

ATTACHMENT I

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, August 1, 1966.

HON. HENRY HELSTOSKI,
House of Representatives,
Washington, D.C.

DEAR MR. HELSTOSKI: This is in further reply to your letter of March 22, 1966, addressed to Secretary Gardner, concerning a brief prepared by the American Optometric Association, dated February 18, 1964, charging the Department of Health, Education, and Welfare with discrimination against the profession of optometry.

I have reviewed the brief prepared by the American Optometric Association and in this letter will deal with the conclusions contained in the brief.

A. *Recommendation that the Department, and its member agencies, avoid discrimination against the profession of optometry.*—This conclusion pertains to the American Medical Association Resolution Number 77 (June 1955), * * * provides that associations between doctors of medicine and optometrists are unethical * * * that physicians faithful to the ancient tenets of the medical profession, are ever cognizant of the fact that they are trustees of medical knowledge and skill and that they must dispense the benefits of their special attainments in medicine to all who need them, that it is a futile gesture to consult on a professional level with one who does not possess the same knowledge, training, experience and ideals as the doctor of medicine."

The American Medical Association is an independent organization and does not request Departmental consultation on its actions. Resolutions passed by the American Medical Association are not binding upon either the Department or its employees.

Since 1950 the provisions of Title X of the Social Security Act authorizing grants to States for aid to the blind have required that State plans for this program "provide that, in determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select." The Public Welfare Amendments of 1962 established Title XVI of the Social Security Act authorizing grants to states for aid to the aged, blind, or disabled, or for such aid and medical assistance for the aged. Identical language with that contained in Title X is included in this new title. The Social Security Amendments of 1965 included a new Title XIX of the Social Security Act authorizing grants to States for medical assistance programs. Section 1903, which defines the term "medical assistance" includes the language "eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select."

Thus, in the determination of blindness as a factor of eligibility for public assistance payments and in the prescription of eyeglasses under the new medical assistance program the Federal law requires States to give an individual his free choice of an optometrist or a doctor of medicine. While such a requirement does not exist with respect to other aspects of public welfare programs, the silence of the Federal statute in no way limits the freedom of States to use optometrists in such other ways as they may find appropriate.

B. *Freedom of choice in selection of a practitioner.*—The Department agrees that the American public should continue to have freedom of choice in the selection of a practitioner to care for vision problems.

C. *Training of ophthalmic assistants or technicians.*—The Public Health Service has funded two pilot projects for the training of ophthalmic assistants. The primary reason for considering the training of various types of professional assistants and technicians in general is to extend the effectiveness of professional personnel who are in short supply by relieving those professionals of certain routine duties which can be adequately carried out by individuals with lesser training. Assistants and technicians may be useful in the offices of any eye specialist. The two projects mentioned were undertaken as pilots and a careful evaluation of them is to be carried out before other similar projects are considered.

D. *Departmental publications.*—Publications of the Department will continue