

January 22, 1949

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ARIZONA ATTORNEY GENERAL

Wilson

Dr. John E. Fahrendorf
Secretary, State Board of Optometry
144 E. Glendale Avenue
Glendale, Arizona

Dear Dr. Fahrendorf:

We have before us your letter of December 17, 1948, in which you request the opinion of this office as to whether a man may legally practice orthoptics (with or without supervision) before he is licensed as an optometrist.

Section 67-1401, A.C.A. 1939 defines optometry as follows:

"Defined - Certificate to practice.-
The practice of optometry is the employment of any objective or subjective means or methods, other than the use of drugs, to determine the refractive powers of the human eye, or any visual or muscular anomalies thereof, and the prescribing or adapting of lenses or prisms for its correction or relief. No person shall engage in the practice of optometry in the state, or hold himself out as able to examine the human eye, or test its vision, for the purpose of prescribing or fitting lenses or prisms, unless he has first obtained a certificate of registration as herein provided, or has theretofore obtained a certificate of registration in this state, and a renewal thereof."
(Emphasis Supplied)

The American Illustrated Medical Dictionary, Darland, 21st Edition, 1948, defines optometry and orthoptics as follows:

"optometry: the measurement of visual acuity and the fitting of glasses to correct visual defects. A term adopted by opticians who prescribe and fit glasses.

orthoptics: treatment of defective visual habits, defects of binocular vision and defects of ocular motility by training."

The tenor of each of these definitions seems to restrict optometry to the ascertaining of defects in vision with a view to prescribing lense or prism correction, whereas orthoptics deals entirely with muscular correction.

For this reason it would appear, at first glance, that a person could practice orthoptics without being a licensed optometrist, or without being under the supervision or direction of a licensed optometrist. However, we do not believe this to be the case for the reason that our Code's definitions of certain of these professions do not gibe with the definitions given in medical dictionaries, the result of which seems to place the practice of orthoptics in a light requiring that it has to be done either by or under the direction of a licensed optometrist.

Our reasoning is as follows: Section 67-218 of the Basic Science Act which requires those engaged in the healing arts to take the basic science examinations, exempts optometrists from such examinations. It would be unreasonable to assume that those practicing orthoptics should be required to take an examination not required of optometrists; the more logical assumption is that at the time the basic science statutes were drawn, orthoptics was not contemplated.

Further, Section 67-1102, which defines the practice of medicine and requires that only licensed, graduate medical men may be practitioners excludes therefrom those "in the usual business of opticians". The American Illustrated Medical Dictionary, supra, defines opticians as makers of optical instruments, but to make sense at all that phrase has been interpreted to mean optometrists, for the reason that a separate act and separate educational requirements are set up for optometrists, which, in the nature of things, excludes them from having to comply with the act on medicine and surgery.

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Therefore, the only act under which those engaged in the practice of orthoptics could logically fall would be the optometry act, and they would therefore have to be either licensed optometrists or persons working under the direct supervision thereof.

Actually this amounts to statutory guess work for none of the statutes discussed apparently contemplated orthoptics. Under the circumstances this is the best opinion we can give.

Yours very truly,

FRED O. WILSON
Attorney General

EDWARD JACOBSON
Assistant Attorney General

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