Where a statute is free from ambiguity there is no room for judicial construction by court.

State v. Squibb (1908), 170 Ind. 488;
State v. Mutual Life Insurance Co. (1910), 175 Ind. 59;
Williams v. Michigan City (1934), 100 Ind. App. 136.

Since the above language of the statute is clear and free from any ambiguity the same is not subject to judicial construction and authorizes the State Department of Education, after investigation by the Board, to certify said school corporation for reimbursement on the grounds there was an "omission in the tax levy." Such payment, of course would be subject to the limitations provided in said statute.

OFFICIAL OPINION NO. 69
July 17, 1946.

Hon. J. P. Davey, O. D.,
Secretary, Indiana State Board of
Registration and Examination of Optometry,
405 Kahn Building,
Indianapolis, Indiana.

Dear Sir:

Your recent letter received in which you request an official opinion on the following questions:

"First, is the fitting of contact lenses a part of the practice of optometry under the definition; and second, can anyone other than optometrists or those exempt practice the fitting of contact lenses in the State of Indiana?"

Your questions are predicated upon the following statement of facts:

"There has recently come into a certain degree of popularity the fitting and wearing of lenses which rest directly upon the sclera corneal junction of the
eye ball instead of in frames or mountings suspended from the nose and ears. There are several different techniques in arriving at the proper fitting of these lenses. One done with and one without anesthetic, but in most instances it's necessary to take an impression of the eye similar to the dental impression for dentures although there is used by some what might be referred as a trial and error method in that they have a number of most commonly used shapes from which the patient is fit. After these initial steps are taken it is then necessary to examine the patient's eyes to determine the proper lens correction which should be incorporated in the contact lens because the residue refractive finding is quite different from that required if the patient wears spectacles because of a water lens which is formed by wearing contact lens, and the nearness of the correction to the eye, * * *.

Section 63-1004 Burns' 1943 Replacement, Section 4 Chapter 38, Acts 1935, defines the practice of optometry as follows:

"The practice of optometry is hereby defined to be any one of the following acts, or any combination of, or part of the following acts:

"(a) Diagnosis. The examination or diagnosis of the human eye, to ascertain the presence of abnormal conditions or functions which may be diagnosed, corrected, remedied or relieved, or the application or prescription of lenses, prisms, exercises, or any physical, mechanical, physiological or psychological therapy, or the employment of any means, for the purpose of detecting any diseased or pathological condition of the eye, or the effects of any diseased or pathological condition of the eye, which may have any significance in a complete optometric diagnosis of the eye or its associated structures.

"(b) Examination Through Scientific and Professional Methods and Devices. The application, use, or adaption of physical, anatomical, physiological, psychological or any other principles through scientific professional methods and devices, to the examination
of the eyes and vision, measuring their function for
the purpose of determining the nature and degree of
their departure from the normal, if any, and adopting
optical, physiological and psychological measures
and/or the furnishing or providing any prosthetic or
therapeutic devices for the emendation thereof.”

Section 63-1006 Burns’ 1943 Replacement, Section 5, Chap-

ter 38, Acts 1935, provides as follows:

“Nothing in this act shall be considered to apply to
physicians and surgeons who are authorized to practice
medicine, surgery and obstetrics under the laws of the
state of Indiana.”

Section 10-3520 Burns’ 1942 Replacement, Section 2, Chap-

ter 280, Acts 1935, being the Narcotic Drugs Statute, provides

as follows:

“It shall be unlawful for any person to manufacture,
possess, have under his control, sell, prescribe, ad-
minister, dispense, compound or use any narcotic drug
or drugs except as authorized in the laws of the United
States or of the state of Indiana, or for any person to
be found in a public place under the influence of nar-
cotic drugs.”

(1.) In answer to your first question it is submitted that
assuming the facts stated in your letter to be true it is
clear said contact lenses cannot be fitted and attached to the
eye until the patient’s eyes are examined to determine the
proper lens corrections which should be incorporated in the
contact lens.

Under such conditions the following part of Section 63-
1004 (a) Burns’ 1943 Replacement would bring such prac-
tice within the definition of the practice of optometry:

“The examination or diagnosis of the human eye, to
ascertain the presence of abnormal conditions or func-
tions which may be diagnosed, corrected, remedied or
relieved, or the application or prescription of lenses,
* * *"
as well as that part of Clause (b) of said section which prohibits an examination for the purpose of "adopting optical, physiological and psychological measures and/or the furnishing or providing any prosthetic or therapeutic devices for the emendation thereof."

However, I am further of the opinion that since an optometrist in this state has not been granted the authority to administer narcotic drugs that he would not be permitted to anesthetize the eye for the purpose of fitting such contact lenses.

Of course the optometry statute does not authorize the use of surgery for the affixing of such contact lenses which would be prohibited by the Medical Practice Act, same being Section 63-1301 et seq. Burns' 1943 Replacement.

(2.) In answer to your second question I wish to advise it is clear under the provisions of Section 63-1006 Burns' 1943 Replacement, supra, the only persons exempt from the application of the optometry statute are "physicians and surgeons who are authorized to practice medicine, surgery and obstetrics under the laws of the state of Indiana." Those persons, of course, have an unlimited license to practice such profession. Other than those specifically exempt from the statute, optometrists would be the only other persons who could legally engage in such practice of fitting such contact lenses which practice would be qualified as pointed out in answer to your question number one.

OFFICIAL OPINION NO. 70
July 22, 1946.

Public Service Commission of Indiana,
State House,
Indianapolis, Indiana.

Gentlemen:

I have your letter of July 11, 1946, stating that the Legislature of 1911 passed a law requiring that all steam railroads in the State of Indiana have automatic block signals in operation or an approved form of other type of block signals in effect on each line of the railroad not later than January 1, 1912. You further state that the C. H. & D. Railroad, now