

Many of the provisions of H.R. 1283 which would update the provisions of the Code of the District of Columbia pertaining to the practice of optometry have long been the established law in many States, including Missouri.

Let us take a few examples. H.R. 1283 would eliminate price-cost advertising and other bait-advertising techniques. Since 1947, it has been unlawful in Missouri for an optometrist to advertise "prices or terms for optometric services." If an optometrist does so in Missouri, his license may be suspended or revoked. The reasons that suggest the impropriety of a physician's advertising his price for performing an appendectomy, or for a lawyer's advertising his price for filing a divorce suit, are equally valid and applicable to an optometrist's advertising his price for performing an eye examination. It makes no more sense to permit a dentist to advertise the price of dentures than to permit an optometrist to advertise the price of conventional eyeglasses or contact lenses. As the dentist supplies the dentures as part of his professional services, the optometrist supplies the eyeglasses or the lenses to the patient as part of his professional service.

H.R. 1283 would make it clear that the acts of prescribing, fitting or adapting contact lenses to the human eye may be performed only by optometrists or by physicians. By decision of the State Supreme Court this has been clear in Missouri since 1963, when the Court held squarely that the fitting of contact lenses constitutes the practice of optometry in the State. Surely it is in the public interest to see to it that the delicate task of fitting contact lenses is entrusted to only qualified optometrists and physicians, and to prohibit unlicensed laymen from engaging in the practice.

H.R. 1283 proceeds on the premise that optometry is a profession and should be freed from the taint of commercialism and the practices of the market place. As a Missouri Appellate Court said 14 years ago: "It (optometry) has become one of the important professions and because of this has received the attention of our legislative body, which has surrounded its practice with certain requirements." (State ex rel. Schneider's Credit Jewelers, Inc. v. Brackman (1953), 260 S.W. (2d) 800).

In 1955, the Supreme Court of the United States declared:

"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." *Williamson vs. Lee Optical of Oklahoma, Inc.* (1955) 348 U.S. 483, 99 L. ed. 563, 75 S. Ct. 461.

Here is reason enough to get the optometrist out of the department store, the supermarkets and the tire shops. The vision care of the patient will be better served when a doctor-patient relationship can be conducted in the doctor's office, free from the pressures of merchandising methods in which sales volume is all important.

H.R. 1283 would eliminate exploitation of the public need for visual care by unlicensed laymen and corporations. It will prohibit laymen and corporations from engaging in the practice of optometry by hiring optometrists to work for them. It will assure the public that the optometrist's primary allegiance is to his patient, and that his primary loyalty is not to an unlicensed layman or corporation whose primary motive is to sell glasses.

This is in accord with the general body of law stated in *American Jurisprudence* as follows:

"It is generally held that in the absence of express statutory authority a corporation may *not* engage in the practice of optometry either directly or indirectly through the employment of a duly registered optometrist." 13 *AM. Jur.*, Corporations, Section 837.

So on behalf of the Missouri Optometric Association, may I urge your favorable consideration of H.R. 1283. Its adoption will give to the residents of the District of Columbia safeguards in the field of vision care that the residents of many States have long enjoyed. It is legislation that is needed in an important field of public health.

Mr. SISK. Thank you very much, Mr. Schoenbeck for a very concise statement.

I appreciate very much the remarks that the gentleman made, particularly with reference to the questioning by my colleague from Indiana this morning. Actually, it got into what I believe is the crux of the question—a desire to improve the eye care of the people in the District of Columbia.