

not entered upon withdrawal or superannuation retirement allowance or withdrawn his accumulated deductions, shall be considered as having elected to receive the actuarial equivalent of his or her full superannuation allowance under Option 1, as provided in section 15 of this act, as of the date of his or her death. In such event, payment under Option 1 shall be made to the beneficiary designated in the nomination of beneficiary form by the member and filed with the Retirement Board. If said beneficiary has predeceased the contributor, payment under Option 1 shall be made to the legal representative of said contributor.

Section 2. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 18th day of May, A. D. 1956.

GEORGE M. LEADER

No. 544

AN ACT

Amending the act of March thirty, one thousand nine hundred seventeen (Pamphlet Laws 21), 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," regulating the advertising of products used for ophthalmic purposes, and providing penalties for violation thereof.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Optometry.

Section 1. Section two, act of March thirty, one thousand nine hundred seventeen (Pamphlet Laws 21), 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

Section 2, act of March 30, 1917, P. L. 21, amended May 19, 1923, P. L. 260, further amended.

licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," amended May nineteen, one thousand nine hundred twenty-three (Pamphlet Laws 260), is amended to read:

Unlawful practices.

Section 2. That, on and after January first, one thousand nine hundred and eighteen, it shall not be lawful for any person in this Commonwealth to engage in the practice of optometry or to hold himself out as a practitioner of optometry, or to attempt to determine by an examination of the eye the kind of glasses needed by any person, or to hold himself out as a licensed optometrist when not so licensed, or to hold himself out as able to examine the eyes of any person for the purpose of fitting the same with glasses, excepting those hereinafter exempted, unless he has first fulfilled the requirements of this act, and has received a certificate of licensure from the Board of Optometrical Education, Examination, and Licensure created by this act; nor shall it be lawful for any person in this Commonwealth to represent that he is the lawful holder of a certificate of licensure, such as is provided for in this act, when, in fact, he is not such lawful holder, or to impersonate any licensed practitioner of optometry.

Violations.

Any person violating the provisions of this section shall be deemed to be guilty of a misdemeanor, and shall upon conviction be subject, upon his first offense, to a fine of not more than five hundred dollars, or imprisonment for not more than six months in the county prison, or both, or either, at the discretion of the court; and upon conviction on second or later offenses, shall be subject to a fine *of not less than five hundred dollars, nor more than one thousand dollars, and imprisonment for not less than six months nor more than one year, at the discretion of the court.

Section 9, act of March 30, 1917, P. L. 21, amended May 25, 1937, P. L. 795, further amended.

Refusal of license, revocation of certificate, etc.

Section 2. Section nine of the act, amended May twenty-five, one thousand nine hundred thirty-seven (Pamphlet Laws 795), is amended to read:

Section 9. The 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 profession in which untruthful statements are made, or the failure

* "or" in original.

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 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.

Changes.

Copy of
complaint.

Hearing.

Revocation of
suspension.

No person, firm or corporation engaged in or connected with the retail sale or dispensing of frames, mountings, lenses, spectacles or eyeglasses used for ophthalmic purposes shall include in any advertising whether by newspaper, magazine, radio, television, signs, displays, or by any other means, the price or prices of the products used for ophthalmic purposes. Any person violating the provisions of this act is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo imprisonment not exceeding six months, or both.

Regulating of
advertising.

Penalty.

APPROVED—The 18th day of May, A. D. 1956.

GEORGE M. LEADER