you -- and authorized its publication in December 1983. Before I go any further, I should point out that the views I express today are not necessarily those of the Commission or any individual Commissioner. However, the Commission has reviewed my remarks and voted to authorize my testimony here today.

In July 1978, the FTC staff wrote to the American Academy of Ophthalmology, the American Optometric Association, and the Opticians Association of America and asked them to help us design and administer a study of cosmetic contact lens wearers. The FTC staff's preliminary study proposal was based on the Food and Drug Administration's procedure for evaluating new kinds of contact lenses. That initial proposal was modified extensively in response to suggestions from the professional associations mentioned above, who served as paid FTC consultants. After several months and many discussions, a final study methodology was circulated to those associations' representatives, who offered no

further objections to it. The procedures that the associations' representatives decided were most appropriate for a study comparing the quality of cosmetic contact lens fitting closely resemble those used by contact lens fitters to perform "follow up" evaluations of their patients.

It was also agreed that an ophthalmologist, an optometrist, and an optician should examine each study subject. The associations' representatives identified qualified members of their respective professions to serve as field examiners. They also helped the FTC staff locate well-equipped clinical facilities in which field examinations could be held.

A total of 502 contact lens wearers from 18 metropolitan areas were interviewed by FTC staff and examined by the contact lens experts nominated by the professional associations. The interviews included questions about who fitted the wearer's lenses, how much the lenses and related fitting services cost, whether the lenses caused any discomfort, and so on. The examinations included procedures designed to measure the relative presence or absence of seven potentially pathological eye conditions that are sometimes related to contact lens wear.

The data gathered in the interviews and examinations were analyzed by expert statistical consultants and by the FTC staff. A draft report was then circulated to the professional associations for comment. After the staff made revisions based on those comments, the Commission voted to publish the report in December of last year.

Our analysis compared the quality of contact lens fitting by ophthalmologists, optometrists, and opticians in two different

ways. Both comparisons were based on the observations of our expert examiners concerning the relative presence or absence of seven potentially pathological eye conditions in each of the study subjects' eyes. First, we combined those observations into a single summary quality measure that took into account all seven eye conditions simultaneously. Second, we analyzed the data pertaining to each of those seven conditions individually. We also compared the prices charged by different fitters by analyzing the interview data related to prices charged for contact lenses.

Our conclusions were as follows:

The findings of the study call into question claims that restrictions on contact lens fitting by opticians and commercial optometrists are necessary to protect the public. Among the contact lens wearers examined in this study, the quality of contact lens fitting provided by opticians and commercial optometrists was not lower than that provided by ophthalmologists and non-commercial optometrists.

Restrictions on opticians and commercial optometrists may increase costs to consumers by limiting the choices available to them. . . . Restrictions may also result in higher prices for contact lens fitting by limiting consumer access to relatively low-cost providers or by reducing competition in the marketplace.<sup>1</sup>

That ends my very brief description of how our study was performed and what our conclusions were. I will submit for the record a copy of our report and the press release that

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<sup>1</sup> Bureaus of Consumer Protection and Economics, Federal Trade Commission, A Comparative Analysis of Cosmetic Lens Fitting by Opnthalmologists, Optometrists, and Opticians, 47-48 (1983).

accompanied its publication. I will be happy to respond to any questions that you have.

Thank you for your attention.