THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

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 op-
tometry 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 train-
ing 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 pre-
scriptions 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 anom-
alties 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 occupa-
tion; 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