



November 16, 2019

Congressman Bobby Rush
United States House of Representatives
2188 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Rush,

The National Hispanic Medical Association (NHMA) and the League of United Latino Citizens (LULAC) write today sadly in opposition to H.R. 3975 *The Contact Lens Prescription Verification Modernization Act*, which you introduced this summer with Congressman Burgess from Texas. We were very disappointed to learn of your support for this legislation as you have been a strong voice for health equity and access in the Congress for many years and have worked to help underserved communities access care. We believe your bill will severely restrict the ability of Hispanic consumers and patients to access affordable contact lenses and would undercut the FCLCA, a vital consumer protection law.

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.

Both NHMA and LULAC have been working diligently for the past three years as to help Hispanic consumers and patients increase their access to vision care and learn their rights as contact lens consumers. 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 proposed Contact Lens Rule is an important step in the right direction to doing just that but unfortunately your bill HR 3975 undermines that progress.

HR3975 takes aim at one of the most important parts of the FCLCA by seeking to ban automated phone prescription verification. This upsets the careful balance between provider and patient that was inherent to FCLCA. The automated phone verification system requires a contact lenses retailer to wait eight business hours after contacting the prescriber before it may fulfill a consumer's order, instead of requiring the retailer to wait indefinitely for the prescriber to positively verify the prescription.

Congress adopted this system after receiving evidence of widespread refusals by prescribers to verify prescriptions in the hopes of preventing their patients from buying their lenses from other retailers. By mandating that retailers discontinue using technology that allows for the most efficient, effective and accurate verification of prescriptions by outlawing automated phone verification calls, this bill sets up a situation that puts patients back at the mercy of the prescribers and reduces their ability to shop around for the best prices and most convenient options for their lives.

Every day, more and more Hispanics enter the market for contact lenses. We are the fastest growing demographic in the contact lens market. But H.R. 3975, *The Contact Lens Prescription Verification Modernization Act*, 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 ask that you reconsider your support for this bill and stand with your constituents in support of true health equity and the FCLCA

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: House Energy and Commerce Chair Frank Pallone
Members of the Illinois Congressional Delegation