COALITION for CONTACT LENS CONSUMER CHOICE

7/14/2020

The Honorable Roger Wicker
Chairman
United States Senate Commerce Committee
512 Dirksen Senate Building
Washington DC, 20510

The Honorable Maria Cantwell
Ranking Member
United States Senate Commerce Committee
512 Dirksen Senate Building
Washington DC, 20510

Dear Chairman Wicker and Ranking Member Cantwell, we write today in strong support of the FTC's new updated Contact Lens Rule, which strengthens and protects the rights of millions of contact lens consumers across this country and increases choice and competition in the contact lens market. The FTC issued this unanimous, bipartisan rule on June 23, 2020 after nearly five years of careful review. Their Contact Lens Rule update ensures that millions of Americans across the country know they have the right to their contact lens prescription and the right to shop around for the best price and best service.

The undersigned bipartisan coalition of organizations, businesses and advocacy groups, representing taxpayers, consumers, and millions of contact lens wearers have been fighting to protect consumers' rights to receive their contact lens prescription for nearly five years. We are deeply concerned that if this rule is further delayed, the rights of consumers will be sacrificed to protect a special interest – the optometric industry – while millions of consumers will be forced to pay higher prices for contact lenses at a time when many are facing serious financial difficulties.

Now more than ever, as America adjusts to life during this pandemic, consumers need to be able to access and utilize their own contact lens prescriptions. They deserve more options and choices of places to buy lenses, not fewer. Taxpayers, who help to fund government employee insurance and public health programs, also deserve the savings that contact lens choice can deliver. We cannot and must not delay it any longer.

Unlike medical doctors, who are generally prohibited from benefiting financially from selling anything they prescribe to their patients, optometrists are exempt from this prohibition, despite their financial conflict of interest. Because of the special nature of this marketplace, in which optometrists write prescriptions for contact lenses and then immediately seek to sell those lenses to that same patient, Congress passed the bipartisan Fairness to Contact Lens Consumers Act in 2003 to protect contact lens wearers by requiring optometrists to automatically release contact lens prescriptions without patients having to ask.

After being presented with compelling data and evidence that optometrists continued disregarding the prescription release requirement, the FTC updated the rule to ensure consumers' right to their prescription and a right to shop in a competitive market for the best price and service — saving consumers millions of dollars a year. The FTC added a signature release provision to ensure that when a consumer leaves the optometrist's office after an eye exam, they know that they have the right to take their prescription with them and can immediately purchase elsewhere if they so choose.

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The FTC conducted a thorough, comprehensive and transparent rule review process over many years that included numerous options for public comments and an FTC workshop. In the end, they came down squarely on the side of consumers, taxpayers, competition, and choice in a 5-0 bipartisan vote of approval. We hope that you and the Committee will stand with consumers and taxpayers in support of the updated unanimous FTC Contact Lens Rule.

We strongly urge you to oppose any efforts to delay implementation of this important consumer protection from the FTC. Delay of this rule means denying millions of U.S. contact lens customers the ability to act as informed decision-makers in the health care system and robbing them of the opportunity to shop the open marketplace at their convenience in search of lower cost eye care solutions. The updated FTC Contact Lens Rule also ensures that eye care providers can verify prescriptions before third-party contact lens orders are processed so that patient health and safety remain paramount. Without the changes provided in this rule, consumers are left in the dark, unaware of their right to free access to their own prescription information, which will end up costing consumers and the healthcare system billions of dollars over the next decade.

Thank you for your support. Please don't hesitate to reach out to any of our organizations if you have questions as you consider this matter.

The Coalition for Contact Lens Consumer Choice

Ken McEldowney, Executive Director Consumer Action
Pete Sepp, President National Taxpayers Union
Dr. Elena Rios, President and CEO National Hispanic Medical Association
Sindy Benavides, CEO League of United Latin American Citizens
Lindsay Mark Lewis, Executive Director Progressive Policy Institute
C. Jarrett Dieterle, Commercial Freedom Director R Street Institute
Chuck Muth, President Citizen Outreach
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