

## **LOVEJOY EYECARE CONSULTING LLC**

### **Substitute House Bill 49 Testimony of Wallace W. Lovejoy Lovejoy Eyecare Consulting LLC**

Chairman Hackett, Vice Chair Tavares and members of the Senate Finance–Health & Medicaid Subcommittee, thank you for the opportunity to appear before you and testify in opposition to the proposal to eliminate both the Ohio Optical Dispensers Board and the Ohio State Board of Optometrists and combine their operations into a single Vision Professionals Board.

I am an independent eyecare consultant at Lovejoy Eye Care Consulting, where I provide strategic consulting and regulatory compliance advice related to vision care and the optical and ophthalmic industries. For 28 years, I was part of the leadership team at Luxottica in Mason, Ohio, which included companies such as LensCrafters, Pearle Vision and EYEXAM of California. From 2008 to 2011, I served as senior vice president of eyecare development at Luxottica Retail North America. In this role, I oversaw the support for the optometrists and opticians affiliated in the U.S., Canada and Puerto Rico for more than 2,000 optometric and optical offices.

The proposal to abolish the Ohio Optical Dispensers Board and State Optometry Board and transfer them to a new Vision Board would be detrimental to the optical industry in Ohio and Ohio consumers without conferring any benefit to the public health or safety, or providing significant savings to Ohio taxpayers. I respectfully urge that this amendment be removed from the Budget Bill.

Optometrists, opticians and optical companies that employ opticians are direct competitors in the marketplace for the sale of prescription optical products, but they are not regulated in the same fashion. Since individuals who dispense prescription optical products like eyeglasses and contact lenses were first required to be licensed under Ohio law, optical stores and companies have been required to hire licensed opticians to perform all optical dispensing functions. By contrast, licensed optometrists are not required to utilize licensed opticians or any other licensed personnel to perform optical dispensing functions in their practice. This results in higher costs for optical companies to run an optical dispensary, where multiple opticians must be employed, than for the same dispensary if operated by an optometrist who can single-handedly oversee the same operation with only one licensee – the optometrist - controlling the same functions.

By eliminating the separate Optical Dispensers Board and consolidating its functions under the Vision Board under the control of optometrists, this legislation will put unilateral regulatory

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authority over the supply and activities of licensed opticians in the hands of optometrists, and provide de-facto control over the business of independent opticians and optical companies. In fact, there is significant risk relating to combining these two boards in Ohio. In recognition of the inherent conflicts, and strong antitrust concerns, combinations of this nature have been avoided throughout the U.S. We strongly urge you to leave these two boards intact.

This proposed amendment will reduce public access to quality eye care, limit the supply of licensed opticians, increase compliance requirements for optical retailers, and limit competition in the marketplace for optical goods and services. Rural and underserved areas of the state would be particularly impacted by any reduction in accessibility to optician services. This amendment would be a negative public policy change for Ohio.

Additionally, the proposal does not address the third profession in the ophthalmic services and products market – ophthalmology. Currently, many opticians work in a variety of relationships with ophthalmologists, who like optometrists, may fit and dispense eyewear directly and delegate those tasks to non-licensed personnel without having to hire licensed opticians. Establishing a combined board where one profession can impose barriers to entry and added costs on business operations on competitive professions is a recipe for restraint of trade concerns.

We applaud the goal of regulatory reform to improve the efficiency and effectiveness of professional licensing in eye care and the eyewear market. However, our experience across the United States has made clear to us that combining the optometry and opticianry boards will not help consumers or improve competition. We strongly encourage you to explore other alternatives to achieve those goals, and would be happy to meet with you to discuss how that might be done.

Thank you once again for providing the opportunity for me to express my opposition to this proposed legislation.

Wallace W. Lovejoy  
Lovejoy Eyecare Consulting LLC  
6205 S. Clippinger Dr., Cincinnati, OH 45243  
513-702-6903

wally.lovejoy@gmail.com