

kind, because Section 9, subsection F, at page 15, makes it very clear that nothing in this Act shall confer that right, by the use of drugs and medicines, or otherwise, and so forth.

And so we feel that this, again, is an undue concern.

Basically, what this bill would do would be to make optometry in the District of Columbia that which it already is in every other state where the question has come before the courts, and that is to recognize it as a profession. And in this connection, I would call to the attention of the Subcommittee the language of the Supreme Court of the United States in 1955 in the case of Williamson versus Lee Optical Company of Oklahoma, Inc., in which the Court said:

We see no constitutional reason why a state may not treat all who deal with the human eye as members of a profession who should use no merchandising methods for obtaining customers.

We believe that if this bill as prepared by the Congress and as introduced is enacted into law it will go a long way towards affording to the residents of the District of Columbia the same protection and the same fine standard of care as has been enjoyed by the residents and citizens of other states.

That concludes my statement, Mr. Chairman.

(The prepared statement submitted by Mr. Schoenbeck reads in full as follows:)

STATEMENT OF ALBERT E. SCHOENBECK, COUNSEL FOR THE MISSOURI OPTOMETRIC ASSOCIATION, INC.

Mr. Chairman and Members of Subcommittee Number Five of the House District of Columbia Committee:

On behalf of the Missouri Optometric Association may I express the Association's thanks for this opportunity to appear before you in support of H.R. 1283.

My name is Albert E. Schoenbeck. I am an attorney-at-law, engaged in the general practice of my profession in the City of St. Louis. I am counsel for the Missouri Optometric Association, and have served in that capacity for twenty-six years.

During those years I have had the opportunity to become acquainted with the optometric profession, its members, the invaluable work optometry is performing in the field of visual care, and with some of the problems affecting the eye care of the public.

A study of the optometry laws of the individual States and of the Court decisions interpreting those laws shows there are substantial similarities in the laws of most States and shows there have been numerous changes in the law to upgrade and safeguard the visual care of the public.

The Missouri Optometry law, which first provided for State examination and licensure of optometrists, was adopted in 1921. Since that time it has been amended, improved and strengthened by the State legislature on five occasions. The Missouri courts, interpreting the law, have updated and strengthened the law on additional occasions.

It is my understanding that the law pertaining to the practice of optometry in the District of Columbia has remained substantially unchanged since 1924. There have been significant changes in visual care in the past 43 years and in the type of regulation and control needed to protect the vision of the public. H.R. 1283 will supply that need.

It seems to me that H.R. 1283 proceeds on three basic premises:

First, that protection of the visual care of people of the District is all important;

Second, that optometry, as the profession serving the largest number of people with visual problems, should be regulated in such a manner as to afford maximum protection for the public; and

Third, that the taint of commercialism and practices of the market place should be eliminated from this important area of health care.