



# MARYLAND

## Department of Health

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

### Board of Examiners in Optometry

April 25, 2018

To: Saul Jose Peraza  
Leska Optical  
1101 University Blvd. East  
Takoma Park, MD 20912

Board Case Nos. 2017-002A, 2017-022

#### **CEASE AND DESIST ORDER**

The Maryland State Board of Examiners in Optometry (the “Board”), pursuant to the Maryland Optometry Act (the “Act”), Annotated Code of Maryland (Md. Code Ann.), Health Occupations Article (H.O.) § 11-320(b), hereby orders you, **SAUL JOSE PERAZA**, to **IMMEDIATELY CEASE AND DESIST** from practicing optometry in the State of Maryland, as defined in Md. Code Ann., H.O. § 11-101(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.
- (2) Subject to §§ 11-404 and 11-404.2 of this title, “practice optometry” includes:
  - (i) The administration of topical ocular diagnostic pharmaceutical agents;
  - (ii) The administration and prescription of therapeutic pharmaceutical agents; and
  - (iii) The removal of superficial foreign bodies from the cornea and conjunctiva.

The Maryland Optometry Act requires a license issued by the Board in order to practice optometry in the State of Maryland. H.O. §§ 11-501, 11-502. Be advised that practicing optometry without a license is a criminal offense under H.O. § 11-505(a), punishable by up to six (6) months incarceration and a \$500 fine. Practicing optometry without a license may also be subject to a civil fine of up to \$50,000. *See* H.O. § 11-504(b)(2).

## **I. INVESTIGATIVE FINDINGS<sup>1</sup>**

Based on investigative information received by, made known to, and available to the Board, it has reason to believe that the following facts are true:

At all relevant times, you have not been licensed as an optometrist or by any other health occupations licensing boards in the State of Maryland. At all relevant times, you have owned Leska Optical, located at or around 1101 University Boulevard in Takoma Park, Maryland.

The Board received information that on or about June 26, 2016, you performed an eye examination on "Patient A"<sup>2</sup> at Leska Optical. Following the eye examination, you either prescribed or attempted to prescribe eyeglasses to Patient A and told him/her to return to Leska Optical on or about July 2, 2016, to be seen by a specialist, Luis Egberto Gomez.

The Board's investigation determined that Luis Egberto Gomez, to whom you referred Patient A, is not licensed to practice optometry in the State of Maryland. In an interview with a Board investigator, you acknowledged that you were aware Luis Egberto Gomez was not licensed to perform eye examinations in the State of Maryland, however you did not prevent him from performing such examinations at Leska Optical. In addition, Patient A explained in his/her complaint to the Board that you sold him/her prescription eyeglasses based on a prescription from an unlicensed individual who you knew was unable to prescribe eyeglasses. After buying the prescription eyeglasses from you, Patient A experienced blurry vision, watering eyes, itching, and burning pain in his eyes.

Upon consideration of these Investigative Findings, the Board has reason to believe that you engaged in the practice of optometry without being issued a license by the Board to practice optometry in the State of Maryland.

## **II. CONCLUSION OF LAW**

Based on the foregoing Investigative Findings, the Board concludes as a matter of law that there is a preponderance of the evidence that your actions pose a serious risk to the health, safety, or welfare of the general public.

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<sup>1</sup> The allegations in this document are intended to provide the Respondent with notice of the Board's action. They do not necessarily represent a complete description of the evidence, either documentary or testimonial, that may be offered against the Respondent in connection with the Board's action.

<sup>2</sup> To ensure confidentiality, the names of any patients will not be disclosed in this Cease and Desist Order. Any such names will be made available to you upon request.

### III. ORDER

Based on the Investigative Findings and the Board's Conclusions of Law, and pursuant to the Board's authority under the Maryland Optometry Act, it is hereby:

**ORDERED** that pursuant to the authority granted to the Board under the Maryland Optometry Act, Md. Code Ann., H.O. § 11-320(b) (2014 Repl. Vol.), **SAUL JOSE PERAZA** shall **IMMEDIATELY CEASE AND DESIST** from practicing optometry, as defined in Md. Code Ann., H.O. § 11-101(g); and it is further

**ORDERED** that this Cease and Desist Order is **EFFECTIVE IMMEDIATELY**; and it is further

**ORDERED** that this Cease and Desist Order is a **PUBLIC DOCUMENT** pursuant to the Public Information Act, Md. Code Ann., General Provisions Article §§ 4-101 – 4-601 (2014).

*April 25, 2018*  
Date

*Patricia G. Bennett*  
Patricia G. Bennett, MSW  
Executive Director  
Maryland Board of Examiners in Optometry

### NOTICE OF OPPORTUNITY FOR HEARING

You may challenge the factual or legal basis of this Cease and Desist Order by filing a written opposition within 30 days of its issuance. You have the right to a hearing, but must request a hearing within 30 days of the issuance of this Cease and Desist Order. The written opposition and/or request for a hearing should be addressed to: Patricia G. Bennett, Executive Director, Maryland State Board of Examiners in Optometry, 4201 Patterson Avenue, Baltimore, Maryland 21215. If you file a written opposition, the Board shall consider that opposition and provide a hearing, if requested. If you do not file a written opposition or request a hearing, then you will lose the right to challenge this Cease and Desist Order.