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BEFORE THE
OREGON BOARD OF OPTOMETRY
STATE OF OREGON

In the Matter of the License to Practice) AGENCY CASE NO:09-01-01
as an Optometrist of:)
Jeremy A. Graziano, O.D., Licensee.) FINAL ORDER ON DEFAULT
_____))
TO: JEREMY A. GRAZIANO, O.D.

The Oregon Board of Optometry (Board) is the state agency responsible for licensing and disciplining optometrists and for regulating the practice of optometry in Oregon.

FINDINGS OF FACT

Jeremy A. Graziano, O.D. (Licensee) is licensed by the Board to practice as an optometrist in the State of Oregon.

Licensee was licensed by the Board to practice in the State of Oregon as an Optometrist and his license continued through 10/31/08. Prior to the expiration of the license, Licensee received license renewal information from the Board, which indicated that his renewal application was due by October 1, 2008. Licensee failed to submit his license renewal application in a timely manner. On October 9, 2008, correspondence was sent to Licensee from the Board indicating his license would be automatically suspended on November 9, 2009. Licensee also received additional correspondence from the Board on January 9, 2009, warning Licensee that if he were to practice optometry in contravention of the notice that it may result in an imposition of civil penalties and discipline. Licensee was also notified that he could be assessed a \$10,000 fine for each patient that he saw since he was suspended. The correspondence notified Licensee that in order to practice optometry again, he would have to meet the reinstatement requirements and to contact the Board to do that.

1 On January 6, 2009 Licensee requested reinstatement of his license. Licensee's license
2 was reinstated on February 6, 2009 after he had completed all of the reinstatement requirements.

3 Prior to being reinstated, the Board's investigator made contact with Licensee and set an
4 appointment for an eye examination on January 8, 2009. On January 8, 2009, the investigator for
5 the Board received an eye examination from Licensee at his office. During the examination, the
6 investigator inquired as to the month of December 2008 and whether he was busy with eye
7 examinations due to the inclement weather. Licensee responded that he was very busy during
8 the bad weather, near the holidays. Licensee stated that often patients need to use their insurance
9 benefits before the year-end. Licensee provided the investigator with a receipt for her
10 examination and a copy of her prescription. Licensee practiced from November 9, 2008 through
11 January 2009 without a license, for over a two-month period of time.

12 Upon review of Licensees renewal history, the Board found two previous years where
13 Licensee allowed his license to lapse, in 2000 and 2007.

14 On April 13, 2009, a Proposed Notice of Discipline was served on Licensee. In that
15 notice, it stated that if Licensee wanted to request a hearing, he was required to do so in writing
16 within 21 days. On May 8, 2009, Licensee wrote a letter to the Board but did not request a
17 hearing. His letter addressed only the amount of the civil penalty. Licensee is now in default.

18 CONCLUSION OF LAW

19 The Board finds that the acts and conduct of Licensee described above constitute
20 violations of ORS 683.020 (no person shall engage in the practice of optometry or purport in any
21 way to be an optometrist without having first obtained a license from the Oregon Board of
22 Optometry), ORS 683.140(1)(p) (any violation of the provisions of ORS 683.010 to 683.335),
23 ORS 683.180(7) (practicing optometry in this state without having at the time of so doing a
24 valid, unrevoked license as an optometrist) and OAR 852-60-025(2)(b) (practicing optometry
25 without a license).

