

"Differential diagnosis is a large and difficult field. A medical specialist with all his training in this direction, with many facilities for making all kinds of auxiliary tests, is sometimes unable to make a differential diagnosis."

The Commissioner expressed the view that the prohibitions relating to advertising by optometrists do not serve the best interests of the general public and should be deleted from the bill.

The Commissioners testified for deletion of those provisions of the bill relating to advertising and the hiring of an optometrist by anyone other than another optometrist. We do not believe the Commissioners would have made the same recommendation if the bills before you were to regulate either the practice of medicine or dentistry. We do not understand their objection when the issue is the regulation of the practice of optometry.

Because of the highly personal nature of services rendered and the unique individual needs of each patient, adequate vision care is a highly complex service which does not lend itself to production line methods. The advice of efficiency experts and the short-cuts resulting from time-motion studies do not lend themselves to an environment where professional services are rendered according to individual needs and where each patient must have as much time as required in order to adequately care for his particular vision problems.

Section 4 of the Oklahoma Optometry Act reads as follows: "No person, firm, or corporation engaged in the business of retailing merchandise to the general public shall rent space, sublease departments, or otherwise permit any person purporting to do eye examinations or visual care to occupy space in such retail store."

In upholding this section of the Oklahoma Optometry Act, the U.S. Supreme Court in *Williamson v. Lee Optical* said in part, and I quote:

"It seems to us that this regulation is one the same constitutional footing as the denial to corporations of the right to practice dentistry. It is an attempt to free the profession, to as great an extent as possible, from all taints of commercialism. It certainly might be easy for an optometrist with space in a retail store to be merely a front for the retail establishment. In any case, the opportunity for the nexus may be too great for safety if the eye doctor is allowed inside the retail store."

The members of the American Optometric Association subscribe to and abide by the Rules of Practice as adopted by its House of Delegates on June 28, 1950, among which are rules:

"(B) No member shall practice in or on premises where any materials other than those necessary to render his professional services are dispensed to the public.

"(J) No member shall use other than his professional card on or in any publication or in any public display; said card shall not exceed two (2) columns by two (2) inches, and it shall not contain any more than his name, profession, address, telephone number, office hours, eye examinations by appointment, practice limited to * * * (any one optometric specialty). Educational materials may be published only when it has been specifically approved by the Executive Committee of the respective state association.

"(K) No member shall use bold face type or in any other manner attempt to attract special attention to himself in any telephone or other public directory.

"(L) No member shall display any merchandise, ophthalmic material or advertising of any kind in windows or in any room of his office for the purpose of inducing patronage."

In the mercantile atmosphere, the level of vision care is lowered to the level of the average marketplace where the philosophy of *caveat emptor* (let the buyer beware!) prevails. The hallmark of this type of operation is big-splash advertising claiming "low prices," "easy credit," "fast and accurate service."

An article appearing in REDBOOK magazine, November, 1952, was titled the "Racket in Eyeglasses." It reported:

"Featuring for the most part, low prices and speedy service, these unethical practitioners attract the very patients who can least afford to tamper with their eyesight—young people just starting their careers, young marrieds just beginning to shoulder enormous responsibilities, and—this perhaps, is the most serious of all—an alarming number of young children. In all I visited more than 50 eyecare