

# **TESTIMONY REGARDING LEGISLATION ALLOWING LICENSED OPTICIANS TO ENGAGE IN THEIR PROFESSION BEYOND THE CONFINES OF A REGISTERED OPTICAL ESTABLISHMENT, OFFICE OR STORE.**

## **BILL SB-537**

As the law stands, from the Attorney General's point of view, selling of optical glasses and kindred products can only be done at a single location stationary or mobile and not at a patient's domicile or workplace or country club.

There are a variety of aspects related to the acquisition of eyeglasses. Initially, there is the selection process, then the purchase process, the manufacture process, and the dispensing process. Not all licensed opticians manufacture the eyeglasses that they sell. There are a variety of Optical Laboratories in the State of Connecticut that manufacture eyeglasses for licensed opticians – on the average of 2500 or more pair daily.

The purchase process is rather self-explanatory but that some nuanced novel concepts of where a sale actually occurs stress and confound common sense. Specifically: Does a sale occur when a patient hands over a check to a licensed optician present at 300 Capitol Avenue, Hartford, Room 1D or does it occur where the licensed optician has his/her business permit, say 410 Capitol Avenue, Hartford or their legally permitted mobile van parked outside, license plate number EYECU? This parsing of semantics is both pernicious and confounding.

The dispensation of eyeglasses involves two major aspects: One, verification of eyewear prior to dispensing – so that it comports to prescription, and Second, the custom fitting of the eyeglasses onto the patient. The first part, verification, can be done at an optician's home, or anywhere that has some table space and electrical outlet, with the use of a lensmeter, lens clock and basic hand tools. The second part, fitting, can be done as well with the use of basic hand tools and a frame warmer (a device which warms frames so that when slightly bent, they do not break) which is the size of a toaster and operates mostly the same way but has a fan blowing hot air as well.

Conn. Gen. Stat. § 20-150 specifically speaks to the sale of eyeglasses and kindred products. This Statute, § 20-150, deals with the purchase process. Conn. Gen. Stat. § 20-151 deals with the dispensing process. Conn. Gen. Stat. § 20-153 deals with verification. In each and every occasion, read singly or in unison, the inescapable conclusion is that the practice of opticianry can be only conducted in a single permitted location stationary or mobile. Although there is no exclusion to obtaining a permit for a patient's location of choice (such as a patient's home, workplace or other location) the licensing process is unfeasible. If want to sell to 6 patients today, will I need 6 licenses?

What this means is that the patient would have to go to the licensed optician and the licensed optician could not conduct any business at the patient's location of choice.

Any testimony providing examples of how “Everybody’s doing it!” relating to optical goods sold in violation of existing laws are hollow arguments and are akin to having to defend speeding at 80, when the speed limit is 65, by saying “Everybody’s doing it!” Any licensed optician practicing in violation of existing laws, as interpreted by the Attorney General’s Office, is exposed to legal action.

A doctor is still a doctor when he/she leaves the hospital, but not so with licensed opticians; licensed opticians can’t practice outside of a permitted location. There are pharmacies in that get prescriptions by call from doctors and deliver the medicine to patient’s homes.

The lack of clear legislation allowing acceptable practices outside of a “brick & mortar” or “Eye Mobile” puts licensed opticians at risk of having their licenses revoked and further risking loss of insurance coverage as they may be practicing outside the bounds of existing laws. As a protection to licensed opticians’ liability and convenience to patients, some latitude must be given to allow licensed opticians to ply their trade at a patient’s place of convenience.

Further, in a State where the Governor is trying to increase employment, this legislation would open opportunities not for just the corner optical store to extend his/her outside the bounds of his/her brick & mortar store and reach into his/her community, but to also provide a new revenue stream to existing large optical businesses like Lenscrafters and others to service their patients at the convenience of their homes or places convenient to them for a nominal fee. The large stores will have to hire more licensed opticians to meet the demands of their customer base. Would you pay an extra \$50 to have a licensed optician come to you and offer you personalized service outside the hustle and bustle of a retail environment of a Walmart or Costco? When one company starts to offer services as a convenience, for a nominal fee, others will follow, business will bloom and so will employment of licensed opticians which will generate more revenue and more taxes.

In addition to the foregoing, year after year, Internet sales of eyeglasses eat into the profits of many practitioners (and associated local industries vending to optical business) both large and small, and to stem the tide distinguishing and convenient venues have to be made available to patients’ ability to acquire prescription eyewear. Many people purchase eyeglasses on-line not only as a novelty or price-point, but also because it is convenient for them to do so; they do this at the leisure of their home or workplace as the process usually takes about ½ hour or so.

The idea of providing opticianry services to an iron-worker at the naval base in Groton, or a mother of four at her home, a high school principal in his/her office or a Senator in his/her chambers should not be against the law!