



November 10, 2023

The Honorable Cathy McMorris Rodgers
Committee Chair
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chair McMorris Rogers and Ranking Member Pallone,

On behalf of the undersigned, I write to express our strong support for the Contact Lens Prescription Verification Modernization Act, HR 2748. This important piece of legislation promotes patient eye safety by modernizing the way consumers purchase contact lenses while maintaining their right to choose where they purchase their prescribed lenses.

The Federal Trade Commission's (FTC) Contact Lens Rule gives patients the right to receive written prescriptions and purchase lenses from any legitimate seller. It also sets requirements for how doctors release prescriptions to their patients and how sellers verify those prescriptions with doctors. Under the law, providers must release prescriptions to patients, and sellers must verify the contents of the prescription with the provider via phone, fax, or electronic means (emails or web portals).

Unfortunately, the process for sellers verifying the accuracy of patient prescriptions with providers has not kept up with the considerable technological advances, thereby putting patient safety at risk. In recent years, online contact lens sellers have increasingly relied on automated phone messages or "robocalls" to verify the accuracy of patient prescriptions with providers. Robocalls put patient safety in serious jeopardy because they offer no paper trail to verify a prescription, are often inaudible, are often received by non-physicians, and typically do not offer a way for a provider to correct an inaccuracy because the provider is not talking to a live human. If a doctor does not verify the prescription within 8 hours, it is considered "passively verified." Unfortunately, these messages, which come in at all hours of the day and night, make it extremely difficult for a provider to sift through robotic voicemails while simultaneously seeing patients in-clinic.

To ensure access while still putting a premium on patient safety, other federal agencies have incentivized or required modern technology in medical settings, and providers across the country have currently utilized email, patient portals, and electronic medical records. Moreover, a more significant percentage of contact lenses sold in the United States are purchased by patients online. Those online retailers almost universally use automated email messages to confirm an order or



product shipment and for marketing purposes. This clearly demonstrates the retailers' ability to communicate and confirm products through electronic messaging like email.

We believe it is important for the federal government to issue consistent and commonsense messages to providers about integrating appropriate technology into their practices. Using robocalls or other automated telephone calls is outdated, unsafe, and not in the best interests of patient safety. Congress has repeatedly expressed concern over robocalls, which can result in patients receiving a lens other than what is prescribed and risk permanent vision loss (as has occurred in over 1,100 cases related to improper contact lens wear, according to the FDA).

To protect the eye health of all contact lens wearers, Representatives Lisa Blunt Rochester (D-DE) and Michael Burgess (R-TX) introduced the Contact Lens Prescription Verification Act (H.R. 2748). It would eliminate the use of robocalls for contact lens prescription verifications and instead require email, live phone call, or fax confirmation of prescriptions. Vision, health, and safety are paramount to the communities we represent, and we believe this is a commonsense step that will safeguard consumers from harmful practices.

Thank you for your consideration.

Sincerely,

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