

Section 9(d)(3): If subsection 9(d)(2) is amended as above suggested, this subsection, 9(d)(3), would be superfluous. Parenthetically, it is interesting to note that where the interests of optometrists are directly concerned, the proponents of the bill find no objection to the employment of optometrists by unlicensed persons.

Section 9(d)(4): This subsection should be amended to delete the phrase "conducted under the direction or supervision of a licensed optometrist or physician." There is no apparent reason why visual screening programs (i.e. eye chart reading) normally carried on in schools, places of employment and elsewhere, should require the added expense which the direction or supervision here provided for would entail.

Section 9(e): As more particularly set forth in the Sterling Statement, the use of the title "Doctor" by optometrists has been seriously abused. This subsection would merely countenance and encourage such continued abuse, and in no way limit the use of the title to those who have lawfully earned the title.

Section 10(a): This subsection should be amended to delete everything following the word "Act" on line 17. While the Commissioners should be vested with authority to adopt necessary rules and regulations to carry out the Act for the reasons set forth in the Sterling Statement and elsewhere above, there is no need for this authority to include the right to prohibit or limit advertising on the part of those who render optometric services and/or sell ophthalmic or optical materials.

Section 13(b): The competency of an optometrist to give testimony should be left, without restriction to the court to which such testimony is proffered. Similarly, certificates here referred to issued by optometrists should not be deemed binding on the government officers or employees referred to except as they deem appropriate in their official judgment and discretion.

Section 14: The judgment and discretion of officers or employees of the District of Columbia should not be circumscribed in the manner here provided for. There is no reason to believe that the exercise of judgment and discretion on the part of these officers and employees will be abused.

Section 15: The first sentence of this section should be deleted. The delegation of authority which this sentence would provide for is clearly improper. The Board of Optometry would consist of optometrists who could, by the exercise of such delegated authority, promulgate regulations which would favor their personal and selfish interests at the expense of the public and retail sellers of eyeglasses with whom they compete and who would not be represented on the Board of Optometry. This sentence would be even more objectionable if the Commissioners remain vested with power to promulgate regulations, the violation of which would constitute crime or result in the refusal to renew or reinstate licenses, or the suspension or revocation thereof.

Re HR 1283; 595; 732.

Hon. B. F. SISK,

Chairman,

Subcommittee No. 5 of the House Committee on the District of Columbia,

Rayburn House Office Building,

Washington, D.C.

This memorandum is submitted on behalf of the Sterling Optical companies which for more than fifty years have been engaged in the retail sale of eyeglasses. In connection with such sale of eyeglasses, the Sterling companies provide eye examinations by employed optometrists who are highly qualified and duly licensed, unless the customer presents a prescription previously obtained from his personal physician or optometrist.

The Sterling companies operate eleven retail stores in New York State and two in the District of Columbia where Sterling has engaged in business continuously since 1955. Sterling also operates a modern, well-equipped laboratory and related service facilities. In these retail centers, laboratory and service facilities, Sterling employs approximately 200 persons, including 35 optometrists, at an annual gross payroll of about \$1,500,000. The value of tangible assets, excluding goodwill and leasehold items, used in the conduct of the business of the Sterling companies exceeds \$1,500,000, of which approximately \$500,000 represents the investment in plant and facilities in the District of Columbia alone. Approximately 300,000 pairs of eyeglasses are sold annually by the Sterling Companies, and in the District of Columbia in excess of 35% of Sterling's eyeglass sales are on prescriptions emanating from customers' personal physicians.