

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

GILBERTO A. GARZA, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Gilberto A. Garza, M.D., ("Dr. Garza") freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code §30-3-14(n):

FINDINGS OF FACT

1. Dr. Garza is licensed to practice medicine in the State of West Virginia, and his license is identified as License No. 13435, and Dr. Garza's address of record with the Board is in Huntington, West Virginia.

2. In May, 1996, a complaint was filed against Dr. Garza alleging that Dr. Garza had over-charged for his care and treatment of a patient, and in November, 1996, the Complaint Committee initiated its own complaint against Dr. Garza with respect to restrictions on Dr. Garza's medical staff privileges which had been imposed at Cabell Huntington Hospital, Huntington, in August, 1996.

3. Investigations commenced and Dr. Garza appeared for a full discussion of the complaint filed in May, 1996, with the Complaint Committee of the Board in November, 1996.

4. Continuing to practice medicine without the Board attaching conditions and limitations upon Dr. Garza's license to practice medicine in the State of West Virginia could adversely affect the health and welfare of a patient.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to provisions of West Virginia Code §30-3-1 to protect the public interest.

2. Probable cause exists to substantiate charges of disqualification from the practice of medicine due to violations of West Virginia Code §30-3-14(c)(9) and (17), and 11 CSR 1A 12.1(e), (j), and (p), all relating to deceptive representations in the practice of medicine and unprofessional conduct.

3. Pursuant to West Virginia Code §30-3-14(n), it is lawful and in the public interest to proceed without the filing of charges or a formal Complaint and Notice of Hearing, provided that Dr. Garza complies with the limitations and conditions set forth herein.

CONSENT

Gilberto A. Garza, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated

herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. Garza acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and West Virginia Code §29A-5-1, et seq.;

2. Dr. Garza acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him;

3. Dr. Garza waives all rights to such a hearing;

4. Dr. Garza consents to the entry of this Order relative to his practice of medicine in the State of West Virginia; and,

5. Dr. Garza understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings Of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Garza, the West Virginia Board of Medicine hereby **ORDERS** that:

1. Dr. Garza is PUBLICLY REPRIMANDED for his conduct which resulted in the restriction upon his medical staff privileges at Cabell Huntington Hospital, Huntington, West Virginia, and further, for said conduct Dr. Garza is assessed a civil fine in the amount of ten thousand dollars (\$10,000.00), the receipt of which civil fine is evidenced by the signatures of the President and the Secretary upon this Order.

2. During the next twenty-four (24) months, Dr. Garza shall enroll in and successfully complete fifty (50) hours of continuing medical education in medical ethics, fifty (50) hours in medical charting and documentation, fifty (50) hours in pharmacology, fifty (50) hours in general internal medicine, and Dr. Garza shall attend an intensive review of internal medicine of at least five (5) days duration. The courses may be selected by Dr. Garza with advance approval of the Board, and the continuing medical education hours obtained by Dr. Garza shall be in addition to and not to be counted towards the fifty (50) hours of continuing medical education required for all physicians to renew their medical licenses.

3. Within five (5) days of entry of this Order, Dr. Garza shall provide a copy of this Order to any employer or health care or medical facility where Dr. Garza is practicing medicine, and during the period that this Order is in effect, Dr. Garza shall provide a copy of this Order to any prospective employer or health care or medical facility where he seeks to practice medicine.

5. The failure of Dr. Garza to comply with any of the terms of this Consent Order, as determined by the Board, shall constitute grounds for the denial or revocation of any license to practice medicine in the State of West Virginia.

Entered this 28th day of May, 1997.

WEST VIRGINIA BOARD OF MEDICINE

A. Paul Brooks, Jr. M.D.
A. Paul Brooks, Jr., M.D.
President

Henry G. Taylor, M.D., M.P.H.
Henry G. Taylor, M.D., M.P.H.
Secretary

Gilberto A. Garza, M.D.
Date: 5/23/97

STATE OF West Virginia

COUNTY OF Cabell, to-wit:

I, Glennys L. Bondurant, a Notary Public for said county and state do hereby certify that Gilberto A. Garza, M.D., whose name is signed above has this day acknowledged the same before me.

Given under my hand this 23rd day of May, 1997.

My Commission expires 10-24-03.



Glennys L. Bondurant
NOTARY PUBLIC



. Curtis Arnold, D.P.M.
outh Charleston

ev. Richard Bowyer
airmont

. Paul Brooks, Jr., M.D.
arkersburg

hmed D. Faheem, M.D.
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Ir. Roger Foster
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State of West Virginia

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May 6, 1999

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Mr. Jewel F. McClanahan
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Lee Elliott Smith, M.D.
Princeton

S. Kenneth Wolfe, M.D.
Huntington

Kenneth Dean Wright, P.A.-C.
Huntington

Dear Dr. Garza:

The West Virginia Board of Medicine is in receipt of the documentation that you provided with your letter dated May 1, 1999.

You are advised that this notification now successfully completes requirement number two (2) of the May, 1997, Consent Order. As of the date of this letter, you have successfully completed all requirements of the Consent Order.

However, in accordance with the statute, the Consent Order remains a permanent part of your historical record maintained by the Board. A copy of this letter will be attached to the Consent Order and will remain a part of the Consent Order.

Thank you for your patience and cooperation throughout this process. Continued best wishes for success.

Sincerely,

Ronald D. Walton

eb

pc: James W. Thomas, Esq.

RESIDENT

rjit Singh, M.D.
eirton

VICE PRESIDENT

Leonard Simmons, D.P.M.
Fairmont

SECRETARY

Henry G. Taylor, M.D., M.P.H.
Charleston

COUNSEL

Deborah Lewis Rodecker
Charleston

EXECUTIVE DIRECTOR

Ronald D. Walton
Charleston