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January 24, 2018

Ms. Jeanne Bumpus
Director, Office of Congressional Relations
Federal Trade Commission
600 Pennsylvania Avenue NW, Room 404
Washington, DC 20580

Dear Ms. Bumpus,

Please see the enclosed correspondence from one of my constituents regarding the proposed changes to the FTC's Contact Lens Rule. I would appreciate your review and response to these concerns. Thank you for your prompt attention to this matter.

Sincerely



BERNARD SANDERS
United States Senator

Dear Senator Sanders:

As a doctor of optometry and a frontline provider of essential eye health and vision care in our local community, I respectfully request that you write to the U.S. Federal Trade Commission today to express your concern regarding its unnecessary and costly proposal to mandate that all eye doctors obtain from each contact lens-wearing patient a signed document indicating that the patient received a copy of their contact lens prescription.

Under the Fairness to Contact Lens Consumers Act, the FTC 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. While compliance with any law or regulation can always be improved, the overwhelming majority of eye doctors, including me, have complied with this requirement.

As part of the FTC's ten-year review of regulations implementing the FCLCA, the Commission issued a proposed change in 2016 which would 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 of about 40 million contact lens-wearing patients a signed document indicating that the patient received a copy of their contact lens prescription.

In issuing the proposed changes, the FTC justified the proposal by pointing to anecdotal reports, non-definitive surveys, and a perceived "ongoing pattern of consumer complaints." However, data obtained through a 2017 FOIA request revealed that the FTC received a total of 309 complaints over the last five years out of nearly 200 million prescriptions issued.

According to FTC estimates, the new mandate would cost doctors roughly \$10.5 million in the first year. A study conducted by a group of independent health economists found that, if finalized, costs could run as high as \$750 million in the first year. While I understand that the Commission believes additional regulations are needed to address a perceived lack of compliance on the part of eye doctors, I believe that the FTC must take a prudent and reasonable approach in working to maximize doctor compliance.

Rather than implement the current proposal, I believe that the FTC and Congress' shared goal can still be achieved by requiring eye doctors to post signage in their offices notifying patients of their rights under the law and of where to report non-compliance. Requiring posted signage of patients' rights would help to educate consumers without adding a new regulatory cost to consumer prices while unnecessarily burdening eye doctors, many of which are small business owners.

Thank you for your time and consideration.