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R SHEET ON THE BENEFITS OF EXPANDING OCULAR TELEHEALTH

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BACKGROUND

With tens of millions of Americans struggling with vision problems each year, the need for reliable and affordable vision care is substantial. And based on the aging trends of the country's population, the problem is **expected to get worse**.

Unfortunately, prescription eye care services have long operated under outdated and protectionist rules that limit access to vision care and increase costs for consumers. Currently, numerous restrictions prevent the growth of innovative new telehealth services like online eye exams and prescription renewals for contact lenses and eye-glasses, and these insulate incumbent vision care providers from marketplace competition.

However, telehealth generally—including ocular care—offers tremendous benefits for consumers and taxpayers. By providing a convenient and accessible way to obtain products like contact lenses and prescription renewals, telehealth technology allows patients to receive care without wasting time on office visits.

Telehealth can be especially important in rural regions or among other cut-off populations, as it increases access to care. For instance, many rural communities might lack a doctor's office or vision center, but that gap can be filled by telehealth.

Given its lower overhead, telehealth also reduces the price of healthcare for consumers. Additionally, to the extent telehealth technology is adopted by government agencies or covered by government-administered health programs, it can reduce public expenditures and decrease burdens on taxpayers.

Finally, despite some misguided claims to the contrary, research has consistently **demonstrated** that telehealth is as safe as any other form of healthcare.

SUMMARY

- Telehealth technology increases access to vision care and reduces costs for consumers.
- Incumbent eye doctors often engage in protectionist behavior to prevent patients from purchasing contact lenses from other sources.
- The FTC should finalize revisions to its Contact Lens Rule to ensure patients' rights are protected.
- States should resist rent-seeking legislation that hurts telehealth and adopt pro-telehealth reforms.

CURRENT DEBATE

In the past, contact lens users were often required to both obtain prescriptions and purchase lenses from the same eye doctor. Typically, optometrists would work directly with contact lens manufacturers, meaning that patients were being steered toward certain contact lens brands and deprived of the benefits of competition.

While this anti-competitive behavior has been somewhat mitigated in recent decades, many protectionist laws and rules remain in place. Additionally, even in locations with favorable laws, new proposals have cropped up to limit the growth of telehealth. For example, limits on “store and forward” medicine—in which information is collected at one point in time and then reviewed later—can render certain types of telehealth impractical, including ocular telehealth services.

Given the trends in both ocular health and protectionist policy, it's more important than ever that policymakers at the federal and state levels understand the benefits of telehealth technology and the hurdles it currently faces.

ACTION ITEMS

Finalize the FTC's New Contact Lens Rule

Over a decade ago, in response to persistent complaints about the antiquated legal framework regulating contact lenses, Congress decided to take action. In 2003, it passed the Fairness to Contact Lens Consumers Act, which requires eye doctors to release contact lens prescriptions to patients, thereby giving them the ability to purchase lenses from third-party vendors if they choose.

In 2004, the Federal Trade Commission, which is tasked with enforcing the law, finalized its Contact Lens Rule. It further clarified that patients could not be forced to buy prescription lenses from their prescribing doctors. While the Contact Lens Rule brought about an important sea change in the law, it has suffered from implementation difficulties, as many eye doctors fail to adhere to it.

For nearly four years, the FTC has considered amendments to the Contact Lens Rule, including a requirement that eye doctors obtain signed acknowledgement forms from patients informing them of their rights. The FTC should promptly finalize this commonsense revision to encourage greater compliance.

Resist Protectionist State Laws

While limiting access to ocular telehealth hurts consumers and patients, the beneficiaries of such protectionism are incumbent ophthalmologists and optometrists. These groups often engage in “rent-seeking” behavior in an attempt to insulate themselves from increased competition.

This dynamic has led to the introduction and enactment of anti-telehealth bills in states around the country. For example, New Mexico recently passed legislation that requires an in-person examination before a contact lens prescription can be issued. Lawmakers should resist these types of efforts to ban telehealth services.

On the other hand, policymakers should seek opportunities to modernize laws even in states that are already more hospitable to telehealth. Indiana, for example, has shown progress in this area by considering legislation that would allow for online prescriptions as long as the provider is able to make an informed diagnosis. Lawmakers who value economic competition and personal health should take the lead in making these telehealth services more available to consumers.

CONTACT US

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