



June 22, 2023

United States House of Representatives
Washington, DC 20515

To the distinguished leaders and members of the United States House of Representatives,

The National Hispanic Medical Association (NHMA) and the League of United Latin American Citizens (LULAC) write in strong opposition to H.R. 2748 *The Contact Lens Prescription Verification Modernization Act*, which was introduced earlier this Congress by Representative Burgess from Texas and Representative Blunt-Rochester from Delaware. We believe this bill, which is specifically designed to undercut the bipartisan *Fairness to Contact Lens Consumer Act*, and is introduced unsuccessfully in each Congress at the bequest of the optometric lobby, will severely restrict the ability of Hispanic consumers and patients to access affordable contact lenses. We urge you to oppose HR. 2748.

Access to vision care is one of the biggest healthcare challenges facing the Hispanic community because while we are one of the fastest-growing demographics in the marketplace, we are also a community that has traditionally put off getting preventative care due to high costs, language barriers, and lack of access to doctors. A 2016 study in the medical journal *JAMA Ophthalmology* found that only 59% of the Hispanics/Latinos in their study received an eye examination in the past 2 years and 12% had difficulty obtaining needed eye care in the past year.

Many Hispanics live in communities that do not have optometrists or ophthalmologists conveniently located in their neighborhood, or they work hours or jobs that make it very difficult to get to an optometrist to pick up contact lenses or glasses. They rely on buying their contact lenses at big box stores and pharmacies located in their community that are open late at night or on weekends or online but they need their prescriptions to be able to do that and they are not receiving them. In fact, many Hispanics are unaware they have a right to their prescription. The *Fairness to Contact Lens Consumer Act (FCLCA)* and the FTC's recently reauthorized Contact Lens Rule gives our community critical protections that keep costs low and increase access to care.

HR 2748 takes aim at one of the most important parts of the FCLCA by seeking to ban automated phone prescription verification. This upsets the careful balance between provider and patient that was inherent to

FCLCA. The automated phone verification system requires a contact lens retailer to wait eight business hours after contacting the prescriber before it may fulfill a consumer's order, instead of requiring the retailer to wait indefinitely for the prescriber to positively verify the prescription.

Congress adopted this system after receiving evidence of widespread refusals by prescribers to verify prescriptions in the hopes of preventing their patients from buying their lenses from other retailers. By mandating that retailers discontinue using technology that allows for the most efficient, effective, and accurate verification of prescriptions by outlawing automated phone verification calls, this bill sets up a situation that puts patients back at the mercy of the prescribers and reduces their ability to shop around for the best prices and most convenient options for their lives.

Every day, more and more Hispanics enter the market for contact lenses. We are the fastest-growing demographic in the contact lens market. But HR 2748, *The Contact Lens Prescription Verification Modernization Act*, will set our community back and force us into a system where Hispanic contact lens consumers will have higher costs, less access, and less choice. We ask that you oppose this bill and stand with your Hispanic constituents in support of true health equity.

Sincerely,

Dr. Elena Rios, President of the National Hispanic Medical Association
The League of United Latin American Citizens (LULAC)

cc:

- The Congressional Hispanic Caucus