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HEALTH, EDUCATION, LABOR,
AND PENSIONS
ENERGY AND NATURAL
RESOURCES
VETERANS' AFFAIRS
JOINT ECONOMIC COMMITTEE

The Honorable Joseph J. Simons
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chairman Simons,

As you know, the Federal Trade Commission (FTC) has an important role in overseeing enforcement of legislation which became law in 2004, the Fairness to Contact Lens Consumers Act (FCLCA). I am writing now to express my concerns about the FTC's proposed amendment to the Contact Lens Rule that the agency issued in 2016.

Congress passed the FCLCA in order to increase consumers' ability to shop around when buying contact lenses. The legislation placed requirements on practitioners and contact lens sellers to guarantee that consumers are able to buy contact lenses from the supplier of their choice. One such requirement mandated that consumers be provided a copy of their contact lens prescription at the end of a contact lens fitting. The FTC issued the Contact Lens Rule in July 2004 with further details of the law's requirements, and in late 2016 the agency issued a proposed amendment to that rule that would place new and significant burdens on practitioners.

The proposed rule is intended to increase compliance with the law's requirements by mandating that all providers obtain signed acknowledgements from patients stating that they received a copy of their prescription. Providers would also be required to keep these signed acknowledgements for up to three years. While I understand the intent of the proposed amendment – to ensure that consumers are provided copies of their prescription – I believe this approach is unduly burdensome and costly to providers, especially those that run small businesses.

According to data released by the FTC, there were only 309 consumer complaints out of around 200 million prescriptions released between 2011 and 2016. The FTC estimates that this mandate would cost practices almost \$10.5 million in the first year. In order to fulfill these additional requirements imposed by the rule, more of practitioners' time would be shifted toward completing increased administrative tasks rather than providing patient care.

I respectfully request that the FTC reconsider the proposed rule and continue working with the provider community to come to a workable solution that would ensure greater compliance with the release of prescriptions, while not being overly burdensome. Thank you for your consideration of this request, and I look forward to your reply.

Sincerely,



Senator Bill Cassidy, M.D.

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