



September 18, 2017

The Honorable Maureen K. Ohlhausen
Acting Chairwoman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Acting Chairwoman Ohlhausen:

As you know, Congress provided the Federal Trade Commission with the authority to oversee and enforce The Fairness to Contact Lens Consumers Act (FCLCA), which became law in 2004. The law and accompanying regulations require contact lens prescribers to provide a copy of the prescription to the consumer at the end of the contact lens fitting, even if the consumer doesn't request it. As part of the FTC's ten-year review of regulations implementing the FCLCA, the Commission is looking at new ways to ensure that consumers are well informed of their rights under the law.

We understand from the *Federal Register* December 7, 2016 Contact Lens Rule posting that the Commission has considered a number of suggested approaches to improving compliance with the requirement that consumers receive their prescriptions upon completion of the eye exam. We have reviewed those and, in the interest of best informing consumers of their rights, NCL believes it would be a positive and reasonable approach to require all contact lens prescribers to post a sign in their offices, which is clear and conspicuous, noting that patients have a right to a copy of their contact lens prescription at the completion of their contact lens fitting. This type of posted signage is already mandatory in California, seems to be working well there, and we think it should be emulated on the federal level. That's a better solution, in our view, than having patients sign a form, which, like many other forms consumers and patients are asked to sign, they may or may not understand, and will result in more paperwork without necessarily achieving the desired result.

In summary, NCL encourages the FTC to support measures that are most likely to get the desired outcome – making patients aware of their rights to their contact lens prescription - and the best way to do that is to post a sign in clear and conspicuous language informing them of this right when they get their exam - rather than by requiring patients to sign an additional form. Thank you for taking the time to consider our views on this timely issue.

Sincerely,

A handwritten signature in black ink that reads "Sally Greenberg". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sally Greenberg
Executive Director
National Consumers League