

Addressing patient safety risks using an out-dated statutory framework: contact lens sales

31 October 2016



Content

- Unregistered and illegal practice in the sector
- Why it puts patients at risk
- Enforcement challenges
- Understanding Patient habits
- Levers to change consumer and patient behaviour

Types of unregistered and illegal practice

- Lower prevalence:
 - Misuse of protected title
 - Unlawfully conducting sight tests
 - Unlawfully supplying spectacles
 - Unlawfully fitting contact lenses
- Higher prevalence:
 - Unregistered supply of cosmetic contact lenses
 - Unregistered supply of prescription contact lenses, including online and overseas

Why is there a problem?

- Research shows unregistered and illegal practice can cause public harm.
- Statutory regulatory framework makes it hard to tackle online sales – not designed for internet era.
- Current approach effective in some areas but not others
- Growth in online sales
- Important issue to stakeholders - businesses that follow the law and good practice feel disadvantaged

Research identifies high risk areas

- Illegal/non-registered online contact lens sales
 - Medium to high risk, high frequency
- Illegal cosmetic contact lens sales
 - Medium to high risk, high frequency
- Patient behaviour a key component of harm in all cases
 - Exacerbated by illegal supply

Patient safety risks resulting from poor practice in contact lens sales and contact lens use by consumers

- Low level discomfort
- Conjunctivitis
- Microbial keratitis
- Corneal infections and ulcers
- Corneal scarring – vision loss

Enforcement challenges to address risk of harm

- Must bring prosecution within six months of receiving a complaint
- Limited investigation / enforcement powers
- Maximum penalty - £5,000 per offence
- Scale of the problem vs. current resources
- Difficulty of prosecuting non-UK companies
- Online businesses able to relocate easily

Further hampered by current system of business regulation

- Do not have leverage over all businesses
- Less than a third need to register
- Proposed changes would help - but timetable uncertain
- Supply from overseas will still be a problem
- Difficulties in planned introduction of a voluntary code of practice

Previous attempts to tackle online CL sales using prosecutions



BBC NEWS LIVE | BBC NEWS CHANNEL

Last Updated: Monday, 6 March 2006, 12:27 GMT

E-mail this to a friend | Printable version

eBay contact lens case dismissed

Charges that online auction firm eBay aided the illegal sale of contact lenses have been dismissed.

Regulatory body the General Optical Council offered no evidence at court in London after being advised eBay could not be made to monitor its listings.



eBay deny aiding and abetting the sale of contact lenses

2006 – eBay

Unsuccessful prosecution, although eBay have now removed all CL listings



Optician Search for:

Optician The Web

Home News Features Bookstore Downloads Advanced Search Directory Continuing Education Jobs Events Links Forums Subscribe Advertise CET Login/Logout

9 new landmarks are coming to Optrafair London

Come and visit us on Stand B60 For more info www.topcon-medical.co.uk



News

You are in: OpticianOnline.net > News

12 September 2008

Vision Direct fined over illegal CL sales

A judge has ordered Vision Direct to pay over £60,000 after the General Optical Council achieved a successful prosecution against the company for illegal sales of contact lenses.

As reported on the *Optician* website last Tuesday, Vision Direct pleaded guilty to six offences of selling CLs without a valid specification and without the supervision of a registered doctor or optician at the September 3 hearing at Hendon Magistrates Court.

2008 – Vision Direct

Successful prosecution

Vision Direct moved to Netherlands and carried on trading

Addressing the risks

- Given the difficulties in enforcement action – how can we enable the public to make better informed decisions about contact lens purchase and their usage?

