



April 26, 2010

Honourable Kevin Falcon
Minister of Health Services
Room 337, Parliament Buildings
Victoria, BC V8V 1X4

Dear Sir,

As manufacturer of the world's leading contact lens brand, we are opposed to some of the recently announced amendments to the Opticians Regulation and Optometrists Regulation, enabled under the BC Health Professionals Act, specifically with respect to the way in which contact lens dispensing will change. First and foremost, we believe that patients' ocular health may be compromised under the proposed changes. Secondly, the proposed amendments would result in the province of BC as being the only jurisdiction in North America to remove what we believe is an important involvement by a health care professional to ensure the safe fitting and use of contact lenses.

Contact Lenses are classified as Class II Medical Devices by Health Canada. Health Canada's mandate with respect to drugs and health products is "to ensure that the Department strives to maintain a balance between the potential health benefits and risks posed by all drugs and health products. Our highest priority in determining the balance is public safety".

Health Canada's brochure "It's Your Health: Contact Lenses" states:

"Minimizing Your Risk: The most important step you can take is to have your contact lenses prescribed and fitted by a qualified eye care professional."

Health Canada's brochure "It's Your Health: Buying Medical Devices Over the Internet" brochure states:

"Other potential problems related to the online sale of medical devices include the sale of licensed devices (eg. contact lenses, hearing aids) that have not been fitted by a health care professional"....and that "these situations could pose the following risks to your health: you may try to use a medical device that can harm your health (eg. contact lenses that may damage your eyes if they have not been prescribed and fitted by a health care professional)".

Proposed Regulation Change Implications on Patient Safety:

While we understand that there is a provision in the proposed regulation for the *initial* contact lens fit to be conducted by a qualified Eye Care Practitioner, without the dispenser validating this prescription the patient could easily keep ordering based on what they *think* is needed, without getting their eyes re-examined by an Eye Care

Practitioner on a regular basis. Additionally, there is nothing preventing a patient who has never been prescribed contact lenses from placing an order for contact lenses with an online retailer based on what they think they require (and falsely “certifying the existence and validity of the contact lens record and the accuracy of the information provided”).

In Canada, a contact lens prescription typically only includes the refraction (the visual correction required). However, the refraction is just one portion of a proper contact lens fitting that an Eye Care Practitioner would conduct to recommend the optimal contact lens for that particular patient. Other factors include the shape of the cornea, tear film, overall ocular health, and how a particular contact lens material, shape and size interact on the cornea. These factors can only be assessed by a licensed Eye Care Professional.

Further, as the regulation amendments would mandate that a health care provider provide every patient with a written or electronic copy of any prescription, it is unclear as to the justification for not requiring the patient to supply that documentation to any dispenser (internet, store, or otherwise), rather than just “certifying the existence” of such prescription – as is required in every other jurisdiction in North America to protect the safety of the patient.

The proposed changes to the Opticians Regulation and Optometrists Regulation promulgated under the BC Health Professions Act effectively deregulates the sale of contact lenses in British Columbia to the point that British Columbians will be able to purchase contact lenses without a prescription or the intervention of a health care professional. The Opticians Regulation Consultation Draft of March 19, 2010 removes the responsibility of the dispenser to verify that a current contact lens prescription exists for the person purchasing the contact lenses and puts that burden on the individual making the purchase (Section 5 (3) (b) (ii)).

Health Canada’s classification of contact lenses as Class II Medical Devices supports their focus on patient safety. As the manufacturers of contact lenses, the safety of patients is also of our utmost concern. We are opposed to the proposed regulation changes as we do not feel that they go far enough to protect a patient: removing the requirement of a dispenser to validate a contact lens prescription may compromise a patient’s eye health. No other jurisdiction in North America has removed the requirement by the dispenser to validate the contact lens prescription, and we request that the Honorable Minister reconsider his position to do so in British Columbia.

At Johnson & Johnson, we believe our first responsibility is to the patients who use our products and to the Health Care Professionals that prescribe them. This belief is the foundation to our Credo and directs the way we conduct our business. Additionally our Credo demands that we give all suppliers and distributors of our products an opportunity to make a fair profit.

Based on the principles of our Credo, along with Johnson & Johnson’s long history of providing superior health care solutions with the patients’ health and safety at the forefront, we are opposed to the way in which contact lens dispensing will change under the proposed changes to the BC Health Professionals Act.

We welcome the opportunity to discuss this with you further, either independently or all-stakeholder setting.

Kind Regards,



Dave Brown
President, Americas
Dbrown5@its.jnj.com



Sian Roberts
Business Director, Canada
sroberts@its.jnj.com



Colleen Riley, OD, MS, FAAO
VP Professional Affairs, Americas
criley3@its.jnj.com

Our Credo

We believe our first responsibility is to the doctors, nurses and patients,
to mothers and fathers and all others who use our products and services.

In meeting their needs everything we do must be of high quality.

We must constantly strive to reduce our costs
in order to maintain reasonable prices.

Customers' orders must be serviced promptly and accurately.

Our suppliers and distributors must have an opportunity
to make a fair profit.

We are responsible to our employees,
the men and women who work with us throughout the world.

Everyone must be considered as an individual.

We must respect their dignity and recognize their merit.

They must have a sense of security in their jobs.

Compensation must be fair and adequate,
and working conditions clean, orderly and safe.

We must be mindful of ways to help our employees fulfill
their family responsibilities.

Employees must feel free to make suggestions and complaints.
There must be equal opportunity for employment, development
and advancement for those qualified.

We must provide competent management,
and their actions must be just and ethical.

We are responsible to the communities in which we live and work
and to the world community as well.

We must be good citizens — support good works and charities
and bear our fair share of taxes.

We must encourage civic improvements and better health and education.

We must maintain in good order
the property we are privileged to use,
protecting the environment and natural resources.

Our final responsibility is to our stockholders.

Business must make a sound profit.

We must experiment with new ideas.

Research must be carried on, innovative programs developed
and mistakes paid for.

New equipment must be purchased, new facilities provided
and new products launched.

Reserves must be created to provide for adverse times.

When we operate according to these principles,
the stockholders should realize a fair return.

Johnson & Johnson