

Dr. BERLIN. Yes, sir.

Dr. WARREN. No. They are practicing medicine, practicing as ophthalmologists, and hide the fact, of course, they are optometrists.

Mr. WHITENER. Suppose they wanted to practice as a general practitioner of medicine and at the same time wanted to have an optometric practice. If we let this language stay in the bill they could not do that, could they?

Dr. WARREN. I think we are getting into a legal terminology.

Mr. WHITENER. Of course this is a legal operation.

Dr. WARREN. But if you have an M.D.'s license, you are automatically entitled to practice optometry, as we have had on two different cases in the District of Columbia.

Mr. WHITENER. But this says "the use of any title or any other word or abbreviation indicating that the licensee is engaged in the practice of medicine or surgery"?

That is in direct conflict with the exemption of medical doctors. When the courts come to look at it, they might say yes, there is nothing in this law to prevent him practicing optometry, but the minute he puts on his letterhead that he is a licensed optometrist and a licensed physician the Commissioners have authority to revoke or suspend his license in optometry.

In the one place you have the exemption of physicians, but then here you have a specific prohibition against the use of any word or abbreviation indicating that he is licensed to practice medicine.

Dr. WARREN. Of course, neither one of these M.D.'s are licensed to practice optometry in the District of Columbia.

Mr. WHITENER. But suppose they wanted to be and are qualified?

Dr. WARREN. I think I would have to refer that to an attorney to find out.

Mr. FUQUA. Will the gentleman yield?

Mr. WHITENER. Yes.

Mr. FUQUA. I think this was put in to make sure there could not be any encroachment on this field by an optometrist.

Mr. WHITENER. Then it is very easily handled by putting the words in there "unless in fact licensed to practice medicine or surgery".

Mr. FUQUA. This may clarify it. I think it was intended so no one could operate under the guise of being an M.D.

Dr. WARREN. I have been passed a note that says the language is the same in the identical law we have today.

Mr. WHITENER. That makes no difference. We have more bad law here than you can imagine.

Dr. BERLIN. This would be acceptable to the D.C. Optometrical Association.

Mr. WHITENER. I think in drawing legislation, we ought to be careful about what we say. You are dealing here with a very substantive right of human beings. I would think some of these things that appear to those of us not expert in the field would certainly appear to those who are more expert.

Mr. MACCRACKEN. We will be very happy to accept the wording suggested by Mr. Whitener as far as the District Society is concerned.

Mr. SISK. Mr. Harsha.

Mr. HARSHA. On page 2 of this latest bill, H.R. 12276, you provide that the practice of optometry, subsection 2, means "(a) the employ-