



November 13, 2020

The Honorable Chair Roger Wicker
The Honorable Ranking Member Maria Cantwell
Members of the US Senate Commerce Committee
Washington DC, 20510

Dear Chair Wicker, Ranking Member Cantwell and the distinguished members of the Senate Commerce Committee,

The National Hispanic Medical Association (NHMA) and the League of United Latin American Citizens (LULAC) write today to ask you to oppose S.4613, the *Contact Lens Modernization Act*, a bill introduced by Senator Boozman that is scheduled to be marked up on November 18 in the Senate Commerce Committee. Access to vision care and the ability to shop for affordable contact lenses is a huge challenge facing the Hispanic community which has only been exacerbated by the pandemic. If this bill is allowed to pass, it will lead to higher prices and less choice for Hispanic contact lens consumers at a time when we can least afford it.

Both NHMA and LULAC have been working diligently for years to get the updated Federal Contact Rule issued by the FTC to help Hispanic consumers and patients increase their access to vision care and learn their rights as contact lens consumers. The FTC took five years to do this update, fighting off efforts by the AOA, the American Optometric Association, to delay and stop the rule at every turn. Senator Boozman's bill, S.4613, undercuts the Contact Lens Rule and makes it harder for consumers to get access to their prescriptions and shop around for the best prices.

The updated Contact Rule was announced by the FTC on June 23 with unanimous support from all the Commissioners. It's rare to see this kind of bipartisan support in DC. We urge you all to show the same bipartisan support for it in the Senate.

The optometrist's trade association, the AOA has already managed to add language seeking to delay the FTC rule in the FY 21 House and Senate Financial Services and General Government Appropriations bill. S 4613 takes this assault one step further.

Access to vision care is one of the biggest health care challenges facing the Hispanic community because while we are one of the fastest growing demographics in the marketplace, we are also a community who has traditionally put off getting preventative care due to high costs, language barriers and lack of access to

doctors. According to an April 2017 study on Hispanic Health by the Kaiser Family Foundation, among non-elderly adults, 30% of Hispanics did not visit a doctor in the last 12 months, a quarter of Hispanics have no usual source of care and 22% of Hispanics delayed care due to cost.

The situation is even worse when it comes to vision care. A 2016 study in the medical journal *JAMA Ophthalmology* found that only 59% of the Hispanics/Latinos in their study received an eye examination in the past 2 years and 12% had difficulty obtaining needed eye care in the past year.

Many Hispanics live in communities that do not have optometrists or ophthalmologists conveniently located in their neighborhood, or they work hours or jobs that make it very difficult to get to an optometrist to pick up contact lenses or glasses. They rely on buying their contact lenses at big box stores and pharmacies located in their community who are open late at night or on weekends or online but they need their prescriptions to be able to do that and they are not receiving them. In fact, many Hispanics are unaware they have a right to their prescription.

The national consumer group Consumer Action submitted a consumer survey conducted in 2017 to the FTC as part of their comments on the FTC's proposed Contact Lens Rule. Sixty-five percent (65%) of Hispanics who were surveyed were unaware of their rights as contact lens consumers as compared to 63% of Blacks and 58% of Whites. Forty-four percent (44%) of Hispanics surveyed in the Consumer Action were not given copies of their prescription after their exam and had to ask their eye doctor to give them a copy of their prescription.

These numbers make clear the challenges facing our community. We must do more to ensure that the Hispanic community is educated about our rights as consumers and to act swiftly against those who are breaking the law and denying us the ability to shop around for contacts and glasses. We believe that the FTC's updated Contact Lens Rule is an important step in the right direction to doing just that.

Every day, more and more Hispanics enter the market for contact lenses. We are the fastest growing demographic in the contact lens market. Attempts to delay and stop the FTC's Contact Rule will set our community back and force us into a system where Hispanic contact lens consumers will have higher costs, less access, and less choice.

We call on the members of the Senate Commerce Committee to please oppose these efforts and join us in helping to ensure we strengthen not weaken vision care access and equity for our community. Hispanic across the country will be profoundly grateful for your help.

Sincerely,

Dr Elena Rios, President of the National Hispanic Medical Association
Sindy Benavides, Chief Executive Officer of the League of United Latin American Citizens (LULAC)

cc: Members of the Senate Leadership
Members of the Congressional Hispanic Caucus