

MASSACHUSETTS

"In recent times abnormalities of the eye, like those of the teeth, have been found sometimes to indicate and often to result in serious impairment of the general health. The work of an optometrist approaches, though it may not quite reach, ophthalmology. The learning and the ethical standards required for that work, and the trust and confidence reposed in optometrists by those who employ them, cannot be dismissed as negligible or as not transcending the requirements of an ordinary trade. We cannot pronounce arbitrary or irrational the placing of optometry upon a professional basis." *McMurdo v. Getter*, 10 N.E.2d 139 (Mass. 1937)

MICHIGAN

"It overlooks the fact that optometry has become a real science devoted to the measurement, accommodation, and refractory powers of the eye without the use of drugs, thus superseding obsolete and archaic methods of fitting glasses. It has become one of the important professions, and for the preparation of its proper practice courses in optometry, physics, physiology, pathological conditions of the eye, the proper use of the retinoscope, refractor, prisms, lenses, etc., are given as part of the curriculum in many of our largest universities as well as colleges specializing in optometry." *Seifert v. Buhl Optical Co.*, 276 Mich. 692, 268 N.W. 784 (1936)

MINNESOTA

"The legislature need not enumerate what specific acts or omissions constitute unprofessional conduct since the phrase 'unprofessional conduct' itself provides a guide for, and a limitation upon, the exercise by the board of its power to revoke a practitioner's license * * *. The board is thereby empowered to declare as 'unprofessional' only such conduct as fails to conform to those standards of professional behavior which are recognized by a consensus of expert opinion as necessary for the public's protection. It follows that the board is not determining when and upon whom the delegated discretionary power is to take effect but is simply ascertaining the existence of a member's acts or omissions which, if they violate the accepted standards of professional behavior, automatically bring the law into operation by its own terms." *Reyburn v. Minnesota State Board of Optometry*, 78 N.W.2d 351 (Minn. 1956)

MISSISSIPPI

"The law contemplates that the controlling principle in the use of the State's franchise will be the eye of the patient, and its preservation, and not the eye of the employer in its scrutiny and search for profits.

"In other words, the conscience of the practitioner should guide him in his service, and not the company's cash register where the sales are rung up.

"Professional responsibility and the public welfare demand that the human eye, above all things, be held sacred, and in no sense an object of commerce in routine traffic of equipment purporting to be for its benefits.

"It is not thinkable that the State, after a scientific and studied examination of the applicant, would issue him a license, over its Great Seal, to go out and tamper with the human eye as with a commodity in the market place, and the wares which merchants buy.

"And when we think of the children, in increasing numbers, who are helpless in submission to this procedure when their sight is at stake, we lose patience with everything except fidelity to duty, and the highest altruism in providing what Nature requires in such delicate and vital situations.

"Surely an optometrist should be absolutely independent of everything and everybody except his profession, and the people who confidently depend upon him to aid them in improving and preserving their sight." *State Board of Optometry v. Sears, Roebuck & Co.*, 57 So.2d 726 (Miss. 1952)

MISSOURI

"It can hardly be disputed that optometry has become a real science . . . It has become one of the important professions . . ." *State v. Brackman*, 260 S.W.2d 800 (1953, rev. on procedural grounds, 272 S.W.2d 297)