

# A CLEAR LOOK AT THE EYEGLOSS RULE

May 18, 2023



An  
FTC  
Workshop

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7:45 am **Registration**

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9:00 am **Welcome and Opening Remarks**

**Samuel Levine**

Director, Bureau of Consumer Protection, Federal Trade Commission

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## **Panel 1: Prescription Release**

The FTC recently sent cease-and-desist letters to prescribers of eyeglasses and contact lenses based on consumer complaints that patients were not automatically given, or denied, or charged for their prescriptions. This panel will consider the need for the Eyeglass Rule's prescription release requirement in today's marketplace. Panelists will discuss the ongoing barriers consumers are facing and the roadblocks to effective compliance with the Rule.

### **Moderators:**

**Paul Spelman**

Attorney, Division of Advertising Practices, Bureau of Consumer Protection

**Beth Freeborn**

Economist, Consumer Protection Division, Bureau of Economics

9:15 am

### **Panelists:**

**Sara D. Brown, MPA**

Director of Government Affairs, Prevent Blindness

**Wallace W. Lovejoy**

Chair, National Association of Retail Optical Companies

**Dr. Jeffrey Michaels, OD**

Co-owner, Family Vision Care

**Felecia P. Neilly**

Consumer of eyeglasses and contact lenses

**Dr. Andrew Stivers, PhD**

Associate Director, NERA Economic Consulting

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10:15 am **Break**

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10:30 am **Presentation: Implementing the Contact Lens Rule  
Confirmation Requirement**

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**Dr. Stephen M. Montaquila, OD**  
President, West Bay Eye Associates

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## **Panel 2: Examining the Confirmation Requirement and Lessons Learned from the Contact Lens Rule**

The proposed amendments to the Eyeglass Rule include a requirement that prescribers obtain a signed confirmation from patients when they provide a copy of the prescription. A similar requirement has been in effect for the Contact Lens Rule since 2020. Panelists will discuss how the confirmation of prescription release is working in practice: what methods are prescribers using to fulfill their obligations to obtain a signed confirmation and keep a record of it for three years; are there any options for easing the burden of this requirement; and what compliance issues have arisen?

### **Moderator:**

**Alysa Bernstein**

Attorney, Division of Advertising Practices, Bureau of Consumer Protection

10:45 am

### **Panelists:**

**Dr. Mahsa Masoudi, OD**

Optometrist, Marietta Eye Clinic

**Dr. Stephen M. Montaquila, OD**

President, West Bay Eye Associates

**Joseph B. Neville**

Executive Director, National Association of Retail Optical Companies

**Dr. Michael Repka, MD, MBA**

Medical Director for Governmental Affairs, American Academy of Ophthalmology

Vice Chair for Clinical Practice, Wilmer Eye Institute and Professor of Ophthalmology, Johns Hopkins Medicine

**Pete Sepp**

President, National Taxpayers Union & NTU Foundation

11:45 am

## **Break**

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## **Panel 3: A Focus on Other Proposed Rule Changes**

In addition to the proposed confirmation requirement, the FTC is considering three other amendments to the Rule: allowing prescribers, with a patient's verifiable affirmative consent, to provide the patient with a digital copy of a prescription in lieu of a paper copy; clarifying that a patient's proof of insurance coverage is considered payment for the purpose of determining when a prescription must be provided; and changing the term "eye examination" to "refractive eye examination" throughout the rule. Panelists will discuss the likely effects these changes would have on patients and prescribers.

### **Moderator:**

**Sarah Botha**

Attorney, Division of Advertising Practices, Bureau of Consumer Protection

12:00 pm

**Panelists:**

**Dr. Aarlan Aceto, OD**

Board of Director and Chair, Legislative Committee, Opticians Association of America  
President, National Federation of Opticianry Schools

**Dr. Artis Beatty, OD**

Chief Medical Officer, MyEyeDr.

**Rebecca Hyder**

Vice President of Governmental Affairs, American Academy of Ophthalmology

**Wallace W. Lovejoy**

Chair, National Association of Retail Optical Companies

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