

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2561 Rayburn House Office Building
Washington, DC 20515-6515

May 15, 2023

The Honorable Lina M. Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Ms. Khan:

The House Committee on Small Business (the Committee) writes to inquire about the recent rule change to the Ophthalmic Practice Rules (Eyeglass Rule). The rule requires optometrists and ophthalmologists to provide patients with a signed copy and acknowledgement of their eyeglass prescription and concurrently, requires that the acknowledgements be kept by the practice for at least three years.¹ The Committee fears that this rule will have a disproportionate impact on small businesses by adding redundant requirements to already understaffed practices.² It appears that the Federal Trade Commission (FTC) may not have properly considered small entities during this rulemaking process.

It is important for agencies to properly consider small businesses interests, which make up 99.9 percent of all businesses in the United States, when passing any new rule. America's small businesses deserve to have their voices heard and considered. We therefore request the following information as soon as possible but no later than May 29th, 2023.

1. What are your statutory requirements to examine this rule's impact on small businesses?
2. How many small businesses will be impacted by this rule?
3. What additional compliance costs on small businesses are associated with this new rule?
4. Where can small businesses go to examine your analysis on the impacts this rule will have on their operations?
5. What alternatives have been considered to lessen the impacts on small businesses?

¹ Ophthalmic Practice Rules (Eyeglass Rule), 16 C.F.R. 456 (2023).

² *AOA makes robust rebuttal to FTC over proposed changes to Eyeglass Rule*, AM. OPTOMETRIC ASSOC. (Mar. 16, 2023).

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To schedule the delivery of your response or ask any related follow-up questions, please contact Committee on Small Business Majority Staff at (202) 225-5821. The Committee on Small Business has broad authority to investigate “problems of all types of small business” under House Rule X. Thank you in advance for your cooperation with this inquiry.”

Sincerely,

A handwritten signature in black ink that reads "Roger Williams". The signature is written in a cursive style with a large, stylized "S" at the end.

Roger Williams
Chairman
Committee on Small Business

cc: The Honorable Nydia M. Velasquez, Ranking Member
Committee on Small Business