

IN THE MATTER OF SAUL JOSE PERAZA RESPONDENT (UNLICENSED)	* * * * *	BEFORE THE STATE BOARD OF EXAMINERS IN OPTOMETRY CASE NOS.: 2017-002A & 2017-022
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FINAL CONSENT ORDER

The Maryland Board of Examiners in Optometry (the “Board”) charged Saul Jose Peraza (the “Respondent”) under the Maryland Optometry Act (the “Act”), Md. Code Ann., Health Occ. (“H.O.”) §§11-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.). Specifically, the Board charged the Respondent with violating the following provisions of the Act:

H. O. §11–501. Practicing without license.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice optometry in this State unless licensed by the Board.

H. O. §11–502 Misrepresentation as optometrist.

Unless licensed to practice optometry under this title, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person practices optometry.

H. O. §11–505 Penalties

(2) A person who violates § 11–501, § 11–502, or § 11–504 of this subtitle is subject to a civil fine not exceeding \$50,000 to be assessed by the Board in accordance with regulations adopted by the Board.

FINDINGS OF FACT

The Board finds that:

1. The Respondent was and is not licensed to practice optometry in the State of Maryland.

2. At all times relevant hereto, the Respondent owned and operated an optical business ("Establishment A") located in Maryland.¹

3. At all times relevant hereto, the Respondent was responsible for hiring employees that worked at Establishment A.

4. In or around July 26, 2016, Board received a complaint from a patient of Establishment A ("Patient A").

5. In the complaint, Patient A alleged that he went to Establishment A for an eye examination and to purchase prescription eye glasses. Patient A also alleged that the Respondent and other individuals working at Establishment A were practicing optometry without a license.

6. A subsequent investigation by Board staff revealed the following:

7. On or about June 21, 2016, Patient A went to Establishment A and was examined by the Respondent without the presence of a licensed optometrist. The Respondent performed autorefraction and prescreening tests on Patient A. After the Respondent completed his examination, he told Patient A to return to Establishment A

¹ The names of Establishment A, Patient A, and Employee A have been omitted to maintain confidentiality. The names are known by the Respondent.

see the doctor ("Employee A").² The Respondent denies writing a prescription for Patient A.

8. Approximately one week after his visit with the Respondent, Patient A returned to Establishment A and was examined by Employee A. Employee A was not licensed by the Board.

9. After his visit with Employee A, Patient A returned to Establishment A to pick up his eye glasses. During this visit, Patient A also requested his medical records, but his request was refused. The Respondent denies that he refused to give Patient A his medical records when Patient A requested them.

10. During a September 26, 2017 interview with a Board investigator, the Respondent admitted under oath that he never verified whether Employee A was licensed to practice optometry in the State of Maryland.

11. The facts as set forth above constitute a violation of H.O. §§ 11- 501 and 11- 502.

²(g) (1) "Practice optometry" means:

(i) Subject to §§ 11-404 and 11-404.2 of this title, to use any means known in the science of optics or eye care, except surgery:

1. To detect, diagnose, and subject to §§ 11-404 and 11-404.2 of this title, treat, subject to this title, any optical or diseased condition in the human eye; or

2. To prescribe eyeglasses, lenses, or contact lenses to correct any optical or visual condition in the human eye;

(ii) To give advice or direction on the fitness or adaptation of eyeglasses or lenses to any individual for the correction or relief of a condition for which eyeglasses or lenses are worn; or

(iii) To use or permit the use of any instrument, test card, test type, test eyeglasses, test lenses, or other device to aid in choosing eyeglasses or lenses for an individual to wear.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. §1.11- 501 and 11- 502.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 26TH day of SEPTEMBER 2018, by a majority of the Board hereby:

ORDERED that Respondent shall pay a fine in the amount of eight thousand dollars (\$8,000) payable to the Maryland Board of Examiners in Optometry no later than twelve (12) months from the date that this Order is signed by the Board; and it is further

ORDERED that the Respondent is prohibited from practicing optometry in the State of Maryland without a valid license in accordance the Maryland Optometry Act and all applicable laws and regulations; and it is further

ORDERED that if the Respondent violates the terms of this Order, the Board, after notice and a show cause hearing, and a determination of violation proved by a preponderance of evidence, may impose an additional fine and any other disciplinary sanctions it deems appropriate; and it is further


ORDERED that for purposes of public disclosure and as permitted by Md. General Provisions §§ 4-101 *et seq.* (2014), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this Order is final and a public document pursuant to Md.

General Provisions §§ 4-104 *et seq.* (2014).

9-26-18
Date



Andrew Doyle, O.D.
President
Maryland Board of Examiners in Optometry

CONSENT OF SAUL JOSE PERAZA

I, Saul Jose Peraza by affixing my signature hereto, acknowledge that:

1. I have chosen not to be represented by an attorney.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Code Ann., Health Occ. §11-315 (2014 Repl. Vol. & 2017 Supp.) and Md. Code Ann., State Govt. §§ 10-201 *et seq.* (2014 Repl. Vol. & 2017 Supp.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I am waiving those procedural and substantive protections.
4. I voluntarily enter into and consent to the foregoing findings of fact, conclusions of law, and order and agree to abide by the terms and conditions

set forth in this Consent Order, as a resolution of the Board's case, based on the findings set forth herein.

5. I waive my right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, and any right to appeal this Consent Order as set forth in Md. Code Ann, Health Occ. § 11-318 (2014 Rep. Vol. & 2017 Supp.) and Md. Code Ann., State Govt. §§ 10-201 *et seq.* (2014 Rep. Vol. & 2017 Supp.).

6. I acknowledge that by failing to abide by the terms and conditions set forth in this Consent Order, and, by failing to follow proper procedures, I may be subject to disciplinary action.

7. I sign this consent order, without reservation, as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

9/11/2018
Date


Saul Jose Peraza

NOTARY

STATE OF Maryland
CITY/COUNTY OF Montgomery

I hereby certify that on this 11th day of Sept., 2018, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared

Saul Jose Peraza and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.


Notary Public

My Commission Expires: May 16, 2022

KIMBERLY S. REYNOLDS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 16, 2022