

More than 100,000 eye examinations are performed yearly by Sterling's employed optometrists. Sterling is believed to be the largest single source of eyeglasses sold to the public both in New York State and the District of Columbia.

The cost of eyeglasses, excluding eye examinations, to persons whose eyeglass needs are supplied by the Sterling companies, is generally approximately 50% less than the cost of persons whose eyeglass needs are served by privately practicing optometrists.

At no time has an optometrist employed by Sterling been the subject of any regulatory agency proceeding questioning the quality of the optometric services performed by such persons for the Sterling companies. In the leading case of *People of the State of New York, plaintiff, vs. Sterling Optical Co., Inc., defendant*, 26 Misc. 2d 412 (Sup. Ct., N.Y. Co. 1960); aff'd 14 A.D. 2d 838 (1st Dept. 1962), aff'd 11 N.Y. 2d 970 (1962), the trial court, whose opinion upholding Sterling's right to employ optometrists was unanimously affirmed on appeal by both the intermediate and ultimate Appellate Courts of the State of New York, noted, at page 420:

"Although the corporate employment of optometrists has existed for over half a century in this state, no instance has been cited where such employment caused injury to the public." (Exhibit 1)

Accordingly, it is submitted that Sterling for more than fifty years, and other retail sellers of eyeglasses similarly situated who employ optometrists, have rendered and are rendering a service of vital benefit to the public and, in particular, to those persons in the more limited income group, including a very significant number of union employees whose eyeglass needs are supplied through these establishments under union welfare programs. It is manifest that HR 1283 and the companion bills of a similar nature would (a) deprive the public of this source for satisfying eyeglass needs; (b) create an optometric monopoly and increase prohibitively the public's cost of eye care, with no commensurate gain or benefit to the public welfare or well being; (c) cause loss of employment and attendant vested rights and benefits of the employees, including optometrists employed by Sterling and other firms similarly situated, and (d) unreasonably destroy the valuable business goodwill of Sterling and other firms similarly situated, as well as privately practicing optometrists presently engaged in practice in store locations.

HR 1283 would in general terms accomplish the following:

(a) Prevent the employment of optometrists by firms such as Sterling, lay persons, physicians, health and welfare plans such as HIP and unions providing eyeglass needs for members.

(b) Prevent truthful informational or price advertising, including such advertisements with respect to optical and/or ophthalmic materials.

(c) Prevent the practice of optometry as broadly defined to include the sale of optometric and ophthalmic materials "in any retail, mercantile, or commercial store".

(d) Enlarge the definition of the practice of optometry in such a manner as to intrude and infringe upon the practice of medicine by persons unqualified.

(e) Create an optometric monopoly and prohibitively increase the cost of eyeglasses and eye care in the District of Columbia.

(f) Destroy business and employee relationships, with no protection for these presently existing valuable rights and interests.

It is submitted that the sole beneficiaries of the proposed legislation would be less than 100 optometrists engaged in the so-called private practice of optometry in the District of Columbia.

Optometrists are not medically trained. By definition of the United States Department of Health, Education, and Welfare, Health Information Series No. 64:

"An Optometrist, a licensed, non-medical practitioner, measures refractive errors—that is, irregularities in the size or shape of the eyeball or surface of the cornea—and eye muscle disturbances. In his treatment, the Optometrist uses glasses, prisms, and exercises only."

A recent public opinion survey conducted by the Gallup Organization, Inc. for Research to Prevent Blindness, Inc., indicates, however, that the public is in large measure unaware of the limited training and qualification of optometrists and is misled into believing that optometrists who widely, and in some instances illegally, employ the title of "Doctor", are physicians with medical training. The air of professionalism employed by a large segment of the privately prac-