IN THE MATTER OF § BEFORE THE STATE §
THE LICENSE OF § BOARD OF §
JOHN GARZA, DDS §
TEXAS DENTAL LICENSE §
NUMBER 15983 § DENTAL EXAMINERS

AGREED SETTLEMENT ORDER

On the 31st day of October, 2003, the State Board of Dental Examiners (hereinafter the "Board" or "SBDE") met in a regularly scheduled meeting and the above-referenced case was considered.

JOHN GARZA, DDS, hereinafter "Respondent," holder of Texas Dental License No. 15983, appeared at an informal settlement conference on August 8, 2003, at 333 Guadalupe, Austin, Texas, in response to a notice letter sent on July 7, 2003. Respondent was advised of the right to legal representation in the notice letter. At issue were allegations that Respondent violated the laws and rules regulating the practice of dentistry.

Respondent hereby waives a formal adjudicatory hearing and enters into the following Agreed Settlement Order. Respondent, by signature below, acknowledges that Respondent was advised of the right to legal representation, that Respondent understands the nature of the alleged violations as stated in the informal settlement conference notice letter dated July 7, 2003, and as discussed during the Informal Settlement Conference. Respondent's signature hereon also acknowledges that an adequate opportunity was provided to enable Respondent to respond to the alleged violations.

Board members Nathaniel Tippit, D.D.S., Paul Stubbs, D.D.S. and Ms. Amy Juba represented the full Board at the settlement conference pursuant to Section 263.007, Texas Occupations Code and Board Rule 107.63, 22 Tex. Admin. Code. Board staff present and participating were Stephanie Chambers, Assistant General Counsel; Cynthia Zuniga, Legal Administrator; Ben Ablon, Director of Enforcement. Dr. Tippit, Dr. Stubbs, and Ms. Juba considered information presented by staff, the Respondent and the Complainant. The Board panel members, having carefully considered the Board's disciplinary guidelines, recommend the following Agreed Settlement Order contingent on the full Board's approval.
FINDINGS OF FACT

1. About the month of April 2001, you fell below the minimum standard of care in that you left open margins on the crown you seated on tooth #30 of patient N.H.

2. About the month of August 2002, Respondent failed to timely submit records to the Board upon demand.

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.

2. The conduct described in Finding of Fact No. 1 is a violation of Tex. Occ. Code §263.002(a)(4) and (10) (Vernon Supp. 2001); 22 Tex. Admin. Code §108.7 (West 2001).

3. The conduct described in Finding of Fact No. 2 is a violation of 22 Tex. Admin. Code §108.8 (West 2002).

ORDER

IT IS THEREFORE AGREED and ORDERED THAT:

1. Respondent’s Texas Dental License No. 15983, issued to JOHN GARZA, DDS, is hereby issued the sanction of REPRIMAND.

2. Respondent SHALL pay an administrative monetary fine in the amount of six thousand dollars ($6,000.00) 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 due no later than six (6) months from the effective date of this Order.

3. Respondent SHALL complete a total of four (4) hours of Continuing Education courses. Under this stipulation, the continuing education courses SHALL be completed within six (6) months of the effective date of this Order. Continuing Education courses completed SHALL be in the following area(s):
This continuing education SHALL be in addition to Respondent’s annual continuing education hours required for licensure by the Board.

4. Under stipulation number three (3) above, 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.

5. Respondent SHALL take and pass the jurisprudence examination within six (6) months of the effective date of this Order. No later than thirty (30) days prior to taking the jurisprudence examination, Respondent SHALL notify the Board, in writing, as to the date and location of the examination that Respondent wishes to take. All written communication must be submitted to the Board’s Office of General Counsel, ATTENTION Compliance Officer. The examination fees for the examination SHALL be borne by Respondent and Respondent SHALL submit all required examination fees prior to taking the examination. A jurisprudence examination taken prior to the effective date of this Order SHALL NOT count towards satisfying this requirement.

6. 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.

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, 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.

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 Garza, DDS
Respondent

Diane Yeary notarized the signature of John Garza, DDS, this 21st day of August 200__.

Diane Yeary
NOTARY PUBLIC
IN and FOR THE STATE OF TEXAS

TSBDE Aug22'03 AM 11:50
STATE BOARD OF DENTAL EXAMINERS
SIGNED this 31st day of October 2003.

Nathaniel G. Tippit, DDS, President
State Board of Dental Examiners

J. Kevin Irons, DMD, Secretary
State Board of Dental Examiners

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