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To: House District of Columbia Committee, Attention: Honorable Don Fuqua.
From: American Law Division.
Subject: Comparison and Analysis of H.R. 595, 90th Congress with Corresponding Provisions of the District of Columbia Optometry Act.

Pursuant to your request, there is enclosed herewith a section analysis and comparison of H.R. 595, 90th Congress, with comparable provisions of the District of Columbia Code.

As constructed, H.R. 595 would substantially modify the present provisions of §§ 2-501-522 of the District of Columbia Code. The purpose of the modifications is the imposition of exacting requirements over the profession and practice of optometry in the District of Columbia.

Under the present provisions of the D.C. Code, the concern is primarily with the establishment of a Board of Optometry whose principal functions are the conduct of examinations for licenses to practice optometry in the District of Columbia, and the conduct of hearings to revoke, cancel or suspend licenses for any of the following causes: (1) conviction of a crime involving moral turpitude; (2) habitual use of narcotics, or other substances impairing the intellect and judgment to an incapacitating extent with respect to optometric duties; (3) a conviction for falsely representing oneself as a licensed optometrist; falsely representing oneself as capable of examining the human eye; and, the impersonation of, or claiming to be, a person duly licensed under the Code.

H.R. 595 makes substantial improvements on a Code which has not been significantly amended since its enactment on May 28, 1924 (43 Stat. 177).

In this latter regard, section 2 of the bill declares optometry to be a profession subject to regulation in the interest of public health and welfare, and limits its practice to persons meeting the substantial qualifications and requirements prescribed in the bill. From this declaration, the bill naturally progresses to a definition of the key term "practice of optometry", the educational prerequisites for taking the prescribed written, oral and practical examinations (the latter two being not presently required), and, an outlining of the code of conduct, and the prohibitions, which must be strictly adhered to, and followed, under penalty of revocation, suspension or cancellation of a valid license.

One of the effects of these various amendments—particularly, that of the definition of the term "practice of optometry"—is to take the adaptation and fitting of contact lenses out of the hands of opticians and placing it exclusively in the hands of physicians and licensed optometrists.

Significant effects of the bill's provisions setting up a code of conduct and defining unlawful acts with respect to the practice of optometry are: (1) the elimination of price cost and other bait advertising techniques and practices; (2) the elimination of fee-splitting, rebating or other commission arrangements offered as inducements to obtain patronage; (3) the guarantee of an absolute freedom of choice of a practitioner on the part of the person needing the services of an optometrist with respect to the administration of any law of the District of Columbia; (4) the confinement of advertising of professional services to modest professional cards and announcements, and to modest street or window signs at the place of business; (5) the confinement of the practice of optometry to a professional office by prohibiting its practice in retail, mercantile or commercial stores or premises that are not exclusively devoted to the practice of optometry or other health professions.

While the bill speaks in terms of vesting powers and authority in the Commissioners of the District of Columbia, nevertheless, there appears to be no provisions therein that would work an abolishment of the present D.C. Optometry Board, nor is its abolishment likely in view of the fact that specific provisions in the bill authorize the Commissioners to delegate all or any part of the powers and authority therein granted to said Board upon any terms and conditions as to them may appear necessary and proper.

There follows a comparison of the bill with its corresponding provisions, if any, of the D.C. Code.

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