

Testimony in Support – HB 1267  
House Industry, Business, and Labor Committee

Chairman Warrey and members of the House IBL Committee. My name is Darin Johnson and I own Johnson Eyecare and Eyewear in Minot, ND. I also serve as Chair of the North Dakota Optometric Association Legislative Committee. I support HB 1267 and would like to inform the committee on the possible risks of online prescription renewals for companies that are not acting in good faith within North Dakota.

Renewing prescriptions for contact lenses and eyeglasses via telemedicine has become increasingly accessible yet dangerous. I see patients on a regular basis who come in for emergency visits and have not had a comprehensive eye exam for 3 plus years. The standard of care for low-risk adults is a maximum of two years or one year for contact lens wearers. Contact lens wearers present with eye discomfort and blurred vision. All of these patients have corneal damage and they are then at risk for a decrease in visual acuities or even worse. All of them have the same history of ordering their contact lenses online with no current valid prescription. In the United States, the FDA classifies contact lenses as medical devices because they are used to correct vision and come into direct contact with the eye. This classification ensures that contact lenses meet specific safety and effectiveness standards before they can be marketed and sold.

I have tested a few websites offering online prescription renewals and I was appalled at the lack of verification and accountability in allowing patients to receive a refractive prescription. I shared my concern with colleagues from both optometry and ophthalmology about safety and standards of care that we are held accountable for by our regulatory boards. It seems that online retailers have no such standards and blatantly abuse these rules.

As a licensed Optometrist, I see patients on a daily basis that present with vast systemic medical conditions and that don't have a primary care physician. It is commonly known that the eye is the window into many health conditions. I consistently have conversations with patients about diabetes, high blood pressure, thyroid, arthritis, neurological issues and the list could go on. Often times, I am only doctor they have seen in numerous years, and it is my responsibility as an eye physician to take proper steps to insure my patient's ocular and systemic health. There are also many eye diseases that can be asymptomatic in the early stages. Early detection is key! Glaucoma, for example, is referred to as the silent thief of sight. This is why full comprehensive eye examinations are vital. Patients who skip this step and continue to solely address their refractive error online, can delay diagnosis and treatment, potentially leading to irreversible damage. The use of technology has its place but needs to be regulated and follow regulated standards of care.

This bill would ensure our citizens are receiving medical care that is in line with regulated standards and as an added benefit keep our rural and smaller community optometrists open for business. I understand the options that need to be available for consumers and online retail groups. I do not think they should be unable to compete in the marketplace entirely however, I do think they should be held to the same standards and rule of law for selling an FDA classified medical device. I urge the committee to give this bill a DO PASS recommendation. Thank you.