



*National Association of
Optometrists and Opticians*

Professionalism Consumerism Education

July 8, 2020

The Honorable Chair Nita Lowey and the Honorable Ranking Member Kay Granger
The Honorable Chair Mike Quigley and the Honorable Ranking Member Tom Graves
Financial Services and General Government Subcommittee
House Appropriations Committee
H-307
The Capitol
Washington DC 20515

Dear Chair Lowey, Ranking Member Granger, Chair Quigley, Ranking Member Graves and Distinguished Members of the Financial Services and General Government Subcommittee:

On behalf of the National Association of Optometrists and Opticians (NAOO), a national organization representing the retail optical industry and its thousands of employed and affiliated optometrists and opticians, I write today to express our strong support of the Federal Trade Commission's updated Contact Lens Rule, which was announced on June 23, 2020. The Rule was finalized after five plus years of careful consideration and work by the FTC and their staff, with the unanimous support of all five of the FTC's Commissioners. The Rule includes new requirements for both contact lens prescribers and sellers.

NAOO is consumer-service oriented, dedicated to the proposition the consumer's visual care needs are met most completely and economically by the free market, in the tradition of the American business system. NAOO members collectively represent nearly 9000 co-located eye care offices and optical dispensaries serving millions of patients and eyewear customers each year.

Our members offer consumers the convenience of optical dispensaries (staffed with opticians) that are co-located with eye care services from independent eye care providers (typically optometrists) who prescribe corrective eyewear and perform eye health examinations. These forms of practice offer an alternative to the traditional practice modalities where either there is no on-site eye care available to an optician's customers, or where the eye care patient is tied or at least strongly induced through a variety of practices to become a customer of the dispensary owned and operated by an optometrist who is also the prescriber. Most NAOO members also offer e-commerce optical retailing to customers, including both contact lenses and eyeglasses.

The FTC's updated Contact Lens Rule is a resounding win for consumers. It protects competition and allows for consumer choice. Since it had become obvious that patients were not automatically receiving copies of their prescriptions after the eye exam and fitting, as required by law, the FTC added stronger enforcement mechanisms to the updated rule to ensure consumers know they have a right to their prescription and a right to shop around for the best price and service.

The consumer-friendly adjustment to the Contact Lens Rule released by the FTC on June 23 gives the FTC a means to track those who are failing to follow the prescription release requirement under the FCLCA and to take action on behalf of consumers' rights when a case warrant.

P.O. Box 498472, Cincinnati, OH 45249
(513) 607-5153

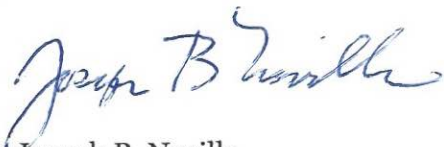
Furthermore, the Commission added requirements on sellers to help ensure that they complied with the law and provided full and clear information to prescribers to aid in the verification process. A requirement was also added on sellers to ensure that patients have a way to upload their contact lens prescription to the seller to ensure better information for the seller in fulfilling an order for contact lenses. Both sellers and prescribers have modest new compliance requirements, balancing the field for all, and giving consumers the protections they need.

The FTC and their professional, nonpartisan staff conducted a thorough, comprehensive and transparent rule review process over the course of many years that included numerous options for public comments and an FTC workshop. All sides of the issues had a chance to weigh in and offer perspectives. The final Rule is an excellent balance of those points-of view.

We urge you and the Committee to reject attempts to delay it any longer and to ensure the FTC devotes proper resources toward educating consumers on their rights.

Thank you for your kind consideration of our comment.

Very truly yours,

A handwritten signature in blue ink that reads "Joseph B. Neville". The signature is written in a cursive style with a large, stylized initial "J".

Joseph B. Neville
Executive Director
joebneville@gmail.com