

tors, at such times, in such manner, and for such terms as the by-laws, duly adopted by its shareholders, may prescribe.

APPROVED—The 25th day of May, A. D. 1937.

GEORGE H. EARLE

No. 220

AN ACT

To further amend the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (Pamphlet Laws, twenty-one), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," by conferring certain powers on the State Board of Optometrical Examiners; further regulating and providing for the licensing of branch offices; prescribing additional grounds for refusing, cancelling, revoking, or suspending licenses; and making certain changes as to persons who are and those who are not subject to the provisions of the act.

Section 1. Be it enacted, &c., That section three of the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (Pamphlet Laws, twenty-one), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," as amended by section two of the act, approved the nineteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred sixty), is hereby further amended to read as follows:

Section 3. For the purpose of carrying out and enforcing the provisions of this act, there shall be established in this Commonwealth a board, which shall be known as the Board of Optometrical Education, Examination, and Licensure of the Commonwealth of Pennsylvania. The said board shall consist of seven members, who shall be appointed by the Governor of the Commonwealth on or before July first, nineteen

Optometry.

Section 3, act of March 30, 1917 (P. L. 21), as amended by act of May 19, 1923 (P. L. 260), further amended.

Board of Optometrical Education, etc., established.

Appointment.

Certificate.	Each member shall receive a certificate of his appointment, signed by the Governor and attested by the Secretary of the Commonwealth.
Qualification of members.	The members of this board shall be optometrists, citizens of this Commonwealth, who possess the requisite qualifications to practice optometry under this act, and who shall have been so practicing in this State during the five years next previous to their appointment.
Term.	Two members of the board first appointed under this act shall serve for one year, two for two years, and three for three years, after which the successor of each member shall be appointed for the term of three years; but no member of said board shall be a member of the faculty of any undergraduate school or college teaching optometry. The first appointees shall, by virtue of such appointment, receive certificates of licensure without examination.
Vacancies.	The Governor shall, by appointment, fill all vacancies caused by death, resignation, or otherwise; and may remove any member of said board for continued neglect of his duties in connection therewith, or for any unprofessional or dishonorable conduct.
Removal.	Appointments to fill vacancies shall be for the unexpired term of the deceased or retiring member. The board herein created is hereby charged with the enforcement of this act. To assist the board in the enforcement of this act, the Governor shall appoint an optometrist, who is a citizen of this Commonwealth and has practiced optometry in this State for at least five years, and who shall be known as the State optometrical inspector. He shall serve for a period of two years, and shall assist the board in investigating and prosecuting all reported violations of this act. The optometrical inspector shall be compensated at the rate of fifteen dollars per day and necessary expenses for each day actually devoted to this work.
Enforcement of act.	
Appointment of State optometrical inspector.	
Compensation.	
Suits to recover penalties.	All suits for the recovery of the penalties prescribed in this act shall be prosecuted in the name of the State of Pennsylvania, in any court having jurisdiction; and it shall be the duty of the prosecuting attorney of the county where such offense is committed to prosecute all the persons violating the provisions of this act, upon proper complaint being made.
Duty of district attorney.	
Section 6, as amended by section 2, act of May 13, 1925 (P. L. 659), further amended.	Section 2. Section six of said act, as amended by section two of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred fifty-nine), is hereby further amended to read as follows:
Application for examination.	Section 6. Every person desiring to be licensed, as in this act provided, shall file with the secretary of said board, upon appropriate blank to be furnished by said secretary, an application, verified by oath, setting forth the facts which entitle the applicant to examination and licensure under the provisions of this act. The said

board shall hold at least two examinations each year. In case of failure at any standard examination, the applicant, after the expiration of six months and within two years, shall have the privilege of a second examination by the board, without the payment of an additional fee. [In case of failure at any limited examination, the applicant shall have the privilege of continuing the practice of optometry, and of taking a second examination without the payment of an additional fee. But, in the event of his failure to pass the second examination on or before July first, one thousand nine hundred and eighteen, he shall thereafter cease to practice optometry in this Commonwealth.] Every applicant who shall pass the standard examination or the limited examination, as the case may be, and who shall otherwise comply with the provisions of this act, shall receive from the said board, under its seal, a certificate of licensure entitling him to practice optometry in this Commonwealth; which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose, which shall be open to public inspection; and a duly certified copy of said record shall be received as evidence in all courts of this Commonwealth in the trial of any case. Each person to whom a certificate shall be issued by said board shall keep said certificate displayed, in a conspicuous place, in the office [or place of business] wherein said person shall practice optometry, together with the photograph of said person attached to the lower right-hand corner of said certificate, and shall whenever required exhibit the said certificate to any member or agent of the said board.

Second examination.

Certificate of licensure.

Certificate to be registered.

Certified copy to be evidence.

Display of certificate.

