



July 21, 2020

The Honorable Senator Catherine Cortez Masto
The Honorable Senator Jackie Rosen
United States Senate
Washington DC, 20510

Dear Senator Cortez Masto and Senator Rosen,

The National Hispanic Medical Association (NHMA) and the League of United Latin American Citizens (LULAC) write today to ask you to strongly support the FTC's recent Contact Lens rule issued last month. 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.

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.

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 both to show the same bipartisan support for it in the Senate. As a member of Senate Leadership and a member of the powerful Senate Commerce and two of our community's leading voices when it comes to Hispanic issues, you both are uniquely positioned to help support this important consumer protection from the FTC against the powerful forces lobbying to stop it.

Here's how we need your help. We are hearing that there are attempts being made this week to delay this rule and weaken it, possibly through the Senate Commerce committee or in must pass Covid -19 legislation. The AO has already managed to add language seeking to delay the FTC rule in the FY 21 House Financial Services and General Government Appropriations bill. We are very concerned that these assaults on the Contact Lens Rule by the optometric community will undermine this vital consumer protection and result in dire consequences for Hispanics who wear contacts around the country. We need the FTC Contact Rule to go into effect as soon as possible to ensure that Hispanic patients get access to their prescriptions and the ability to shop for the best price and convenient services.

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.

Senator Cortez Masto and Senator Rose, 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 Nevada and throughout 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