

Steven A. Loomis, O.D.
President

March 4, 2016

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

Dear Senator Cassidy,

The American Optometric Association (AOA) represents 33,000 doctors of optometry and optometry students. Doctors of optometry serve patients in nearly 6,500 communities across the country, and in 3,500 of those communities are the only eye doctors. Because patient safety and welfare is a top priority, I am writing to endorse your forthcoming bill, the *Contact Lens Consumer Health Protection Act*. AOA supported the original passage of the Fairness to Contact Lens Consumers Act (FCLCA) in 2003 as a benefit to patient access to their prescription information. Your bill amending this law contains much needed improvements to strengthen and refine the purpose of the original law, and we approve and support your careful attempt to make the necessary corrections.

After over a decade of operating under the original design of the law, a number of shortcomings have been identified that are putting patients at risk. We have seen a large number of problems with the law's communications design. First, the original provisions have proven to be inadequate, with a somewhat arbitrary time limit for prescriber verification that is often unworkable because the law's contemplated simple responses do not properly cover the wide range of patient health details that can come into play and that the prescriber may need to convey to a seller. Second the current system confers virtually complete control over the verification process to sellers and leaves little to no room for clinical input by the prescriber. And finally, the original FCLCA failed to provide a plan to analyze the effects of the FCLCA on patient safety, which have become particularly important in light of reported overfilling of prescriptions, dispensing of expired prescriptions and other abuses that clearly violate the original intent of the FCLCA and put our patients at risk.

The original FCLCA endeavored to define the process by which a contact lens seller may communicate with a prescriber for prescription verification purposes. Your bill will improve this process in ways that prescribers and sellers alike can appreciate: 1) it provides a fairer balance of control of the verification process, allowing the prescriber to actually choose the best method of communications, which will permit more specific, reliable information to be exchanged, saving time and offering better protection of patient health; 2) it provides for meaningful exchange to occur between the seller and prescriber, without the burden of the 8-hour time limit overshadowing critical dialogue on patient health and welfare; 3) it requires sellers to give a meaningful opportunity to communicate with the seller, rather than with only automated systems that have numerous flaws; and 4) your bill seeks to protect sellers by giving them a guaranteed method of proper communication with prescribers.

These improvements to the FCLCA will vastly improve the law's ability to fulfill its original purpose to provide efficient means for patients to safely purchase their contact lenses and underscores the fact that contact lenses are indeed prescription medical devices that can cause serious injury when their wear is not overseen by a doctor. We applaud your efforts to safeguard patients in Louisiana and around the country. AOA stands willing and able to support this effort.

Thank you,

A handwritten signature in black ink, appearing to read "S.A. Loomis". The signature is fluid and cursive, with a large initial "S" and "A" that are connected to the rest of the name.

Steven A. Loomis, O.D.
President
American Optometric Association