

It is restrictive because there is no definition of what constitutes optometric or ophthalmic materials, as Mr. Whitener and others have already pointed out. In another section (Section 7(a)(5)), the term "optical" material is used—to further confuse the issue. Are optometric materials, ophthalmic materials and optical materials one and the same or different? These terms need to be defined for it certainly cannot be the intent of the proponents to prohibit advertising the price or cost or any reference thereto of such materials as lens tissue, lens cleaner, magnifiers, binoculars, Murine and eyeglass cases.

Actually, the use of the adjective "optometric" to describe any kind of materials is incongruous. A profession, and this bill would declare optometry "a profession", by its nature deals in services, not products or materials. The word "optometric" should be deleted. Again, however, the word "optometric" is used to pave the way for the legislative restrictions on opticians proposed under this bill.

Section 8(a)(5) makes it unlawful to solicit patients by means of offering credit for the purpose of obtaining patronage. There are dignified and modest advertisements by dispensing opticians in the Yellow Pages which carry the trademark or insignia of Central Charge. Dispensing opticians also display such a sign on their windows. Such a display is a public service and yet this bill, in the interests of "professional" optometry, prohibits such display.

Section 8(a)(6) is unnecessary because the Federal Consent Decree issued by Judge La Buy in the optical rebating cases and the Federal Trade Commission Rules for the Optical Products Industry amply cover rebates and similar stratagems.

Section 8(a)(7) makes it unlawful for anyone other than a licensed optometrist, physician or osteopath to hire an optometrist. An optometrist is defined in Section 3(3) as one who is licensed in the District of Columbia. If a license-holding optometrist should decide to go to work for a dispensing optician as an optician and not as an optometrist and if this optometrist did not want to give up his optometric license, the optician employer would be subject to a fine up to \$500 or for a second offense up to \$1,000, or one year in jail, or both. This is an unreasonable and perhaps an unconstitutional restriction.

Section 8(a)(8) makes it a misdemeanor for an optician to display any sign offering ophthalmic materials for sale in violation of any regulation of the Commissioners issued under authority of section 10 of this bill. This clause, therefore, must also be read in conjunction with Section 10(a) which prohibits any advertisement which is not modest. Why should the commissioners under a bill entitled "The District of Columbia Optometry Act" be able to regulate signs in the stores of opticians and advertisements by opticians who do not practice nor attempt to practice optometry. This again is in keeping with other sections of the bill which identify virtually almost everything in the eyecare field as the sole province of "professional" optometry. These restrictions should be eliminated.

SECTION 9

In Section 9(a)(3) it is stated that the act shall not apply to an individual licensed in another jurisdiction who is in the District of Columbia to make a clinical demonstration before a professional