mentally defective. The statute lists State Hospital for the
Insane, Indiana State Schools for Feeble-Minded and the
Indiana Village for Epileptics.

As is illustrated by the decision in Creasey v. Pyramid
Coal Corporation (1945), 116 Ind. App. 124, 130, 61 N. E. 2d 477, the purpose of the general term following a list
such as this is to insure the inclusion of after-created situa-
tions of the type listed. Therefore, inasmuch as the 1947
Act is limited to the Indiana Soldiers' and Sailors' Children's
Home and inasmuch as the 1951 Act does not specifically
mention that institution but lists instead a group of non-
similar institutions, it is my opinion that your institution
is not within the purview of Chapter 253 of the Acts of 1951.

You mention 1948 Opinions of the Attorney General,
Official Opinion No. 7, in your letter and ask if changing
circumstances would affect the answer given in that opinion
concerning the non-availability of funds of the child for
payment of support. Inasmuch as the 1947 Act is limited
to contracts with parent, relatives or other authorized per-
sons charged by law with the responsibility of supporting
and educating any child residing in your institution, it is
my opinion that nothing has happened which would make
inapplicable the 1948 Opinion referred to and that any change
to make the situation more equitable would require legis-
lation.


OFFICIAL OPINION NO. 64

July 27, 1951.

Dr. D. W. Conner,
Secretary, Indiana State
Board of Registration and
Examination in Optometry,
206 Merchants Bank Building,
Terre Haute, Indiana.

Dear Sir:

The letter from your office written by Mr. Wilbur F. Pell,
Jr., under date of June 15, 1951, has been received and is
as follows:
"As you know, the Indiana State Board of Registration and Examination in Optometry is authorized to establish * * * a schedule of the minimum requirements and rules for the recognition of schools of optometry, so as to keep the requirements of proficiency up to the average standard of other states." (Burns Indiana Statutes, Sec. 63-1001 (d)).

An examination of the minutes of the Board over a period of time commencing in January of 1937 reflects that for many years the Indiana Board accepted and adopted the recommendations and findings of the International Board of Boards of Examination and Registration in Optometry (hereinafter referred to as the I. B. B.) The I. B. B. through its representatives set up standards and made examinations and inspections at the various optometry schools throughout the country. For many years only those schools which had been accredited as Class A colleges of optometry were recognized by the Indiana Board.

On December 23, 1945, pursuant to the provisions of Chapter 120, Acts of 1943, the Indiana Board adopted certain rules and regulations with regard to educational requirements for candidates desiring to take the Board’s examination for an Indiana license to practice optometry. This, of course, was with relation to individual candidates and pursuant to the Board’s statutory authority to determine educational requirements for such candidates, and, therefore did not directly concern the matter of recognition of schools, although indirectly the matter was involved inasmuch as the individual was required to have graduated from schools meeting certain standards.

In any event, the question was submitted to the Attorney General in 1948 with regard to the legality of the regulation pertaining to Educational Requirements. In Official Opinion No. 8, dated February 6, 1948, Attorney General Foust concluded that the requirement that there be at least three years of optometry in a college of optometry connected with a university was invalid insofar as the requirement that it be connected with a university was concerned. He
further indicated, however, that the invalid part of
the regulation was severable, and that the require-
ment of three years optometry study remained a valid
requirement.

It is not believed that it was intended that three
years of optometry study *per se* (assuming the pres-
eence of the required pre-optometry study) should be
enough to qualify a candidate for a license examina-
tion. The danger of the so-called "diploma-mill" is
too obvious. It has been suggested that it would be
proper for the Board to continue to recognize the
recommendations of the I. B. B. or of the Council on
Education and Professional Guidance of the Amer-
ican Optometric Association. There is ample historical
precedent in the Board’s minutes for such recognition,
and this would be consistent with the avowed statutory
purpose of keeping the requirements of proficiency up
to the average standard of other states.

As a practical matter, the scope of the instant
matter concerns only the years 1946 through 1950
inclusive, as the 1951 General Assembly enacted a
bill expressly requiring three years of optometry in
a college of optometry using university standards.

We would appreciate your advising the Indiana
Board at your early convenience with regard to the
standards it should employ for recognition of schools
of optometry in which candidates for examination
have matriculated during the period commencing
January 1, 1946, to the effective date of the 1951
Optometry Act.

The foregoing official opinion No. 8 of this office for 1948
clearly points out that the only portion of the rule above
referred to that was held invalid were the words, "by a
university", leaving the entire remaining part of the rule
declared valid and enforceable.

Statute similar to yours have been construed by our Ap-
pellate Court to require the Board to adopt standards for
schools entitled to approval by the Board.

Davis v. State Board of Medical Registration and
Examination (1936), 103 Ind. App. 88, 94, 95.
The above case further holds that the Board is not required to recognize "diploma mills" but clearly refers to schools of standing.

Also see Official Opinion No. 78, 1947 Ind. O. A. G. 381.

In the case of Hamilton County Hospital v. Andrews (1949), 227 Ind. 217, it was held that where public officials had duty to perform such as adopting certain standards and approving certain courses, that it is a duty which you cannot delegate to someone else, so you could not permit some outside agency to fix standards and approve schools when that duty devolved upon the Board.

However, under the foregoing case, in my opinion you could adopt as your own, well-recognized Standards fixed and published by an outside agency, and then act upon whatever information is available to you in finding whether or not the particular school meets these standards, but it would be the Board's determination of approval of the school and not that of the outside agency.

I assume from your letter that such was the manner in which your Board entered the adoption of standards and approved schools during the years in question and if so, for that period of time above outlined, only such schools as came up to that standard would be construed by your Board as approved schools of optometry; however, you could not enforce the one part of your rule, during that period of time, that such school be connected with a university.

OFFICIAL OPINION NO. 65

July 27, 1951.

Hon. F. C. Hockema,
Vice President and Executive Dean,
Purdue University,
Lafayette, Indiana.

Dear Mr. Hockema:

Your letter of July 18, 1951, has been received requesting an official opinion on the interpretation of S. B. 139 of the 1951 General Assembly.