Step 1: Understand how contact lens wearers purchase and use their lenses

- We commissioned BMG Research to undertake a consumer research study about the behaviour of contact lens wearers, including those who buy online.
- 2,043 UK adults

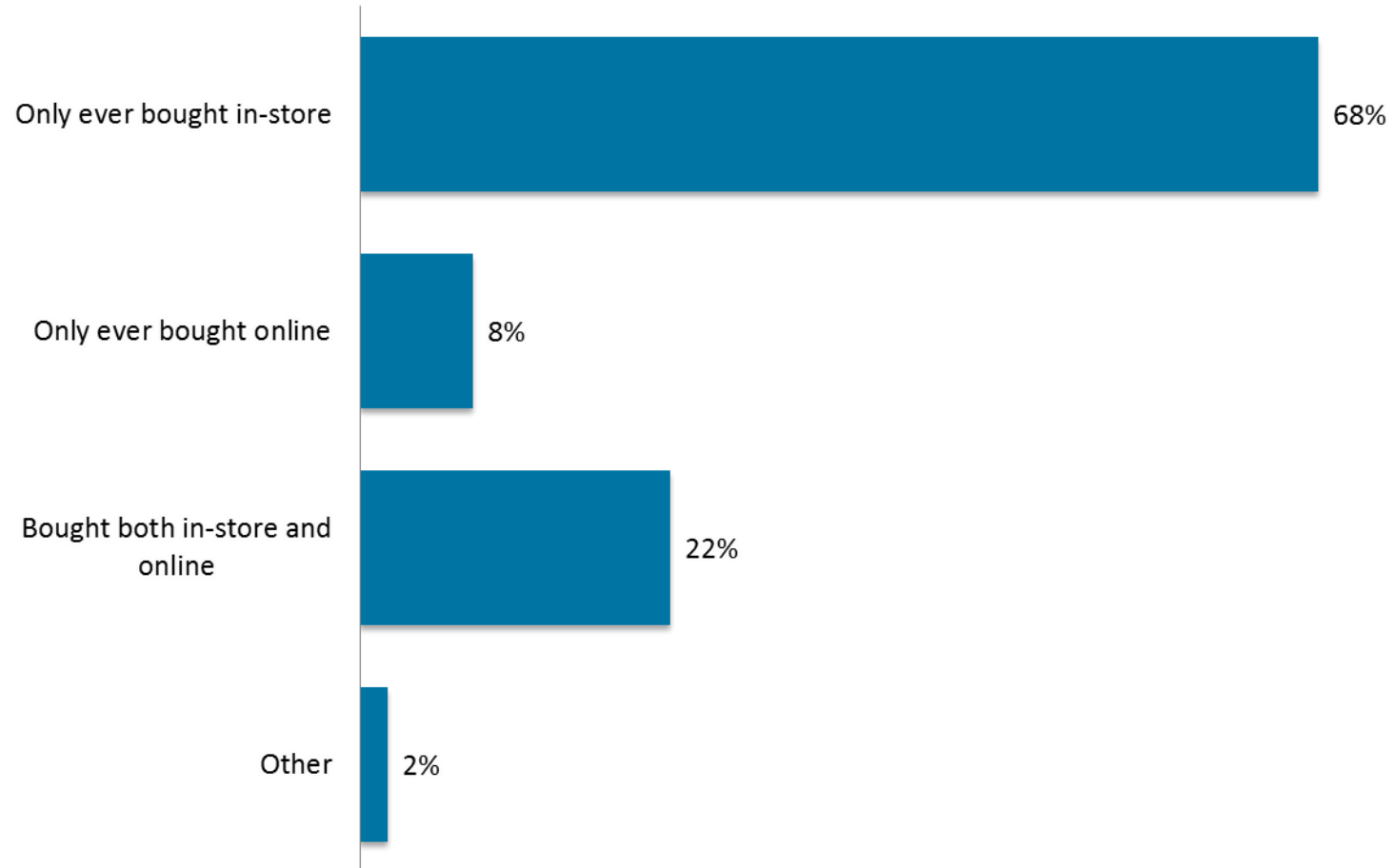
Aims of the research

- To understand consumer views about contact lenses as a healthcare product;
- **To estimate the frequency of eye examinations and contact lens check-ups, including information provided at these appointments;**
- **Awareness of and compliance with contact lens aftercare advice;**
- How to target guidance for consumers effectively;
- 'Zero powered' contact lenses

