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