

COPY

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

Optometry
Home Occupancy
ZR Section 12-10

DEPARTMENTAL MEMORANDUM

DATE: July 25, 1968

TO: Borough Superintendents

FROM: Thomas V. Burke
Director of Operations

SUBJECT: Practice of Optometry-Home Occupation-Section 12-10,
Zoning Resolution.

The question has been raised as to whether the practice of optometry is permitted in a residence district, in view of the fact that the optometrist may provide and even prepare lenses, as well as diagnose eye deficiencies, in view of the prohibition against ophthalmic dispensing.

The Education Law defines an Optometrist as follows:

"A person...who, by any means or methods, other than by the use of drugs, diagnoses any optical deficiency or deformity, visual or muscular anomaly of the human eye, or prescribes, provides, furnishes, or adapts lenses, prisms, or ocular exercises, also termed orthoptic, visual training or vision training or eye training for the aid, corrections or relief of the same, or who holds himself out as being able so to do..."

The Education Law defines Ophthalmic Dispensing as follows:

"A person practices ophthalmic dispensing within the meaning of the provisions of this article relating to ophthalmic dispensing who prepares and dispenses lenses, spectacles, eyeglasses, and/or appurtenances thereto to the intended wearers thereof on written prescriptions from physicians or optometrists duly licensed to practice their professions, and in accordance with such prescriptions interprets, measures, adapts, fits and adjusts such lenses, spectacles, eyeglasses and/or appurtenances thereto the human face for the aid of correction of visual or ocular anomalies of the human eye..."

Based upon the applicable provisions of the State Education Law, and the Zoning Resolution, the practice of the profession of optometry is considered a permissible accessory home occupation; and, so long as he does not practice ophthalmic dispensing, he may provide or furnish, coincidental with his diagnosis of any optical deficiency any corrective lenses necessary, provided that all limitations relating to accessory home occupations are complied with.

(Signed)
Thomas V. Burke
Director of Operations

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