

television that they might be going blind with glaucoma. And don't forget the children. With the population explosion statistics showed there were millions to be made in sales of glasses to children. Tell the parents their children may be suffering from any variety of eye diseases which might cause blindness. Of course, the fact that the doctor knows such an eye examination is no assurance that glaucoma, cataract or many other diseases are not present did not deter the optical merchants. So what! The patient would never know the difference—until he went blind! And along with the scare technique goes the appeal to save money. Unfortunately, there are many families in this country to whom the matter of a dollar or even less makes the difference in health care or no health care. So the promise of glasses at "lowest possible price" or at a low fixed price has a powerful appeal to all budget minded families but especially to the poor who may be suffering from defective vision. Here again, the credulous, unsuspecting patient is at the mercy of whoever supplies the glasses. The patient has no way to judge whether he has been cheated or not. The price may be right but the prescription may be wrong. The glasses may be comfortable, they may even enable the patient to "see better," and at the same time be doing serious damage to his vision.

Needless to say, under these conditions, the sales volume of eyeglasses, contact lenses, etc. broke all records. As the commercial control of optometry spread across the country state by state, the issue became—whether the commercial optical interests were going to control and regulate the profession and manipulate the doctors for their own financial benefit, or the states were going to control and regulate the profession to make sure the public was honestly and competently served. As I see it, this is the issue which this Committee must resolve in approving or rejecting this bill. The overwhelming majority of state legislatures have considered and passed optometry laws substantially similar to the Act now proposed for the District. In other states, such as Texas, legislatures have delegated to the optometry boards the responsibility of regulating the profession in the public interest.

The evils inherent in government's failure to establish and enforce ethical and professional standards in the practice of optometry are common to all areas of the country. That such evils do exist when government fails to regulate the profession is a matter of public record, the most accessible being appellate court opinions of our State Supreme Courts describing in lurid detail how patients fare in a commercialized health profession. In February of this year the Texas Supreme Court upheld the validity of a Texas regulation of optometry requiring optometrists to practice only in the name under which they are licensed, forbidding rebates, fee-splitting and other unethical practices. These same practices are forbidden by H.R. 1283. In its opinion the Texas Supreme Court noted the necessity for such regulations was supported by " * * * the record which abounds with evidence of the specific evils the rule was designed to correct." *Texas State Board of Examiners in Optometry v. Ellis Corp, Et. Al.*, 412 S.W. 2d 307 (Tex. 1967). The Court then proceeds to describe and analyze some of those evils. For the convenience of the Subcommittee a copy of that opinion is attached hereto. This is typical of optometry regulation cases. The records and opinions generally abound with evidence of what happens to patients in an unregulated health profession.

On behalf of the Texas Optometric Association it is respectfully urged that the opportunity for such evils to continue in the District be ended, insofar as the law can do so, by the enactment of H.R. 1283.

I have been asked by the President of the Texas Optometric Association to offer all aid and assistance to this Subcommittee in its consideration of H.R. 1283 and to this purpose the services and facilities of the Association, including its legal counsel, are available to the Subcommittee on request.

APPENDIX

ARIZONA

"Dentistry and optometry both belong to the healing arts, and the reason for regulating one is equally applicable to the other. The following observations might as well have been made of optometry: " * * * Dentistry is a *profession* having to do with public health, and so is subject to regulation by the state. * * *". *Funk Jewelry Co. v. State*, 50 p. 2d 945 (Ariz. 1935)