

NEW JERSEY

"Thus by its very nature, the practice of optometry is subject to regulation for the protection of the public against ignorance and incapacity and deception and fraud, equally with the practice of ophthalmology and the other 'learned professions' * * *. The Legislature recognizes optometry as a profession calling for the exercise of scientific skill. * * *" *Ableson v. New Jersey State Board of Optometry*, 5 N.J. 412, 75 A.2d 867, 22 A.L.R.2d 929 (1953)

NEW MEXICO

"The Legislature of New Mexico enacted Section 67-7-13 [Optometry Act], supra, to protect its citizens against the evils of price-advertising methods tending to satisfy the needs of their pocketbooks rather than the remedial requirements of their eyes." *New Mexico Board of Examiners In Optometry v. Roberts*, 370 P.2d 811 (N.M. 1962), affirmed in 374 U.S. 424 (U.S. 1963).

OHIO

"* * * it is specifically held that optometry is a profession under the statutes of Ohio * * *." *State v. Optical Co.*, 2 N.E.2d 601 (Ohio, 1936)

OKLAHOMA

"* * * This regulation is on the same constitutional footing as the denial to corporations of the right to practice dentistry. *Scmler v. Dental Examiners*, [infra]. It is an attempt to free the profession, to as great an extent as possible, from all taints of commercialism. It certainly might be easy for an optometrist with space in a retail store to be merely a front for the retail establishment. In any case, the opportunity for that nexus may be too great for safety, if the eye doctor is allowed inside the retail store. Moreover, it may be deemed important to effective regulation that the eye doctor be restricted to geographical locations that reduce the temptations of commercialism. Geographical location may be an important consideration in a legislative program which aims to raise the treatment of the human eye to a strictly professional level." *Williamson v. Lec Optical of Oklahoma*, 348 U.S. 483 (1955)

OREGON

"The practice of optometry is undoubtedly one of the subdivisions of the practice of medicine, which have arisen in modern times by reason of the necessity for specializing. It would seem that the public has as much need to be protected from quacks and charlatans in optometry as in dentistry or any other subdivision of medicine. * * * One who consults an optometrist for ocular examination is entitled to the same undivided loyalty that he should receive from a physician. The fact that the optometrist is the employee of an optical concern whose main interest is the sale of optical goods tends to be a distracting influence which may adversely affect his loyalty to the interests of his patient."

"While it is true that an optometrist is not permitted by law to treat diseases of the eye, nevertheless his training enables him to diagnose pathological conditions, and his duty requires him to refer the patient to a practitioner who is qualified to treat such conditions. The fact that he is trained to diagnose pathological conditions in itself indicates that the optometrist is not a mere skilled craftsman or mechanic. His failure to diagnose a pathological condition, with resultant delay or neglect in proper treatment thereof, might result in serious impairment of a patient's eyesight, or even in blindness." *State v. Standard Optical Co.*, 188 P. 2d. 309 (Ore., 1947)

PENNSYLVANIA

"All those who have had any experience with eyeglasses, and, after a certain age has been reached, that number embraces the vast majority of the educated citizens of the State, know that an improper fitting or frame to glasses can destroy the therapeutic value of the prescribed lenses. Glasses which do not obey the axis prescribed by the optometrist or which tilt at an inaccurate angle can do as much damage to the wearer as striking ones eye against a door. It must be assumed that the legislature had in mind these possibilities when it acted legislation on the subject of eyeglasses. * * * To fit inferior lenses to