

ARKANSAS

"There can be little doubt that the General Assembly had power to declare optometry a learned profession, and this it has done on two occasions * * *"

"* * * What the measure prohibit is employment of an optometrist by one who is not licensed. In other words, a layman may not engage in the profession by employing a licensed optometrist." *Melton v. Carter*, 164 S.W.2d 453, 455, 457

CALIFORNIA

"The error of petitioner herein is that he considers and refers to the science of optometry as the 'business' of optometry, and that the license fee of \$12 is imposed as a tax for revenue purposes, and that such license fee, being imposed upon a business is limited to the amount necessary for licensing, including reasonable compensation for supervision over the particular industry.

"There can be no question but that the practice of optometry is more than a business: It is a profession relating to the public health, and as such, is particularly subject to state control."

"The regulation of such activity is not for the benefit of the licensee but for the protection of the state * * *"

"The right to practice a learned profession comes from the state and is held subject to conditions implied by the state and may be taken away for noncompliance with such conditions." *Pennington v. Bonelli*, 59 p. 2d 448 (Calif. 1938)

CONNECTICUT

"* * * the patient who resorts to an optometrist for advice and help is entitled to the same undivided loyalty that he should receive from a physician." *Lieberman v. Board of Examiners in Optometry*, 130 Conn. 344, 349 (1943)

FLORIDA

The Florida Board promulgated rules limiting the size and number of signs, prohibiting the display of eyeglasses or eye signs; prescribing the contents of a professional card; prohibiting display advertising or window displays, etc.

In upholding the Board's rules, the Supreme Court of Florida said that the power to make rules and regulations not inconsistent with the provisions of the law governing the practice of optometry "involves a very broad discretion. Each and every one of the rules complained of has been examined; and while some of them may be said to explain, expand or expound the statute, we cannot say that they are not contemplated by it or comprehended in the power conferred."

"It is * * * our view that the rules * * * are within the express or implied authority of the board * * * and that they are not only valid but necessary to effectuate the full intent and purpose of the law." *Fisher v. Schumacher*, 72 So. 2d 804 (Fla. 1954)

GEORGIA

"The only questions the writs of error present for decision are whether or not the corporate defendant is unlawfully practicing the profession of optometry by employing and paying the defendant Gold, a licensed optometrist, to examine eyes of persons for it when no charge is made to such persons for the service he renders them and whether or not the defendant Gold is violating the rules and regulations which the board of examiners in optometry adopted pursuant to an act which was passed in 1963 (Ga.L.1963, p. 214) by accepting employment from the corporate defendant to render such optometric services for it.

"These two questions are fully answered in the affirmative by the unanimous decision which this court rendered on October 10, 1963, in *Pearle Optical of Monroeville, Inc. v. State Board of Examiners in Optometry*, 219 Ga. 364 (133 SE2d 374); and since the opinion in that case so exhaustively deals with and settles the questions presently before us for review adversely to the contentions of the plaintiffs in error, no further discussion of them is here deemed necessary and the motion to overrule that case, after being fully considered, is denied. A ruling different from the one here made is not required by the decision this court rendered on December 4, 1936 in *Georgia State Board of Examiners in Optometry v. Friedmans' Jewelers*, 183 Ga. 669 (189 SE 238); and this is true for the reason that the law respecting optometry has been materially changed since that case was decided and optometry is now by statute expressly declared to be a learned profession and not merely a mechanical art as it was classified