

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
JUAN CARLOS GARZA, D.V.M.	§	MEDICAL EXAMINERS

**AGREED ORDER**

On this the 8 day of December 2016 came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Juan Carlos Garza, D.V.M. ("Respondent"). Pursuant to Section 801.408 of the Texas Occupations Code, and Board Rule 575.29, an informal conference was held on October 17, 2016. Respondent attended the informal conference. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges understanding the alleged violations and the adequacy and sufficiency of the notice provided.

Upon the recommendation of the Enforcement Committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

**Findings of Fact**

1. Respondent, Juan Carlos Garza, D.V.M. of Houston, Texas, holds Texas veterinary license 10025.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 ("Act"). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners ("Board Rules") (22 Tex. Admin. Code, Chapter 575).
3. On December 30, 2015, Malise Saucier, the Director of Great Pyrenees Rescue Society (hereinafter "the Rescue"), presented her 1 year old neutered Great Pyrenees, named Nelson, to Respondent at Garza Veterinary Clinic. Nelson's foster family had reported that Nelson appeared to be in pain, so Ms. Saucier requested radiographs of Nelson's hind legs. Respondent

determined that Nelson was suffering from complete luxation of both coxofemoral joints due to hip dysplasia on both hips. Respondent recommended bilateral femoral head osteotomies.

4. Respondent performed the first femoral head osteotomy on February 16, 2016. The second femoral head osteotomy was performed two days later, on February 18, 2016. On February 20, 2016, Nelson was discharged to the Rescue.

5. Juliette Martine, who was to foster Nelson during his recovery, picked up Nelson from the Rescue on February 24, 2016. On that date, Ms. Martine noted that the incision sites were painful and oozing, and that Nelson was unable to walk.

6. On February 25, 2016, Ms. Martine presented Nelson to Dr. Jill Urofsky, D.V.M. Dr. Urofsky cleared the incision sites, took radiographs, and prescribed medication for pain, infection and swelling. Dr. Urofsky reviewed the radiographs, determined that a large portion of the femoral neck was still present on both femurs, and then referred Nelson to a specialist.

7. On March 1, 2016, Nelson was presented to Laurie Zacher, D.V.M., Diplomate ACVS, at the Central Texas Veterinary Specialty Hospital. Dr. Zacher noted that large portions of the femoral neck remained on each femur causing crepitus (bone on bone rubbing), and recommended revision surgery to both hind legs. Nelson was found to have staph infection and was treated with antibiotics. Nelson recovered from the revision surgery and subsequently underwent physical therapy.

### **Conclusions of Law**

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules.

2. Based on the above Findings of Fact, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, by failing to remove the femoral necks during the femoral head osteotomies, and, thus, failing to exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities.

3. Based on the above Findings of Fact and Conclusions of Law, Respondent has violated Sections 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:...

(6) engages in practice or conduct that violates the board's rules of professional conduct.

4. Based on the above Conclusions of Law, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose an administrative penalty.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

5. Based on the above Conclusions of Law, Respondent may be required to provide restitution to the client as set out in Section 801.408(e), INFORMAL PROCEEDINGS.

6. Based on the above Findings of Fact and Conclusions of Law, and given the nature and severity of the violations, Respondent's violations are Class B violations under Rule 575.25, RECOMMENDED SCHEDULE OF SANCTIONS, and Respondent is subject to discipline under that Rule.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent receive an INFORMAL REPRIMAND.

The Board further ORDERS that Respondent pay restitution to the Great Pyrenes Rescue Society in the amount of \$1,127, the amount paid for the services provided by Respondent. Proof of restitution SHALL be provided to the Board no later than forty-five (45) days from the effective date of this Order.

In addition, the Board ORDERS that Respondent complete THREE (3) hours of continuing education in orthopedics, in addition to the seventeen required annually for renewal of Respondent's license to practice veterinary medicine, within one year of the date the Board

approves this Order. Documentation of the completion of the continuing education penalty shall be received within forty-five (45) days after one year of the date the Board approves this Order. If Respondent fails to provide documentation of completion within forty-five (45) days of one year of the date the Board approves this Order, Respondent's license may be suspended until the continuing education penalty is completed and documentation is received by the Board.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, the laws of the State of Texas, and the laws of the United States.

2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Agreed Order.

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges understanding the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees to satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives the right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges having understood the right to be represented by legal counsel in this matter.

**RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.**

The effective date of this Agreed Order shall be the date it is adopted by the Board.

**Signature page follows.**

I, JUAN CARLOS GARZA, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

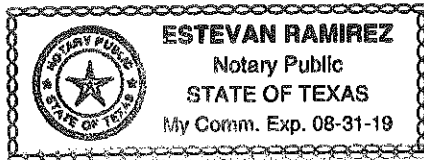
Juan Carlos Garza  
Juan Carlos Garza, D.V.M.

11-16-16  
DATE

STATE OF TEXAS §  
COUNTY OF Tarrant §

BEFORE ME, on this day, personally appeared Juan Carlos Garza, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me executing the same for the purposes stated therein.

Given under the hand and seal of office this 16 day of November, 2016.



[Signature]  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 8 December, 2016

[Signature]  
Roland Lenarduzzi, D.V.M., Board President