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August 3, 2017

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

Dear Acting Chairwoman Ohlhausen,

I am writing regarding the Fairness to Contact Lens Consumers Act (FCLCA) which became law in 2004. Under the FCLCA, the Federal Trade Commission plays an important role in overseeing and enforcing the law's key provisions.

The FCLCA requires that contact lens prescribers provide consumers with a copy of their contact lens prescription. Since 2004, eye doctors have dutifully complied with this requirement as proved by the limited complaints by consumers. Roughly half of the 309 consumer complaints the FTC received between 2011-2016 were regarding prescription release. While I understand that the FTC did receive a pattern of consumer complaints regarding this issue during the Commission's ten-year review of the regulations implementing FCLCA, I am very concerned that the proposed changes are unnecessary and overly burdensome. I believe other ideas for increased enforcement should be considered prior to placing this costly regulatory burden on the nation's eye doctors, many of whom are small business owners.

In late 2016, then-FTC Chairwoman Ramirez led the agency in putting forward a proposed rule seeking to mandate that every one of about 50,000 active practicing eye doctors who prescribe contact lenses in the United States - optometrists and ophthalmologists - obtain from each contact lens wearing patient a signed document indicating that the patient received a copy of their contact lens prescription. Doctors would then be required to maintain each document for at least three years, a substantial record keeping burden that over time will encompass most, if not all, 40 million Americans who wear contact lenses.

The FTC should continue to investigate and act on legitimate violations of the law and the rule. However, the relatively small percentage of complaints in relation to the nearly 40 million contact lens prescriptions each year does not justify costly new industry-wide rules. A study conducted by Avalon Health Economics found that, if finalized, this unnecessary new mandate would cost providers between \$18,795 to \$74,667, depending on the size of the practice. The FTC estimates that the new mandate would cost the industry roughly \$10.5 million. This is a significant expense to address an issue that can be improved by requiring simple signage in doctors' offices to ensure patients are aware of their rights under law. In many parts of the country, this additional regulatory cost is equivalent to full time annual salary for one or more support staff member in a doctor's office. If finalized, this new requirement would force many small business owners to rethink hiring new staff and possibly to even consider eliminating support staff jobs.

I strongly urge the FTC to seriously consider the negative ramifications of this proposed change to the Contact Lens Rule and to explore alternative avenues to address consumer concerns without placing

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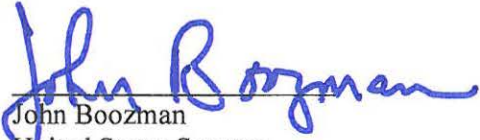
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unnecessary requirements on patients or costly regulatory burdens on our nation's eye doctors. Additionally, I encourage the FTC to continue to pursue strong enforcement against illegal distribution of contacts from online entities. I encourage the commission to reconsider this proposal as it could prove detrimental to patients, their eye doctors, and small businesses across America.

Sincerely,

A handwritten signature in blue ink that reads "John Boozman". The signature is written in a cursive style with a large initial "J".

John Boozman
United States Senator