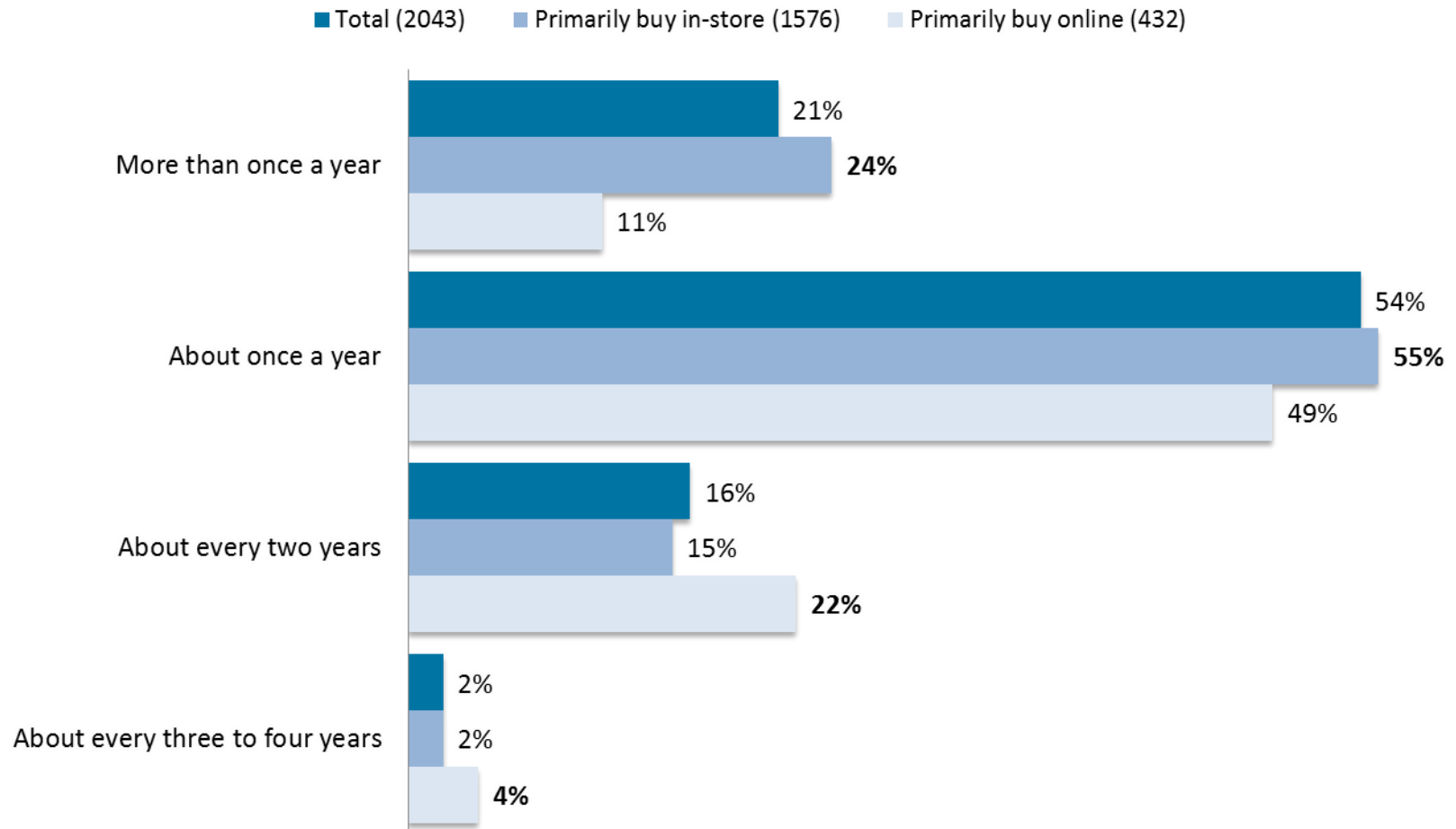
Demographic profile – CL wearers

- Younger
- Female
- Wealthier
- Professionals
- Urban
- Internet usage (social media and online buying)

