

makes and adjusts eyeglasses and spectacles after a formula prescribed by the oculist."

The Optometry Act prohibits the practice of optometry without a license (sec. 2-502) obtained by examination (sec. 2-509) by those meeting prescribed qualifications (sec. 2-511). The only reference in the Act to those who may perform the functions of opticians is in sec. 2-520(b), which specifically excludes certain persons from the Act's coverage, as follows:

"The provisions of this chapter shall not apply—

* * * * *

"(b) To persons selling spectacles and (or) eyeglasses and who do not attempt either directly or indirectly to adapt them to the eye, and who do not practice or profess to practice optometry."

Therefore, since some of the functions of opticians are specifically excluded from the coverage of the Optometry Act and the Act is otherwise silent thereon, it is no impediment to the licensing of opticians by the Commissioners under the authority of paragraph 45 of section 7 of the Act of July 1, 1902, as amended (D.C. Code, section 47-2344), which provides in part as follows:

"The commissioners of the District of Columbia are authorized and empowered, when in their discretion such is deemed advisable, to require a license of other businesses or callings not listed herein and which, in their judgment, require inspection, supervision, or regulation by any municipal agency or agencies and to fix the license fee therefor in such amount as, in their judgment, will be commensurate with the cost to the District of Columbia of such inspection, supervision, or regulation. . . ."

Respectfully submitted.

MILTON D. KORMAN,
Acting Corporation Counsel, D.C.

EXHIBIT E

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
DEPARTMENT OF OCCUPATIONS AND PROFESSIONS,
Washington, D.C., April 5, 1967.

Memorandum to the Board of Commissioners:

Subject: Proposed Regulations Regarding the Licensing of Opticians in the District of Columbia.

At its meeting on August 2, 1966, the Board of Commissioners noted a Corporation Counsel opinion concerning the establishment of a licensing program for opticians practicing in the District of Columbia. In concluding the discussion of this matter, the Commissioners instructed the Director of the Department of Occupations and Professions to draft regulations regarding the licensing of opticians, for their further consideration.

When the Department of Occupations and Professions completed the initial draft of such regulations, copies were supplied to interested individuals and groups in the fields of opticianry, optometry, and ophthalmology. Thereafter, the Director and members of his staff held a series of meetings with representatives of the interested groups for a full discussion of the draft regulations.

Because of the wide variance in the views expressed, representatives of the interested groups were requested to submit their comments in writing to avoid any possible misunderstanding which might result from the Department attempting to interpret the position of any group to the Board of Commissioners.

The written comments which were received by the Department are being transmitted herewith, together with a second draft of the regulations prepared after the aforementioned series of discussion meetings with interested individuals and groups. In addition, there is also transmitted herewith, the draft of a Commissioners' Order which would amend Reorganization Order No. 59 (amended), by adding a PART XV, containing the necessary machinery for operating a licensing program for opticians, should the Commissioners eventually decide on such a force of action. The comments transmitted herewith were submitted by, or a behalf of, the following:

- (1) Dr. Wyrth Post Baker, President, D. C. Board of Examiners in Medicine and Osteopathy
- (2) The Section on Ophthalmology of the D. C. Medical Society
- (3) The District of Columbia Optometric Society