

"Class-I License": a license issued by the Commission authorizing the holder thereof to practice ophthalmic dispensing excluding the filling of prescriptions for contact lenses;

"Class-II License": a license issued by the Commission authorizing the holder thereof to practice ophthalmic dispensing including the filling of prescriptions for contact lenses;

"Commission": the District of Columbia Dispensing Optician Licensing Commission established by PART XV of Reorganization Order No. 59 (amended);

"Commissioners": the Commissioners of the District of Columbia sitting as a Board;

"Committee": the District of Columbia Dispensing Optician Hearing Committee established by PART XV of Reorganization Order No. 59 (amended);

"Department": the Department of Occupations and Professions;

"Director": the Director of the Department of Occupations and Professions;

"Dispensing Optician": a person licensed by the Commission to practice ophthalmic dispensing in the District;

"District": the District of Columbia;

"He and derivatives thereof": shall also be construed to include she and derivatives thereof;

"Metropolitan area": the District of Columbia, Montgomery and Prince Georges Counties in the State of Maryland, Arlington, Fairfax, Loudoun, and Prince William Counties and the cities of Alexandria and Falls Church in the Commonwealth of Virginia, and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties and cities;

"Ophthalmic Dispensing": a person practices ophthalmic dispensing who, within the limitation set forth in these Regulations, prepares and dispenses lenses, spectacles, eyeglasses, contact lenses, and/or appurtenances thereto to the intended wearer thereof on the written prescriptions of physicians or optometrists duly licensed to practice their profession, and in accordance with such prescriptions interprets, measures, adapts, fits, and adjusts such lenses, spectacles, eyeglasses, contact lenses, and/or appurtenances thereto for the aid or correction of visual or ocular anomalies of the human eyes. The services and appliances relating to ophthalmic dispensing shall be furnished, dispensed, or supplied to the intended wearer or user thereof only upon prescription of a physician or optometrist, but duplications, replacements, reproductions, or repetitions may be done without prescriptions. In which event, any such act shall be construed to be ophthalmic dispensing the same as if performed on the basis of a written original prescription.

"Person": any natural person, firm, partnership, corporation, or association.

12-2604. *Unlawful acts.*

(a) On and after the effective date of these Regulations, the following shall constitute unlawful acts:

(1) For any person practicing ophthalmic dispensing in the District to engage in the diagnosis of the human eyes, or attempt to determine the refractive powers of the human eyes, or in any manner attempt to prescribe for or treat diseases or ailments of human beings.

(2) For any person practicing ophthalmic dispensing in the District to display any refracting equipment that may tend to mislead the public into the belief that eye examinations are being made on the premises in connection with ophthalmic dispensing.

(b) On and after the ninetieth day following the effective date of these Regulations, the following shall constitute unlawful acts:

(1) Except as otherwise provided in these Regulations, for any person to practice ophthalmic dispensing in the District unless duly licensed as a Dispensing Optician.

(2) Except as otherwise provided in these Regulations, for any person engaged in the business of ophthalmic dispensing in the District to permit anyone in his employ to practice ophthalmic dispensing unless such employee is duly licensed as a Dispensing Optician.

12-2605. *Exemptions.*

(a) Nothing contained in these Regulations shall be construed as prohibiting the practice of ophthalmic dispensing by an optometrist or physician duly licensed to practice his profession, or by an employee of such an optometrist or physician when working in his office and under his personal supervision.

(b) Nothing contained in these Regulations shall be construed as prohibiting the practice of ophthalmic dispensing by a trainee, apprentice, unlicensed opti-