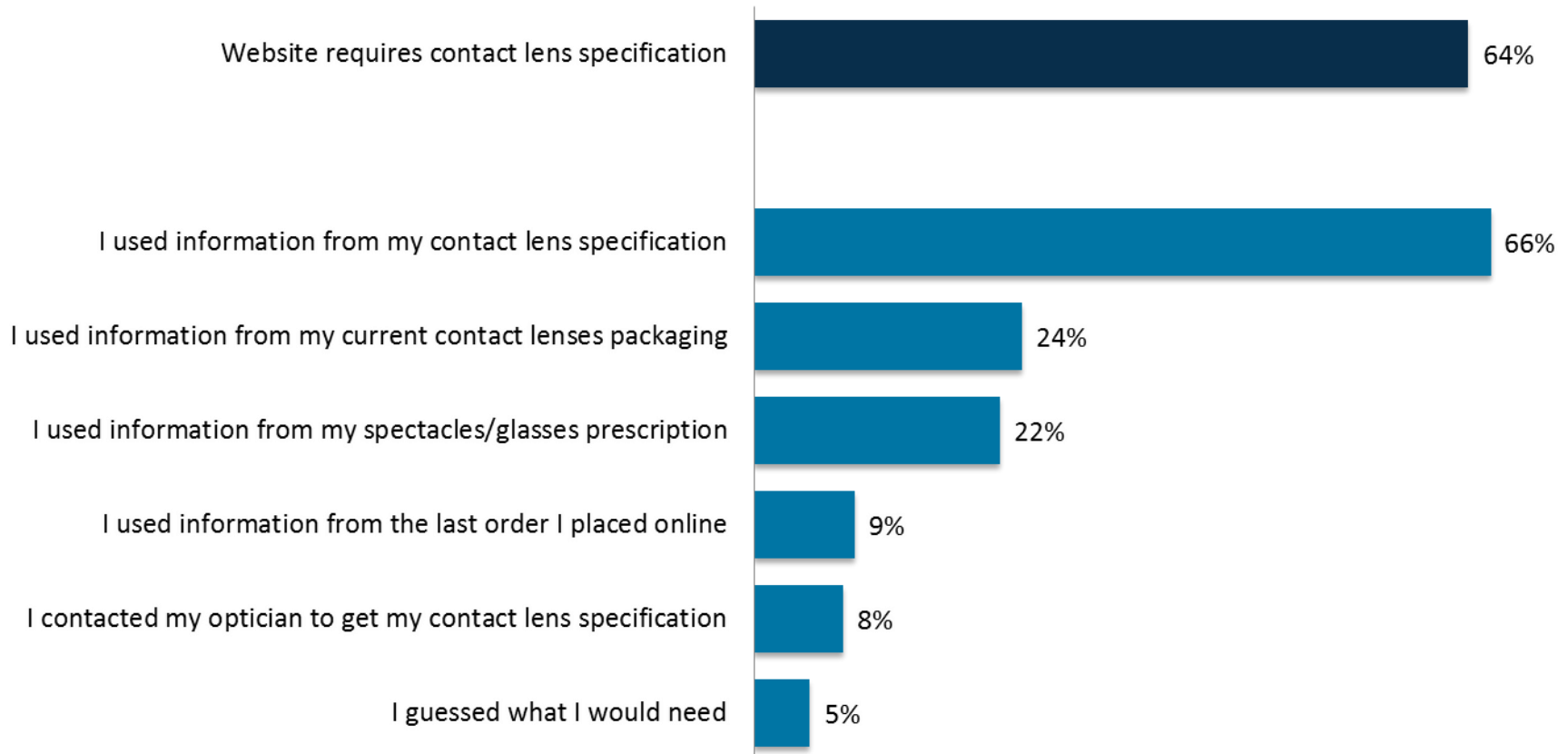
Purchasing behaviour



Frequency of CL checks

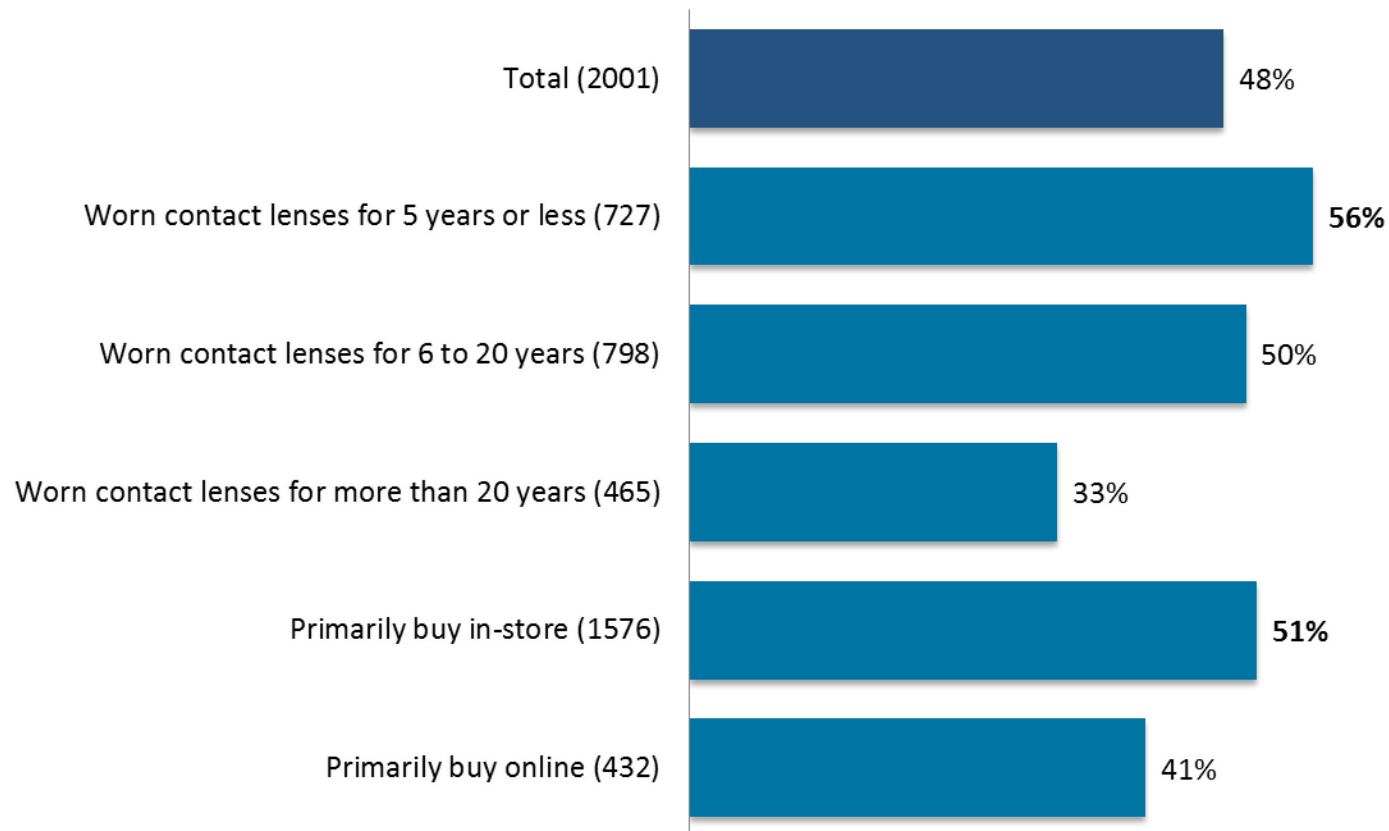


