

Examiners in Optometry, Dr. Warren agreed to join me should the Committee have questions dealing with optometry licensing and any difficulties experienced by the Board in enforcing the practice of optometry in the District.

The Optometric Society of the District of Columbia estimates that today there are 67 full time practicing optometrists here in Washington for a population, according to the 1960 Census, of 763,956. In 1924 when the Optometry Licensing Act became law, 92 optometrists registered under the law—92 optometrists for approximately 437,571 people, the 1920 census figure. During a 40 year period, there are 27% fewer optometrists and 57% more people.

The primary reason why the nation's capital fails to attract recent optometry school graduates is the poor environment for professional practice. The newly graduated optometrist holds high ideals and goals on which he wants to build his practice. Prospects for building such a practice here in Washington amid crass commercialism are dismal. Rather than lower his standards, the young optometrist establishes his practice outside the District of Columbia.

It seems to me a sad situation when only two optometrists under the age of 35, the draft age for optometrists, practice optometry in the District today. The out-dated optometry law affords little inducement to practice here. We of the District Optometric Society come to you gentlemen in Congress to up-date that law.

The present law allows the Board of Examiners in Optometry to examine applicants prior to licensing, but affords little opportunity for enforcement. The Board can revoke or suspend a license for such extreme things as drunkenness, drug addiction or insanity, but it is almost impossible to revoke or suspend a license for conducting a shoddy, unprofessional practice. I know of only two convictions for violation of the optometry licensing law, and neither of the defendants was a licensed optometrist.

One of the convictions occurred this past July 25 when the District of Columbia Court of Appeals upheld a conviction of practicing optometry without a license in a case relating to adaptation and fitting of contact lenses. Attachment number 1 filed with this statement gives you some background on this case, in the form of a letter to the editor of the Washington Daily News.

Need for change in the District's optometry law has been recognized on many fronts. In 1964 the Senate's Special Committee on Aging—after investigating frauds and deceptions affecting the elderly—recommended that the Senate District of Columbia Committee examine the adequacy of present District laws on—“(a) widespread fixed-price advertising for regular glasses and contact lenses; (b) sale of over-the-counter, non-prescription glasses; (c) possible need for greater authority to the District Commissioners for regulation of ‘the corporate practice of optometry.’” In relation to these recommendations by the Senate Special Committee on Aging, I refer you to a clipping from the Washington Evening Star of February, 1965, which quotes the Executive Director of the District Optometric Society concerning magnifying eyeglasses and the harm they can cause, as brought out in the work of that committee. This is attachment 1-A.

Last year, the House District Committee requested the District Board of Examiners in Optometry to furnish more information relating to selling of eyeglasses by a local jewelry store. On September 29, 1966, the Federal Trade Commission issued a complaint against the New York Jewelry Company charging use of false, misleading, unfair and deceptive acts in violation of Section 5 of the Federal Trade Commission Act. Among the items listed for sale were eyeglasses. In dismissing the complaint, the hearing examiner noted “If Section 5 was intended to cover matters of this type, it seems unlikely the Congress would be seeking special legislation to cover some of the practices alleged in the complaints.” The hearing examiner also stated, “ * * * the Federal Trade Commission under Section 5 of the FTC Act does not have jurisdiction to regulate price controls or credit practices in the market place. * * * ” To give the committee further insight into this particular problem, we are submitting our attachment number 2 which shows, through statement of the charges, the extent to which some commercial firms will go to seek the patronage of the public.

Mr. Chairman, optometric vision care should not be auctioned in the market place to the lowest bidder. No health care service should be, whether it be medical, dental, or optometric. Price advertising has no place in the provision of health care. A health care practitioner should derive his income from services rendered for the benefit of the patient * * * not from mark-up on materials