

public interest and in no way tend to improve the level of eye care in the District of Columbia. Employed optometrists would be faced with loss of employment and other vested rights and benefits. Employers would be faced with the loss and destruction of valuable business and business interests.* Notwithstanding the exception contained in Section 9, unions and health programs such as HIP, would be denied the opportunity to provide economic eye care to members. Even physicians would be denied the right to employ optometrists. Since Section 3 (2) (f) defines the practice of optometry to include purely mechanical or commercial functions, the prohibition here contained would preclude the employment of optometrists to perform functions which could in no real sense be deemed of a professional nature. Clearly, the prohibitions here contained are not in the public interest.

Section 7(a)(19): The delegation of authority to the Commissioners here provided for is objectionable for the reasons set out with respect to Section 7(a)(3) above.

Section 8(a)(2): For reasons otherwise above expressed, (see comments to Section 7(a)(9)) to the extent that this subsection would prohibit the practice of optometry as an employee, or member of any optometric group, it would not be in the public interest.

Section 8(a)(4): There is no sound reason for prohibiting the duplication or fitting of lenses without a written prescription from a physician or optometrist licensed in the District of Columbia. Particularly in a society as transient as that which exists in the District, the prohibition here contained would merely cause inconvenience and unnecessary expense by requiring the services of a physician or optometrist to obtain the merely mechanical services referred to.

Section 8(a)(5): For reasons more fully set forth in the Sterling Statement and above, prohibition against advertising here provided for is unwarranted, and contrary to the public interest.

Section 8(b)(6): See comments to Section 7(a)(10) above.

Section 8(a)(8): See comments to Section 7(a)(18) above. Moreover, the language here used is objectionable as being too vague, indefinite and uncertain, particularly since it purports to define standards of criminality.

Section 8(a)(9): The prohibition against display of signs offering ophthalmic materials for sale would unduly curtail competition and result in increasing costs of procuring such materials without any commensurate gain or benefit to the public. The term "ophthalmic materials", furthermore, has no clear or definite meaning. This subsection is further objectionable as delegating to the Commissioners authority to provide standards of criminality by promulgating regulations under Section 10 of the Act.

Section 9(c): Since the preamble of the Act indicates the desire to improve the practice of optometry, its scope ought not extend to acts or practices which are not solely within the ambit of the practice of optometry. In other words, the Act should in no way extend to activities clearly recognized as the function of opticians, optical workers or other persons who merely fabricate, sell, fit or dispense ophthalmic or optical materials. Since these activities are clearly of a business or commercial nature, the prohibitions contained in Section 8(a)(2), (5), (6), (9) are not applicable. Accordingly, this subsection should be amended to read as follows:

"Sec. 9(c) This Act shall not apply to any person who fills the written prescription of a physician, surgeon, or an optometrist, or who repairs or restores eyeglasses or spectacles to their previous condition or usefulness, or who adapts, utilizes, fits, sells or furnishes lenses."

Section 9(d)(1): The conduct of a non-profit optometric clinic should not be limited to a school or college of optometry or an association of optometrists and should not require the prior approval of the Commissioners since the rendering of optometric services in any such clinic could by law in any event only be performed by licensed optometrists.

Section 9(d)(2): This subsection should be amended to read as follows:

"Sec. 9(d)(2) an optometrist from being employed as an employee of any person to render optometric service and care;"

so as to clearly sanction the employment of optometrists (See Sterling Statement).

*The bill contains no so-called "grandfather" clause.