



Americans for VISION CARE INNOVATION

January 25, 2019

Lieutenant Governor and Senate President Howie Morales
New Mexico State Senate
490 Old Santa Fe Trail, Room 417
Santa Fe, NM 87501

Dear President Morales,

Our coalition, [Americans for Vision Care Innovation](#), would like to flag a very important issue for consumers and taxpayers that is currently before you and the New Mexico legislature: the right to get prescriptions for contact lenses and glasses renewed online.

HB 242, the “Consumer Lens and Glasses Prescriptions Bill” was introduced on January 17 by Majority Whip Doreen Gallegos and referred to the House Judiciary Committee, where it was fast-tracked and passed on January 22. It passed the House on Thursday January 24 as part of a House “rocket docket” of bills.

The passage of HB 242 in New Mexico will result in less choice, higher costs and more inconvenience for New Mexico consumers and could drive up vision care costs across the state. We encourage you to remove HB 242 from the “rocket docket” in New Mexico State Senate and oppose it in its current form.

While HB 242 has an innocuous consumer-friendly title, this bill would severely limit access to eye care for hundreds of thousands of New Mexico citizens and prevent patients from getting their prescriptions renewed online and from having the ability to get online vision checks.

More than 40 million Americans wear contact lenses and millions more wear glasses. New Mexico’s contact lens users and glasses wearers are entitled to the greatest possible degree of choice and convenience in the way they renew their lens prescriptions – and at the lowest possible prices. Instead of helping constituents get access to more accessible, more affordable prescription renewals, HB 242 would severely restrict the rights of consumers and taxpayers to get an online prescription renewal for glasses or contacts in New Mexico.

Americans for Vision Care Innovation is a bipartisan coalition of taxpayer advocates, consumer groups, think tanks and innovative companies, working with leading eye doctors, who have joined together to ensure consumers across the country have access to the latest cost-saving and time-saving eye care technologies. The companies that have joined our

coalition compete against each other in the marketplace, but are united in support of the use of telemedicine for vision care and online prescription renewal.

Each of the organizations listed on this letter has deep concerns about this bill and would urge you to slow down the process, remove the bill from the “rocket docket” and express your opposition. If enacted, this bill will negatively impact consumers, hurt New Mexico’s growing reputation for innovation and give unwarranted preferential treatment to optometrists, protecting them from competition.

HB 242’s ban of online prescription renewal is especially worrisome for New Mexico’s large Hispanic community, as two of our coalition members, the League of Latin American Citizens (LULAC) and the National Hispanic Medical Association (NHMA), pointed out in an [op-ed in the Santa Fe New Mexican last year](#). A 2016 study in the medical journal JAMA Ophthalmology found that only 59 percent of Hispanics in their study received an eye examination in the past two years and 12 percent had difficulty obtaining needed eye care in the past year.

Online vision checks and exams are more convenient, accessible and affordable than getting your vision checked at the mall or your local doctor’s office. Many New Mexico Hispanic families live in communities that don’t have optometrists or ophthalmologists conveniently located in their neighborhood or they work hours or jobs that make it nearly impossible to get an in-person appointment in a doctor’s office. Yet, a July 2016 Pew Poll found that more than 94 percent of Hispanics do have access to the internet via a smartphone or tablet. Why would the New Mexico Legislature pass a bill that would deny Hispanic families and all families in New Mexico the right to check their vision and renew their prescription wherever and whenever they want?

As you consider HB 242, here are some other key facts you should know about online prescription renewal services for glasses and contact lens wearers:

- Consumers must have a prescription from an eye doctor in order to use these services initially. **These new, online technologies are designed to help get prescriptions renewed, not to replace comprehensive eye exams.** For millions of Americans, their prescription changes very little between the ages of 18-50, and the American Academy of Ophthalmologists, the world’s largest association of eye physicians and surgeons, recommends that healthy adults under the age of 40 receive an in-person eye exam every 5 to 10 years; among older patients, the recommended interval is 4 years or less. This means that for many of your constituents, there is no need to return to a provider’s office on an annual basis simply to renew a contact lens or glasses prescription.
- **These new services are easy to use and are available 24 hours a day.** Your constituents no longer have to rush across town, drive for miles to the nearest city or take off work to get a prescription renewed – or worse, travel for hours if they live in a community with no eye doctors. These services are also generally far less expensive for consumers than visiting an eye care provider in person.
- Customers who use these services go through eye health screenings as part of the process and their online prescription **renewals are reviewed and approved by ophthalmologists and optometrists**, who are specifically licensed to practice in the state where the exam occurs.
- **Ophthalmologists and other members of the medical community generally oppose bans on the use of telemedicine for vision care and online vision tests.** They believe new technologies can be used safely when doctors have oversight and banning them could severely

jeopardize the development of vision saving and lifesaving technologies to treat diseases.

- **The FTC recently weighed in with concerns about legislation in several states that attempted to ban ocular telemedicine**, saying that banning telemedicine would limit a consumer's ability to access eye care services and could raise the cost of eyeglasses and contact lenses.

We strongly believe that New Mexico legislators who have all the facts about online prescription renewals and online vision checks will make the right choice for their constituents and stop HB 242.

We are happy to speak with you and your staff in more detail at any time if you have questions about online prescription renewal or the information we present in this letter.

Thank you for your time and consideration.

Sincerely,

Grover Norquist, President
Americans for Tax Reform

Andrew F. Quinlan, President
Center for Freedom and Prosperity

Chuck Muth, President
Citizen Outreach

Ken McEldowney, Executive Director
Consumer Action

Sindy Benavides, Chief Executive Officer
League of United Latin American Citizens

Cary Samourkachian, President and CEO
Lens.com

Dr. Elena Rios, President and CEO
National Hispanic Medical Association

Pete Sepp, President
National Taxpayers Union

Lindsay Mark Lewis, Executive Director
Progressive Policy Institute

Jarrett Dieterle, Director of the Center for
Commercial Freedom
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