

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 \$500.00 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 society, convention, professional association, school or college, or agency of government. We see at least two difficulties here.

First, the non-applicability clause is limited to an individual licensed in another jurisdiction. The inference is that it applies to one who holds an optometric license, for certainly we are not speaking about a plumber or a barber licensed in another jurisdiction. However, is not specific. Suppose an unlicensed optician should be invited to give a clinical demonstration of the fitting of contact lenses before a government agency. This optician could well be an international authority on contact lens fitting, yet under this bill if he gave such a demonstration he would be subject to criminal prosecution and penalties.

A second objection is that this subsection presumably enumerates all the circumstances under which a clinical demonstration may be made. There are other possibilities besides those listed, for instance a seminar. Suppose an optometrist licensed in another jurisdiction should be invited to conduct a clinical demonstration in the fitting of contact lenses during an opticians' seminar on the subject here in Washington. This optometrist then would be subject to the penalties listed in Section 8.

In short this subsection fails to cover all the situations where exemption should be properly made. Both of the situations which I describe are perfectly normal, reasonable and necessary in the practice of opticianry, yet in both instances the clinical demonstrator would be subject to arrest. This is unfair and ridiculous and should be changed.

Let me say again, these bills treat the eyecare field as though it were the optometrist's exclusive domain.

In Section 9(c), these bills *pretend* to say that this proposed optometry act does not apply to the dispensing optician.

For opticians this is *the crucial* paragraph. It reads:

"This Act, other than section 8, shall not apply to any person who fills the written prescription of a person licensed to practice optometry, medicine or osteopathy, or who repairs or restores eyeglasses or spectacles to their previous condition of usefulness, or who practices optometry as defined in section 3(2) (f), and who does not otherwise practice optometry, but this subsection shall not be deemed to authorize such a person to fit contact lenses."

Before commenting on this section, I wish to point out that there is a serious unintentional error in Section 9(c) as it appears in H.R. 12276. On page 13, line 23, the correct reference is to section 3(2) (e) and not (f). Will this change be made?

What are our objections to this purported non-applicability clause?

First, this exemption for opticians does not apply to Section 8, which would make it unlawful for the optician to engage in at least five of the normal and important functions which are all in the public interest.