

The proposed section 8(a) specifies ten unlawful practices, including practice without a license; practice under a name which is not the licensee's; fraud in obtaining a diploma, license, or record; holding oneself out to be an optometrist; practice during suspension or revocation; selling glasses (or, in H.R. 732, frames) without a written prescription from a physician or optometrist licensed in the District of Columbia; advertising the cost of any optometric or ophthalmic material; offering inducements to obtain patronage; splitting prescription fees; hiring an optometrist on salary; displaying a sign offering ophthalmic materials for sale in violation of the regulations adopted by the Commissioners; and not displaying in one's office his license to practice optometry.

With respect to the prohibitions relating to advertising by optometrists, and the hiring of an optometrist by anyone other than another optometrist, the Commissioners are of the view that prohibitions of this nature do not serve the best interests of the general public, and accordingly they recommend their deletion from the bills.

In addition, the Commissioners question the advisability of the provision in H.R. 732 which prohibits the filling of a prescription for eyeglasses written by a physician or optometrist not licensed in the District of Columbia. This provision might work a hardship on many visitors to the District each year who may break or lose their eyeglasses while here and who would be precluded from having the prescription of their own physician or optometrist filled while they are in the District of Columbia.

The proposed section 8(b) declares violations of the section to be misdemeanors, with a first offense fine of not more than \$500, and for second or subsequent offenses, not less than \$500 nor more than \$1,000, or by imprisonment "in the District jail" for not less than three months nor more than one year, or both.

The Commissioners note that these penalty provisions are a restatement of those contained in section 2 of the Act. However, if penalty provisions are to be provided in a new section, the Commissioners recommend that the minimum fine or imprisonment provision be omitted as an unreasonable restriction on the discretion of the sentencing judge. Also, an alternative jail sentence to the first offense fine should be provided. Further, the Commissioners believe the bill should not restrict the place of incarceration to the "District jail".

The proposed section 9(a) provides that the bill shall not apply to (1) a student of optometry in the clinic rooms of an approved school of optometry; (2) an officer of the armed services in the performance of his military duties; or (3) an individual licensed in another jurisdiction who is in the District to make certain clinical demonstrations.

The proposed section 9(b) exempts from the provisions of the bill physicians and surgeons, while 9(c) exempts those persons filling prescriptions of physicians, surgeons, or optometrists. Such persons are specifically not authorized by this section to fit contact lenses. In this connection, the Corporation Council, by opinion dated October 8, 1946, has construed the present Optometry Act as prohibiting the fitting of contact lenses by anyone but an optometrist or ophthalmologist.

The proposed section 9(d) states that the bill shall not be deemed to prevent such activities as: (1) an optometric clinic; (2) an optometrist working for a clinic, hospital, the government, an employer solely for the benefit of his employees, and the like; (3) a widow or widower continuing the practice through a hired optometrist for not more than one year; (4) (in H.R. 732 only) a wife or husband utilizing the services of another optometrist to continue the practice of a temporarily mentally incapacitated optometrist; or (5) a husband or wife utilizing the services of another optometrist to continue the practice of a permanently mentally incapacitated optometrist for a period not exceeding one year. H.R. 595 and H.R. 1283 authorize, as a fourth exception, vision screening programs conducted under the direction or supervision of a licensed optometrist or physician.

The proposed subsection 9(e) permits the use of the title "doctor" by optometrists, with a qualification indicating he is an optometrist.

The proposed section 10(a) directs the Commissioners to prescribe regulations to implement the bill, including the number, size, location, and illumination of signs offering optometric services or the sale of ophthalmic materials.

The proposed section 10(b) authorizes the Commissioners to set such fees and charges as may be necessary to defray the cost of administering the bill.

The proposed section 10(c) directs the Commissioners to adopt a seal for the