SBDE NOS. 10-0963-0708 and 10-0809-0520

IN THE MATTER OF
THE LICENSE OF
JOHN MARKOU GARZA, DDS
TEXAS DENTAL LICENSE
NUMBER 15983

BEFORE THE STATE
BOARD OF
DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 5th day of April, 2011, the State Board of Dental Examiners ("Board" or "SBDE") met in a regularly scheduled meeting and the above styled case was heard.

On January 18, 2011, SBDE staff proposed this Agreed Settlement Order in the above captioned case against John Markou Garza, DDS, hereinafter "Respondent," holder of Texas Dental License No.15983. At issue are allegations that the Respondent violated the laws and rules regulating the practice of dentistry.

Respondent wishes to waive further formal adjudicatory proceedings and voluntarily enters into the following Agreed Settlement Order. Respondent, by signature below, acknowledges that Respondent fully understands the nature of the findings of fact and conclusions of law set out herein, that Respondent has been advised of the right to legal representation, and that Respondent has been given the opportunity to formally contest any Board allegations in an adjudicatory proceeding.

The following Agreed Settlement Order is proposed, contingent on Board approval.

FINDINGS OF FACT

1. Respondent, John Markou Garza, DDS, holds Texas Dental License No. 15983. Respondent's license was initially issued on July 6, 1989 and was in full force and effect at all dates and times material and relevant to this Agreed Settlement Order.

2. Respondent's past disciplinary history, as described in the Agreed Settlement Orders dated October 31, 2003 and August 19, 2005, is attached and incorporated by reference as part of this Order.

3. From on or about August 19, 2007, to the present, Respondent failed to comply with an Agreed Settlement Order dated August 19, 2005, by failing to complete or timely complete the required thirty-eight (38) hours of
continuing education courses as required by Stipulation Number Four (4). Respondent has completed the following:

- Crown and Bridge: 12 hours,
- Recordkeeping: 3 hours; and
- Endodontics: 7 hours.

4. From on or about November 11, 2008 through April 19, 2010, the Respondent fell below the minimum standard of care in the dental treatment of patient H.B. Specifically, Respondent fell below the minimum standard of care in the endodontic treatment (root canal) of tooth #31 as follows: (A) inadequate fill which would allow the canal to be re-infected; (B) decay on the distal margin; (C) inadequate seal to prevent re-infection; and (D) prescribing multiple rounds of antibiotics for an abscess that would not heal.

**CONCLUSIONS OF LAW**

The references to Statutes and Rules cited below are to the Statutes and Rules in effect at the time of the violations.

1. The Texas State Board of Dental Examiners has authority and jurisdiction over this case pursuant to Tex. Occ. Code § 251.001 et seq. and 22 Tex. Admin. Code § 101 et seq.


**ORDER**

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent’s Texas Dental License No. 15983, issued to John Markou Garza, DDS, is hereby SUSPENDED for a period of two (2) years to begin on the effective date of this Order; however, such suspension is PROBATED in its entirety.

2. Within thirty (30) days of the effective date of this Order, Respondent SHALL have completed the remaining Continuing Education courses as required by the August 19, 2005 Order as follows:
   
   a. Recordkeeping: 3 hours
   b. Endodontics: 13 hours

This continuing education SHALL be in addition to Respondent’s annual continuing education hours required for licensure by the Board.
All continuing education courses SHALL be approved in advance by the Board Secretary. It is the responsibility of the Respondent to obtain such approval. Courses taken without prior approval and prior to the effective date of this Order SHALL NOT satisfy the requirements of this Order. The Board Secretary SHALL have the authority to reduce the number of continuing education days or hours based on course availability. Upon the successful completion of each course, the Respondent SHALL provide completion documentation to the Board.

3. Respondent SHALL pay restitution directly to Patient H.B. in the amount of one thousand, four hundred seventy-five and 50/100 dollars ($1,475.50). Proof of restitution must be provided to the Board no later than thirty (30) days from the effective date of this Order.

4. Respondent SHALL pay an administrative monetary fine in the amount of Four Thousand Dollars ($4,000.00) payable to the “Texas State Board of Dental Examiners” located at 333 Guadalupe, Tower 3, Suite 800, Austin, Texas. The administrative monetary fine SHALL be paid in one (1) lump sum or in installment payments, the total amount due no later than six (6) months from the effective date of this Order.

5. Respondent SHALL complete an additional twenty-five (25) hours of Continuing Education courses, which SHALL be completed within one (1) year of the effective date of this Order. Continuing Education courses completed SHALL be in the following areas:
   
   a. Ethics 6 hours
   b. Recordkeeping 3 hours
   c. Endodontics 8 hours
   d. Crown and Bridge 8 hours

This continuing education SHALL be in addition to Respondent’s annual continuing education hours required for licensure by the Board.

All continuing education courses SHALL be approved in advance by the Board Secretary. It is the responsibility of the Respondent to obtain such approval. Courses taken without prior approval and prior to the effective date of this Order SHALL NOT satisfy the requirements of this Order. The Board Secretary SHALL have the authority to reduce the number of continuing education days or hours based on course availability. Upon the successful completion of each course, the Respondent SHALL provide completion documentation to the Board.

6. Respondent SHALL take and pass the Jurisprudence Assessment within thirty (30) days of the effective date of this Order. The fees for the assessment SHALL be borne by Respondent. A Jurisprudence
Assessment taken prior to the effective date of this Order SHALL NOT count towards satisfying this requirement.

7. Respondent SHALL abide by the Laws of the State of Texas, the Dental Practice Act, the rules and regulations of the Board, and any reporting requirements imposed to ensure compliance with this Order.

8. This Order SHALL supersede all prior board orders.

By signing this Agreed Settlement Order, Respondent agrees to its terms, acknowledges Respondent’s understanding of it, and agrees that Respondent will satisfactorily comply with the mandates of this Order in a timely manner or be subject to appropriate disciplinary action by the State Board of Dental Examiners.

Respondent’s signature hereon does not constitute either admission or denial of the allegations set forth in this Order or the underlying complaint, and it does not constitute admission or denial of the findings of fact and the conclusions of law set forth.

Respondent, by signing this Agreed Settlement Order, waives any right to a formal hearing and any right to judicial review of this Order. Failure to comply with the terms and conditions of this Order SHALL constitute a violation of this Order and may subject Respondent to further disciplinary action by the Board. This Agreed Settlement Order is a settlement agreement pursuant to Rule 408 of the Texas Rules of Civil Evidence for the purpose of civil litigation.

All of the above terms, conditions, and penalties become effective on the effective date of this Order. The effective date of this Agreed Settlement Order shall be the date it is executed by the State Board of Dental Examiners.

John Markou Garza, DDS, Respondent

Markou Garza, DDS, this 4th day of February 2011.

NOTARY PUBLIC
IN and FOR THE STATE OF TEXAS

Carlos Garza
Notary Public, State of Texas
My Commission Expires September 27, 2014
STATE BOARD OF DENTAL EXAMINERS

SIGNED this 15th day of April 2017.

Tamela Gough, DDS, Presiding Officer / Secretary
State Board of Dental Examiners