Peddling from door to door, or the establishment of temporary offices, or the practice of optometry by a certificate holder outside of or away from his office [or place of business] is specifically forbidden, under penalty of revocation of certificate by the board. Certificate holders may, however, [establish a branch office or branch offices, provided each such branch office be fully equipped with the instruments necessary to make an optometric examination and is in charge of a regularly licensed optometrist] *apply to the board for and be granted by it branch office licenses for such branch offices as the board may approve. A separate license shall be required for each branch office maintained. Each such branch office shall not be any less a permanent office than the certificate holder's main office. Branch offices, within the meaning of this act, are defined as permanent additional offices where the licensed optometrist may render a more convenient personal service to his patients, but nothing herein shall be construed as prohibiting the employment of licensed optometrists as assistants. Any certificate holder operating a branch office otherwise than as herein-*

Peddling; temporary offices and practice away from office.

Branch offices.

before provided shall be guilty of a violation of this act and shall have his certificate revoked by the said board.

Registry with  
prothonotary.

Each person to whom a certificate has been issued by said board shall, before practicing under the same, register said certificate in the office of the prothonotary in each county wherein he proposes to practice optometry, and shall pay therefor such fee as may be lawfully chargeable for such registry. The prothonotary in each county shall keep a certificate registration book, wherein he shall promptly register each certificate for which the fee is paid.

Section 7, as  
amended by sec-  
tion 5, act of  
May 19, 1923  
(P. L. 268),  
further amended.

Section 4.\* The first paragraph of section seven of said act, as amended by section five of the act, approved the nineteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred sixty), is hereby further amended to read as follows:

Renewal regis-  
tration fee.

Section 7. [Said Board of Optometrical Education, Examination, and Licensure.] *The State Board of Optometrical Examiners* shall charge the following fees for examination, registration, and renewals of certificates: The sum of twenty-five dollars for a standard examination, and [ten dollars for a limited examination] *two dollars for each branch office license*. Every registered optometrist who desires to continue the practice of optometry shall annually, on or before the first day of January, pay to the secretary of the board a renewal registration fee of five dollars per annum for which he shall receive a renewal of his certificate. *He shall also pay a renewal license fee of two dollars per annum for each licensed branch office maintained by him.*

Section 9, as  
amended by sec-  
tion 1, act of  
March 20, 1929  
(P. L. 26),  
further amended.

Section 4. Section nine of said act, as last amended by section one of the act, approved the twentieth day of March, one thousand nine hundred and twenty-nine (Pamphlet Laws, twenty-six), is hereby further amended to read as follows:

Refusal of  
license, revoca-  
tion of cer-  
tificate, etc.

Section 9. The [Board of Optometrical Education, Examination and Licensure] *State Board of Optometrical Examiners* shall refuse to grant a certificate of licensure to any applicant, and may cancel, revoke, or suspend the operation of any certificate by it granted, for any or all of the following reasons; to wit,—the peddling from house to house or person to person, or the establishment of temporary offices, *contrary to the provisions of this act*, or the use of misleading advertising, or gross incompetency, or the obtaining of money by fraud, or misrepresentation of the optometrical [business] *profession* in which untruthful statements are made, or the failure to deliver the certificates provided for in section six of this act, or the conviction of a crime involving moral turpitude, habitual intemperance in the use of ardent spirits or stimulants, narcotics, or any other substance which impairs the intellect and judgment to such

\* Should be section 3.

an extent as to incapacitate for the performance of duties of an optometrist, *or the advertising of prices for professional services or glasses or other appurtenances used in the practice of the profession of optometry.* The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked.

Any person who is the holder of a certificate of licensure, or who is an applicant for examination for a certificate of licensure, against whom is preferred any charge, shall be furnished by the board with a copy of the complaint, and shall have a hearing before the board, at which hearing, he may be represented by counsel. At such hearing witnesses may be examined for and against the accused respecting the said charges, which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth. The suspension of a certificate of licensure, by reason of the use of stimulants or narcotics, may be revoked when the holder thereof shall have been adjudged by the said board to be cured and capable of practicing optometry. The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so.

Charges.

Copy of complaint.

Hearing.

Revocation of suspension.

Section 5. Section twelve of said act, as amended by section four of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred fifty-nine), is hereby further amended to read as follows:

Section 12, as amended by section 4. act of May 13, 1925 (P. L. 659), further amended.

Section 12. The provisions of this act shall not apply to the physicians or surgeons practicing under authority of license issued, under the laws of this Commonwealth, for the practice of medicine or surgery, *or person selling spectacles and eyeglasses but who do not assume, directly or indirectly, to adapt them to the eye, nor neither practice or profess to practice optometry.*

Exceptions.

Section 6. The provisions of this act shall become effective on the first day of July, one thousand nine hundred and thirty-seven.

When effective.

APPROVED—The 25th day of May, A. D. 1937.

GEORGE H. EARLE

No. 221

AN ACT

Prohibiting industrial police from carrying weapons when not on duty; requiring them to leave the same at place of employment; and prescribing penalties.

Section 1. Be it enacted, &c., That it shall be unlawful for any person employed as an industrial police to carry any firearm or other weapon except when on duty

Industrial police prohibited from carrying weapons except when on duty.