



April 4, 2016

The Honorable Bill Cassidy
703 Hart Senate Office Building
Washington, DC 20510

Dear Senator Cassidy,

On behalf of the Coalition for Patient Vision Care Safety (Coalition), we write to share our support of your legislation, The Contact Lens Consumer Health Protection Act. As a Coalition comprised of manufacturers, eye doctors, medical device trade associations, and research and academic institutions, one of our primary aims is to promote and strengthen patient health and safety protections in the vision care landscape. To that end, we believe that your legislation serves as an important first step in addressing some of the ongoing challenges with the existing Fairness to Contact Lens Consumers Act (FCLCA), while still preserving consumer choice in the marketplace.

Enacted more than a decade ago, the FCLCA aimed to establish a process by which contact lens patients are able to receive a copy of their prescription and safely fill that prescription at a variety of retail channels, including through their eye care provider, at another retail outlet, or online.

As part of this system, the law instituted a “passive verification” process, which requires contact lens sellers to verify patients’ prescriptions with the prescriber. Prescribers then have an eight-hour window to respond to the seller’s request, after which the patient’s prescription is automatically “verified” and the seller is permitted to fill the prescription. Unfortunately, the passive verification process varies substantially in practice and, in many instances, places patients’ safety at risk.

Your legislation makes a number of valuable improvements to this process—including providing better assurance that prescribers will receive and be able to respond to verification requests and aligning communications methods between sellers and prescribers with modern technology. It helps to strike a meaningful balance between patient health and safety and consumer access and choice.

In addition, your legislation provides an important clarification that will better ensure that, regardless of where a patient chooses to fill their prescription, it will be dispensed exactly as written by their eye care provider. While the existing FCLCA intended to address this issue, we know that in our current online marketplace a number of consumers have continued to report receiving a different brand than prescribed by their eye doctor—often without any advance warning. These issues not only dilute patients’ confidence in their ability to purchase lenses from the range of available retail channels, but can also put them at risk for serious eye damage from wearing a non-prescribed lens.

The modifications your bill proposes in the FCLCA maintain Congress' original goals of providing choice for consumers while continuing to strengthen confidence in the competitive vision care marketplace and protecting patients' health and safety truly go hand in hand.

Thank you for your leadership and ongoing efforts on behalf of millions of contact lens patients across the country. We look forward to continuing to support your work to enact this important legislation.

Sincerely,

The Coalition for Patient Vision Care Safety

AdvaMed

Alcon – a Novartis Company

The American Optometric Association (AOA)

Bausch + Lomb

CooperVision, Inc.

Vision Care – a Johnson and Johnson Company