

IN THE MATTER OF * BEFORE THE STATE BOARD
LUIS EGBERTO GOMEZ * OF EXAMINERS IN
RESPONDENT * OPTOMETRY
(UNLICENSED) * CASE NO.: 2017-002B

* * * * *

FINAL CONSENT ORDER

The Maryland Board of Examiners in Optometry (the "Board") charged Luis Egberto Gomez (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 has been employed at an optical business ("Establishment A") located in Maryland¹.

3. In or around July 21, 2016, Board received a complaint from a patient ("Patient A").²

4. In the complaint, Patient A indicated 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.

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

6. On or about June 26, 2016 Patient A went to Establishment A and was examined by the owner of Establishment A. The owner wrote Patient A a prescription for eye glasses and told Patient A to return to Establishment A to see a "specialist".

7. Approximately one week later, Patient A returned to Establishment A and was examined by the Respondent.

¹ The name of Establishment A has been omitted to maintain confidentiality. Establishment A is known by the Respondent.

² The name of Patient A has been omitted to maintain confidentiality. Patient A's name will be made available to the Respondent upon request.

8. After Patient A's visit with the Respondent, Patient A returned later to Establishment A to pick up his eye glasses. During this visit, Patient A also requested his medical records, but his request was refused.

9. During a December 28, 2017 interview with a Board investigator, the Respondent admitted under oath that he was not licensed to practice optometry in the State of Maryland during the time that he worked at Establishment A. The Respondent also admitted that he performed examinations on many patients at Establishment A.

10. The Respondent also admitted during his December 26, 2017 interview that he was paid \$300-\$400 in cash for the examinations that he performed at Establishment A.

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

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. §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 five thousand dollars (\$5,000) payable to the Maryland Board of Examiners in Optometry no later than six (6) 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 with the Maryland Optometry 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, OD
President
Maryland Board of Examiners in Optometry

CONSENT OF LUIS EGBERTO GOMEZ

I, Luis Egberto Gomez by affixing my signature hereto, acknowledge that:

1. I am represented by Laurence B. Russell, Esquire.

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.

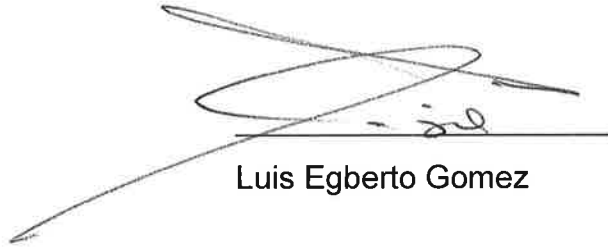
5. I waive my right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, and any right to appeal this Consent Order as set forth in Md. Code Ann, Health Occ. § 11-318 (2014 Rep. Vol. & 2017 Supp.) and Md. Code Ann., State Govt. §§ 10-201 *et seq.*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

09/11/2018

Date


Luis Egberto Gomez

NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I hereby certify that on this 11th day of September, 2018, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Luis Egberto Gomez 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: 10/13/2019