CL specification buying online



Provision of aftercare advice

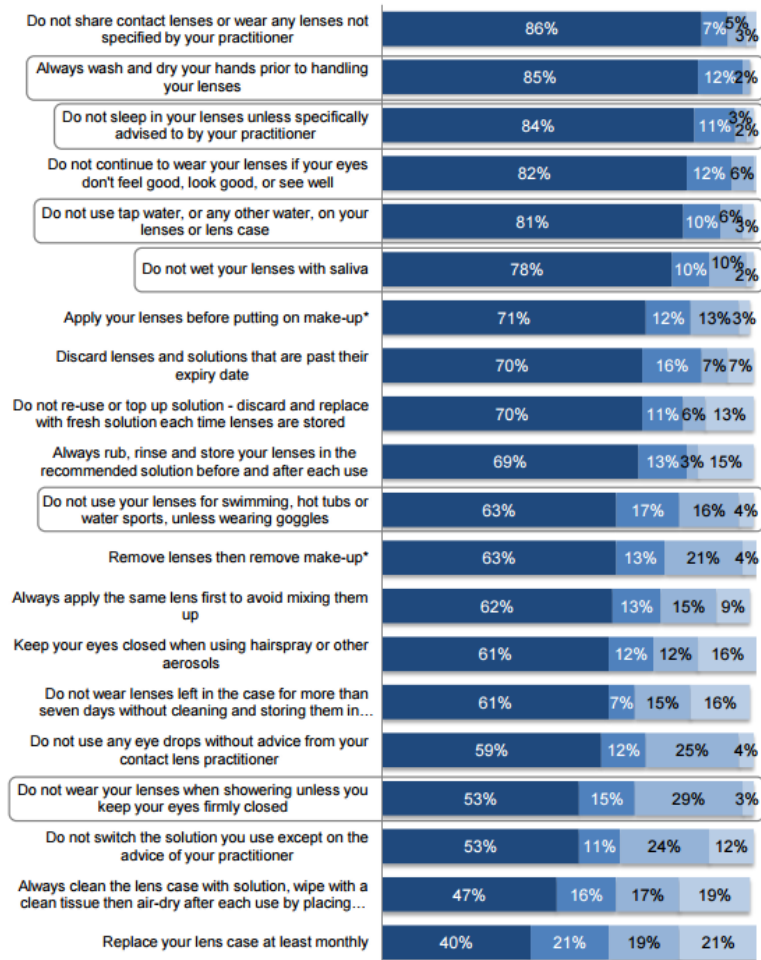
Proportion that were provided with aftercare advice at most recent contact lens check-up (those who have ever had a contact lens check-up)



