

niture stores they are now examining eyes. We did not even know who was there. I went down to sort of snoop around to find out who was there. We do not even have the power to insist that they tell us where they are practicing. We have no power.

Mr. HARSHA. Do you have in this bill a section that will give you the authority to crack down on a shyster like you outlined?

I would like to know if we are going to meet the problem you describe in this bill.

Dr. WARREN. There are certain things in there like the department put in there that for grounds for revocation, if a man is found guilty, his license is revoked for a year. I think that is excessive. That means you are going to have a very difficult time to get a conviction.

As any attorney will say, if you are going to put a man out of practice for a year, that will be almost impossible to get. So that should be possibly reduced we will say to 30 days or 20 days, I do not know. This is for the committee to decide. But the main thing that the Board wants is the power to stop these people from being enticed, and if you will read the record from last year you will see where we have testified to the effect that people are enticed in for a free eye examination, and one poor gal was sold two pairs of glasses for \$144—enticed into a place by bait advertising and then sold a bill of goods basically with cheap materials, cheap frames, cheap lenses, and an examination that is not worth the name.

What happens? They cannot see with them, but they have only paid \$5. But let them miss one payment and bingo, they haul them into court and their wages are—

Mr. HARSHA. The crux of what you are saying is to clamp down on the advertising. What about the fellow who conducts an eye examination? And not being a specialist in that field or having any training, it is hard for me to see how could you get an adequate examination of the eye in three minutes or five minutes.

Dr. WARREN. You cannot.

Mr. HARSHA. Is there anything in this bill to deal with unethical practices?

Dr. WARREN. No, sir.

Mr. HARSHA. Or malpractices?

Dr. WARREN. Not in our present law.

Mr. HARSHA. I mean in the new bill.

Dr. WARREN. Yes, sir.

Mr. HARSHA. Can you point that out to me?

Dr. WARREN. In the first place there will be—there is an awful lot of talk about this word "profession", and you have heard the word *Silver v. Lansburgh* mentioned yesterday. Back some years ago the Board, in an attempt to stop some of the evils that were going on, initiated a suit against Lansburgh's Department Store and their optical department. Not that they were particularly bad, but that they were a corporation, because we feel that the corporate practice of optometry is not good because a man should practice in his own name. He has the license, he should be responsible to his own license and not be responsible through somebody else who he is working for, his employer.

This was overturned and one of the key words in this thing is the word "profession", and you are going to hear the medical people say