

From: Adams, Chaney

To: Taylor, Richele <RicheleTaylor@gov.sc.gov>
Glaccum, David <DavidGlaccum@gov.sc.gov>
Patel, Swati <SwatiPatel@gov.sc.gov>
Godfrey, Rob <RobGodfrey@gov.sc.gov>

Date: 10/20/2016 10:25:23 AM

Subject: FW: Online Eye Exam Company Shut Down; Files Lawsuit Against South Carolina

Attachments: [Opternative Complaint_Final 10192016 Version.pdf](#)

FYI- where do we stand on this?

From: Adcox, Seanna M. [mailto:SAdcox@ap.org]

Sent: Thursday, October 20, 2016 10:23 AM

To: Adams, Chaney

Subject: FW: Online Eye Exam Company Shut Down; Files Lawsuit Against South Carolina

So, the online eye exams company is suing LLR and the Board of Medical Examiners, which is part of LLR, over a law Haley tried to squash. The lawsuit itself even refers to Haley's veto. That seems to present an odd wrinkle. Does that mean LLR won't fight the lawsuit and will agree to block the law? Or does the state have to fight any lawsuit filed against an agency? Also, I'm guessing Haley would agree with this lawsuit, but I obviously never want to assume anything. Can I get a quote on her thoughts on the lawsuit – whether she encourages or encouraged it or whatever?

Seanna

From: Matt Powers [mailto:mpowers@ij.org]

Sent: Thursday, October 20, 2016 10:02 AM

To: Adcox, Seanna M.

Subject: RE: Online Eye Exam Company Shut Down; Files Lawsuit Against South Carolina

Certainly. Attached is a nonfiled copy of the compliant and I will send you the case number shortly. Let me know if you need anything else.

From: Adcox, Seanna M. [mailto:SAdcox@ap.org]

Sent: Thursday, October 20, 2016 9:55 AM

To: Matt Powers

Subject: RE: Online Eye Exam Company Shut Down; Files Lawsuit Against South Carolina

I don't think I can make it to the press conference. Can you email me a copy of the lawsuit?

Seanna Adcox

The Associated Press

Columbia, SC

803-799-5510, office

803-767-8563, cell

From: Matt Powers [mailto:mpowers@ij.org]

Sent: Thursday, October 20, 2016 8:50 AM

To: Adcox, Seanna M.

Subject: Online Eye Exam Company Shut Down; Files Lawsuit Against South Carolina

MEDIA ADVISORY

NEWS CONFERENCE:

**Online Eye Exam Company Shut Down;
Files Lawsuit Against South Carolina**

DATE & TIME:

October 20, 2016 at 10:30 a.m.

LOCATION:

[Richland County Court House](#)

1701 Main St.

Columbia, SC 29201

PARTICIPANTS:

Robert McNamara, Senior Attorney, Institute for Justice

Joshua Windham, Attorney, Institute for Justice

Aaron Dallek, Co-Founder and CEO, Opternative

CONTACT: Matt Powers, Communications Coordinator, (703) 682-9320 ext. 206

SUMMARY: On Thursday, October 20, 2016, at 10:30 a.m., online company Opternative and the Institute for Justice (IJ) will be holding a press conference to announce a major lawsuit challenging South Carolina's ban on online eye exams that asks a simple question: Can the government restrict access to innovative health care technology in order to prop up an outdated business model?

Opternative is a Chicago-based start-up that offers consumers a simple promise: Get a new prescription for glasses or contacts from the comfort of your own home. In 39 states, their technology allows doctors to provide faster and better service to more people—but not in South Carolina. Earlier this year, the legislature passed a law banning Opternative's technology to protect the profits of existing storefront businesses, despite allowing access to most other forms of telemedicine.

When vetoing the bill, Gov. Nikki Haley wrote, "I am vetoing this bill because it uses health practice mandates to stifle competition for the benefit of a single industry . . . [this law] is putting us on the leading edge of protectionism, not innovation." Unfortunately, the legislature did not heed her message and overrode Gov. Haley's veto.

A victory will promote the right of patients and doctors, not the state legislature, to manage their own healthcare.

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