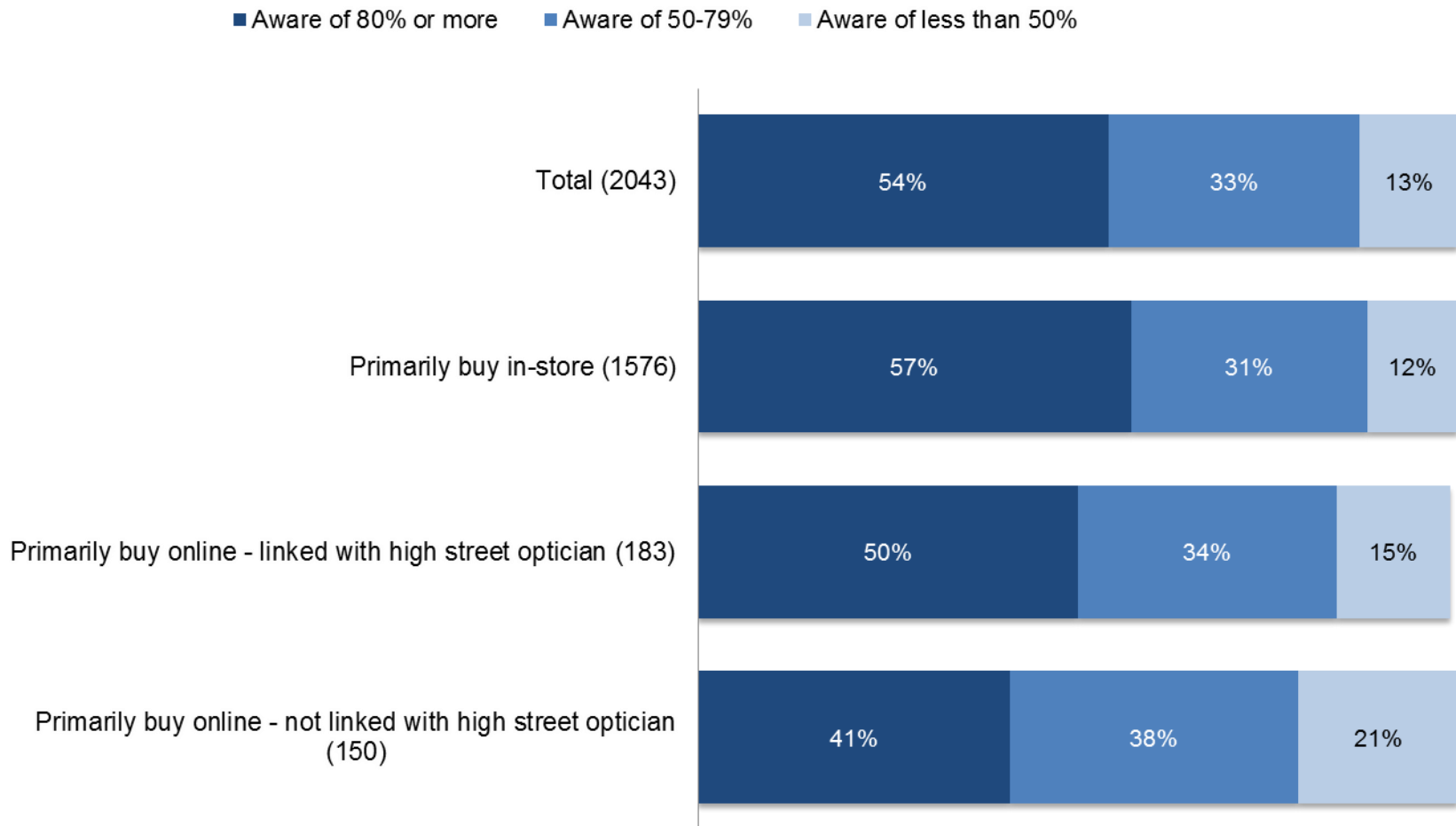
Not just unregistered practice

- Although the lack of aftercare advice is **HIGHER** with unregistered practice, it also exists with registered practice
- Guidance to registrants on the importance of aftercare advice

