

COMPLAINT NO. 2025-00553

IN THE MATTER OF

§
§
§
§
§
§

**BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL**

HERIBERTO GARZA JR.

**THE TEXAS STATE BOARD
OF EXAMINERS OF
PSYCHOLOGIST**

AGREED ORDER

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council (“Council”) hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of Council, which have been approved and accepted by Heriberto Garza Jr. (“Respondent”) and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a School Psychologist (#71620) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent served as an internship supervisor to an intern (“Intern”) from July 2024 through February 2025. During this time, Respondent entered into a dual relationship with Intern.
3. Respondent engaged in sexual impropriety with Intern, during and shortly following his time as Intern’s supervisor, July 2024 through February 2025.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 501 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 21 and 41.
2. Violation of the Council’s Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§501.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 Tex. Admin. Code §465.13 (b)(1) pertaining to Personal Problems, Conflicts and

Dual Relationships, and 22 Tex. Admin. Code §465.33(e) pertaining to Improper Sexual Conduct.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is SUSPENDED for a period of one (1) year from the effective date of this order. However, this suspension shall be PROBATED, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of psychology. Although the probated suspension ordered herein will result in Respondent's license being restricted, Respondent shall take all steps necessary to renew and maintain Respondent's license while this order is in effect. Respondent's license shall remain on restricted status until all terms of this order have been satisfactorily completed.
2. Respondent shall be required to participate in therapy for no less than one year from the date this order is ratified. Respondent shall, within thirty (30) days of the date this order is ratified, submit to the Council, or its designee, for approval the name and qualifications of a clinical social worker, marriage and family therapist, professional counselor, or psychologist ("therapist") who has agreed to provide Respondent therapy. The Respondent must submit a copy of the therapist's CV and receive written approval from the Council, or its designee, before any of the therapy Respondent receives may be acceptable to meet the requirements of this order. The therapist shall (1) be Texas-licensed with no record of disciplinary actions; and (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the therapist's function or duties. Once approved, the therapist shall submit to the Council, or its designee, a treatment plan by which the therapist plans to assess and treat the Respondent; the therapist may make modification to the treatment plan at the therapist's discretion, and any medications shall be reported to the Council, or its designee, in writing. Respondent must attend therapy at least two (2) times a month but if Respondent's therapist recommends therapy on a more frequent basis then Respondent must comply with such recommendations.

The minimum goals therapy must focus on are:

- Promoting understanding of how dual relationships can obscure professional boundaries and create confusion regarding the respective roles and expectations within the supervisor-supervisee relationship.
- Ensuring strong and consistent boundaries to safeguard both the supervisor and supervisee, thereby preserving the integrity and ethical standards of the supervision process.
- Developing strong coping skills such that Respondent can recognize and manage external stressors that may otherwise impact Respondent's ability to practice

competently and effectively.

It shall be Respondent's responsibility to assure the therapist submits written reports to the Council, or its designee, on a quarterly basis verifying that therapy has taken place, providing a general opinion and evaluation of the Respondent, and providing an opinion regarding the Respondent's ability to provide psychological services in safe and competent manner as well as any recommendations to enhance or maintain Respondent's fitness to practice psychology.

In the event Respondent's therapist indicates that Respondent is fit to practice psychology but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice psychology, Respondent shall comply with any and all recommendations made by Respondent's therapist. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be **SUSPENDED**, without further hearings, informal settlement procedures, or any right of appeal for judicial review, pending further review of Respondent by the Council, or its designee.

If the therapist indicates there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be **SUSPENDED**, without further hearings, informal settlement procedures, or any right of appeal for judicial review, pending further review of Respondent by the Council, or its designee.

After one (1) full year of therapy, and only if the Respondent's therapist recommends doing so in writing, Respondent may submit a written request to the Council, or its designee, to end this required therapy; and the Council, or its designee, may grant or deny this request at its own discretion. A full year of therapy shall be 365 days from the date Respondent has the first therapy session and continued for the minimum required two (2) sessions per month. If the therapist cannot continue providing therapy, Respondent shall get approval from the Council, or its designee, for a new therapist. If Respondent does not have any therapy for a period of more than thirty (30) days Respondent's license shall be **SUSPENDED**, without further hearings, informal settlement procedures, or any right of appeal for judicial review; until therapy resumes and the therapist submits a report attesting to Respondent's fitness to provide psychological services in safe and competent manner. During any period of non-therapy, the therapy time period shall be tolled and any period of non-therapy shall not apply to the reduction of this required therapy time period. Respondent shall pay all costs associated with this therapy requirement.

3. Respondent shall not act in the role of supervisor for any students, interns, and/or trainees for a period of two (2) years from the date this order is ratified. Respondent may resume

supervision of students, interns, and/or trainees after this two (2) year period if, and only if, Respondent's therapist provides a written opinion deeming Respondent safe and competent to resume such supervision. Should Respondent's therapist deem Respondent unfit to provide supervision to students, interns, and/or trainees, Respondent shall be indefinitely suspended from acting in the role of supervisor for any students, interns, and/or trainees. Following the two (2) year limitation period, should Respondent fail to provide the Council with a written opinion from Respondent's therapist deeming Respondent safe and competent to resume supervision of students, interns, and/or trainees, Respondent shall be suspended from acting in the role of supervisor for any students, interns, and/or trainees until providing the Council with such a written opinion from Respondent's therapist. If Respondent acts in the role of supervisor for any students, interns, and/or trainees during the two (2) year period from the date this order is ratified, Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review, pending further review of Respondent by the Council, or its designee.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

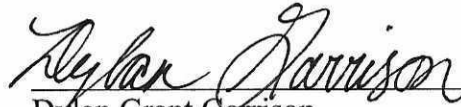
FOR THE RESPONDENT:



Heriberto Garza Jr.
Licensed School Psychologist
#71620

DATE SIGNED: 05/11/2026

FOR THE STAFF OF THE COUNCIL:



Dylan Grant Garrison
Texas Bar No. 24149644
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Suite 7.300
Austin, Texas 78701

DATE SIGNED: 5/12/2026

APPROVED, RATIFIED, AND ENTERED THIS 12th DAY OF May, 2026.



Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council