

we cannot have this word in there at all, that optometry cannot be defined as a profession, it cannot be mentioned in the law. But we must have that one word "profession" because it is the one word—if "profession" is not in there, then we are a trade, and if you are a trade just like a plumber I can advertise, to have a sink put in your house for such and such sum of money.

So it all hinges on this one word.

In my book, if you would give us a law, just a few words that say "Optometry is hereby declared to be a profession", and the Board should be empowered to enforce it, in three lines, I think we could just about do it.

Mr. HARSHA. Then should you establish a Code of Ethics and revoke or remand or suspend licenses based on this Code of Ethics?

Dr. WARREN. I certainly could.

Mr. HARSHA. You could deal with malfeasance and misfeasance and nonfeasance?

Dr. WARREN. If we are declared to be a profession, I think we could, yes, sir.

Mr. HARSHA. What you are telling the committee is, in substance, if we would just pass a simple bill that said for various reasons the practice of optometry is hereby declared a profession and the Board of Commissioners is authorized to adopt rules and regulations to govern that profession, that would take care of your problem?

Dr. WARREN. That would be the biggest hornet's nest we ever stirred up, sir. Basically, that is the crux, that is the nut of the whole bill, to have optometry declared to be a profession. That is the kernel there.

Mr. HARSHA. That is all I have.

Mr. SISK. Mr. Whitener.

Mr. WHITENER. Let me ask you this, Dr. Berlin. On page 6, section 7 of H.R. 12276, the Commissioners are given the authority "to refuse to renew, or reinstate any license authorized by this Act," and "to suspend or revoke" one if an individual uses "any title or any other word or abbreviation indicating that the licensee is engaged in the practice of medicine or surgery."

I have a friend at home who practiced optometry for several years and then decided he wanted to be a lawyer, and went to law school. So he is now a licensed attorney, and he is also a licensed optometrist. Suppose that an optometrist decided he would like to become a general practitioner of medicine and went to medical school, was duly licensed in the District of Columbia but he felt that it would be advantageous to him to practice both general medical practice and optometry.

I know this is not the sort of thing that happens often or would be likely to happen many times. But if it happened one time, this poor fellow could not even practice optometry, could he, even though he was a duly qualified licensed optometrist and physician, because of subsection (1) of section 7(a)?

Dr. BERLIN. In the District we have two optometrists who are now M.D.s and they are practicing their profession as M.D.s.

Mr. WHITENER. You mean you do have in the District two optometrists who are duly licensed physicians as well?

Dr. BERLIN. Yes, sir.

Mr. WHITENER. And they are practicing both medicine and optometry?