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CHAPTER 254

AN ACT to repeal and recreate 153.03 (4) and 153.08 of the statutes, relating to unprofessional conduct of optometrists, and the rule-making power of the board of examiners in optometry.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 153.03 (4) of the statutes is repealed and recreated to read:

153.03 (4) The board shall make such rules not inconsistent with this chapter as it deems necessary for the administration of this chapter. No such rule shall expand the practice of optometry or affect the practice of dispensing opticians, nor shall the board enact rules which forbid the employment of an optometrist or declare such employment unprofessional conduct, or prohibit the operation of an optometric department by optometrists in a mercantile establishment.

SECTION 2. 153.08 of the statutes is repealed and recreated to read:

153.08 UNPROFESSIONAL CONDUCT. (1) Unprofessional conduct includes without limitation because of enumeration:

(a) Any conduct of a character likely to deceive or defraud the public;

(b) Loaning of an optometric license or certificate to anyone;

(c) The employment of "cappers" or "steerers" to obtain optometric patronage, or the public solicitation of optometric patronage, or the public solicitation of optometric patronage by the holder of the certificate; or

(d) Splitting or dividing any fee for optometric service with any person, except an associate licensed optometrist;

(e) Engaging in conduct unbecoming a person licensed to practice.

(2) Unprofessional advertising includes without limitation because of enumeration:

(a) Advertising professional superiority or the performance of professional services in a superior manner;

(b) Advertising definite or indefinite prices or credit terms, directly or indirectly, or by inference;

(c) Advertising by means of neon or flickering signs, or containing as a part thereof the representation of an eye or eyeglasses or any part thereof or contact lenses or any part of the human head;

(d) No optometrist shall display any sign or advertise by the use of any name other than the name under which he is licensed to practice optometry in this state. This shall not preclude the use of a predecessor optometrist's name by his successor for a period of 6 months after taking over the predecessor's practice.

(e) The use of any office sign larger than 600 square inches in size over-all or containing letters over 6 inches in size. Such office signs may contain only the name of the duly licensed optometrists practicing therein, their titles and office hours. No optometrist or association of optometrists shall use more than 3 signs at any one location. If more than one sign is used no single sign shall exceed 300 square inches;

(f) Any printed advertisement larger than 20 square inches in size. Such printed advertisement may contain only the names of the duly licensed optometrists, their titles, office hours, location or place of practice, telephone numbers, and any one specialty.

Approved July 13, 1961.
