

except for three things: The Commissioners have stated they cannot, by regulation, declare optometry to be what they are really asking for, what they really want, a learned profession, not just a mere profession.

(2) The Commissioners cannot bar advertising because our Court of Appeals has held that this is a calling, a skilled art, and people have the right to buy and sell services in this area and they may advertise and they may work for corporations. And (3) the Commissioners cannot make, by regulation, an optometrist an expert witness in a court of law or make his certificates evidence of what is contained within them.

These are the three things which the Commissioners have said they cannot do.

It was brought out in testimony this morning that the qualifications of optometrists can be raised. At their request they were raised in 1951 by the Board of Optometry under the jurisdiction of the Commissioners.

Everything in this area and in this bill which tends to lift optometrists up and increase their qualifications by increasing the education they have to acquire, can be done under existing legislation.

Dr. Warren was very frank to admit that all he really needs is a right to police this calling; that if you just say "Call it a profession and give us the right to pass the rules and regulations, we don't need anything else that is in this bill."

This was an honest and fair statement and it is true.

If these gentlemen, the optometrists, are seriously interested in doing what they say they want to do—that is, lift what they call their profession to the status of a profession—they must do it themselves. This gets into the field of ethics. Every profession has a code of ethics. These gentlemen can adopt codes of ethics; they can forbid advertising, and they can discipline their members in this area.

The medical profession, the legal profession has done this over the years. We see no reason why optometry cannot do it also.

Now, with respect to other provisions—for example, advertising, this gets, as I say, into another field. Dr. Warren and Dr. Chapman seem to think, Mr. Chairman, there is no remedy in this field. This is incorrect. If optometrists circulate false advertising, if they make false claims of what they can or cannot do and if they advertise it, or if they send it through the mails, there are numerous statutes under which they can be controlled. The Federal Trade Commission can move in, the Food and Drug Administration can move in, and the Post Office Department can move in if these gentlemen are going to use these practices.

The Medical Society's position on Section 14 is deep-rooted, Mr. Chairman. Section 14 may bring about a delay between the time a patient, a child in school, is seen with a diseased condition in the eye, and the time when they first see a physician.

We know of examples in the medical field. I could cite two. I won't name names. A situation occurred in West Virginia where a child was under the care of an optometrist for two years. The child had hereditary glaucoma. The child was not referred. The child, when seen two years later, was rushed immediately to Johns-Hopkins Hospital, was operated upon and is totally blind today.

The child's sister was two years younger—several years younger. The parents became alarmed and took that child to an ophthalmologist.