

United States Senate

WASHINGTON, DC 20510

August 4, 2020

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
U.S. Senate
Washington, D.C. 20510

Dear Majority Leader McConnell and Minority Leader Schumer:

In 2003, Congress passed the Fairness to Contact Lens Consumers Act (FCLCA) to enhance prescription portability for contact lens users. The FCLCA imposes obligations on contact lens prescribers and sellers and requires the Federal Trade Commission (FTC) to issue rules to implement the Act. In 2004, the FTC issued the Contact Lens Rule, which set requirements regarding the availability of contact lens prescriptions for patients and the verification of contact lens prescriptions by prescribers.

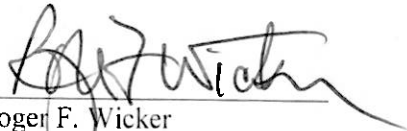
We write today in regard to recently finalized amendments to the FTC's Contact Lens Rule. These amendments could have an adverse impact on small health practices across the country that are now struggling to remain open and care for patients amid the ongoing pandemic. It is our hope that Congress will address this concern by including an enforcement delay of these amendments in COVID-19 relief legislation.

The new amendments would require that eye doctors obtain, keep on file for three years, and produce for federal investigators patient-signed documentation for each contact lens prescription attesting that the patient received a copy of their contact lens prescription as required under federal law. According to the FTC, these obligations would cumulatively cost eye doctors – the vast majority which are small health practices – more than \$13 million annually to comply. FTC data shows that the Commission received roughly 150 complaints out of an estimated 200 million prescriptions issued over the preceding five-year period.

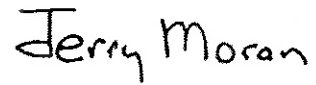
We are concerned that the FTC is imposing these new requirements on doctor's offices across the country just as they are working hard to get back on their feet. These small health practices are increasingly struggling to afford personal protective equipment for themselves, their employees, and patients, and are still recouping from retrofitting costs and revenue losses stemming from reduced patient flow. Complying with this additional burden at the present time could seriously undermine their recovery efforts.

Thank you for your attention to this matter. We trust you will act in the interests of the health care providers who have served our nation so well during this trying time.

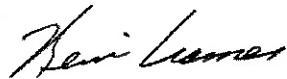
Sincerely,



Roger F. Wicker
United States Senator



Jerry Moran
United States Senator



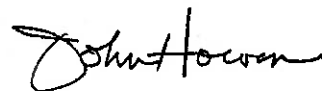
Kevin Cramer
United States Senator



Tim Scott
United States Senator



David A. Perdue
United States Senator



John Hoeven
United States Senator



John Barrasso
United States Senator



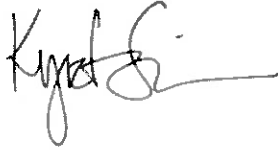
John Boozman
United States Senator



Cory Gardner
United States Senator



Dan Sullivan
United States Senator



Kyrsten Sinema
United States Senator



Rand Paul, M.D.
United States Senator



Thom Tillis
United States Senator



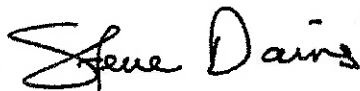
Joe Manchin III
United States Senator



Shelley Moore Capito
United States Senator



Ron Johnson
United States Senator



Steve Daines
United States Senator