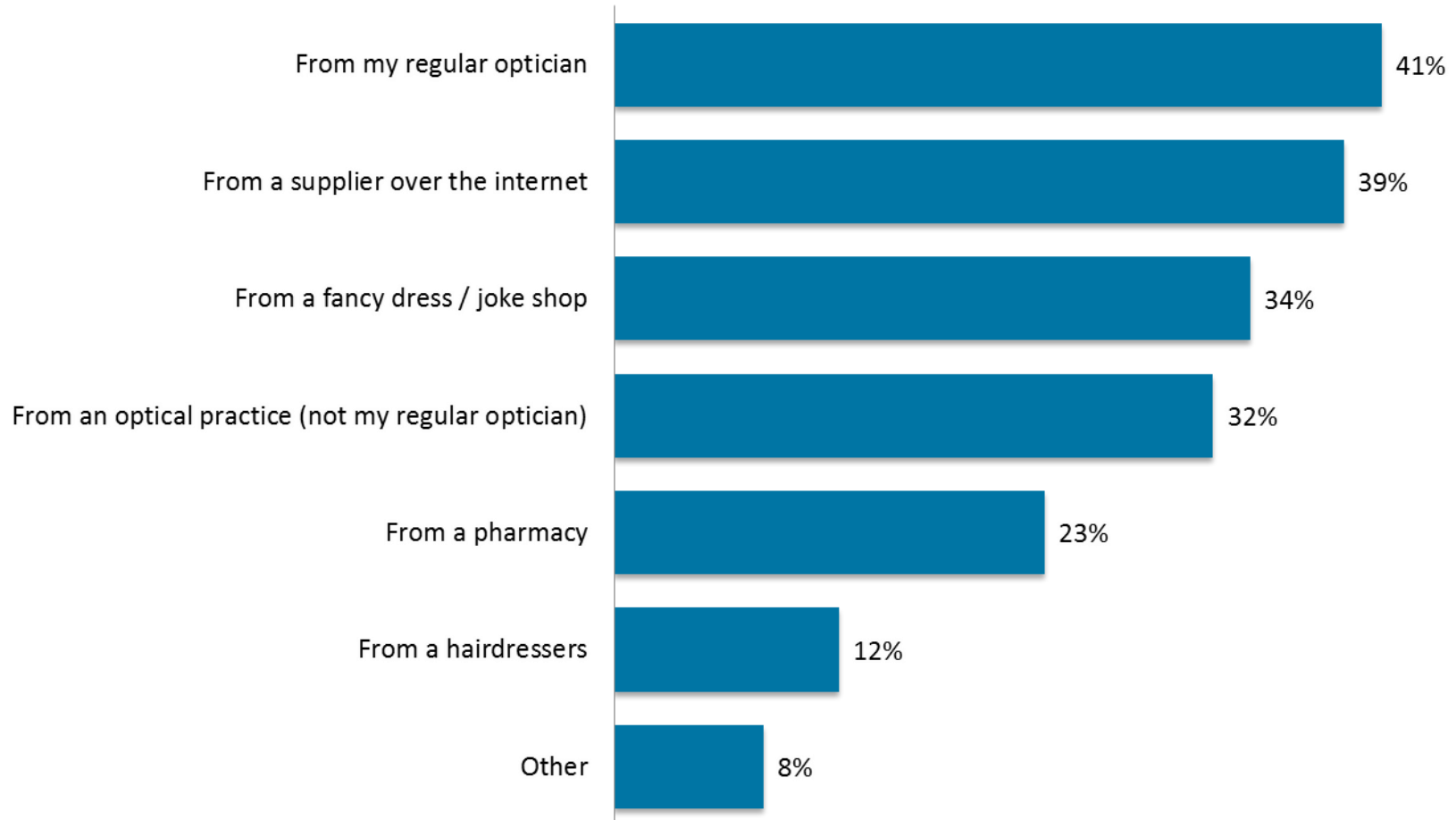
Contact lens wearers' habits



Contact lens wearers' habits



Cosmetic contact lens purchasing



Step 2: Seek to shape patient and consumer behaviour through raising awareness of the risks

- Considered voluntary code of practice
- Communicate GOC/BCCLA contact lens safety guidance
- Enable GOC to communicate additional safety messages

Public information - Halloween

- Working with trading standards to achieve media coverage
- TV, radio, print and online coverage



Claremont Communications



Two key messages

- Don't lose sight of your optician
- Contact lenses and water don't mix

Love your lenses



GOC is the conductor...



- ...not the orchestra
- Working with:
 - Professional bodies
 - Charities
 - Employers
 - Manufacturers
 - Individual registrants

Evaluating success

- Can't change habits overnight – needs longer term approach
- Need buy in from registrants and the optical sector
- Data about sources of eye injuries not comprehensive
- Will hope to see better awareness and compliance scores when repeating research

Conclusion

- Risks to patients from illegal practice
- Traditional regulatory levers not always effective.
- Could sit back and say this is not an issue for the regulator as this is not within our powers.
- Helping patients to make right choices for their eye health