

IN THE MATTER OF	§	BEFORE THE
Homero Cavazos, D.C.	§	TEXAS BOARD OF
LICENSE NO. 11011	§	CHIROPRACTIC EXAMINERS

**AGREED FINAL ORDER**

On this 13 day of November, 2014, the Texas Board of Chiropractic Examiners (“Board”) considered the matter of the license of Homero Cavazos, D.C., Respondent.

This agreed order is executed pursuant to the authority of the Administrative Procedure Act (APA), Texas Government Code §2001.056, which authorizes the informal disposition of contested cases. In a desire to conclude this matter without further delay and expense, the Board and Respondent agree to resolve this matter by this Agreed Final Order. The Respondent agrees to this order for the purpose of resolving this proceeding only and without admitting or denying the findings of fact and conclusions of law set out in this order.

Upon recommendation of the Enforcement Committee, the Board makes the following findings of fact and conclusions of law and enters this order:

**FINDINGS OF FACT**

1. Homero Cavazos, D.C., Respondent, is a chiropractor licensed by the Board to practice chiropractic in the State of Texas and is therefore subject to the jurisdiction of the Board; the Chiropractic Act, Texas Occupations Code, Chapter 201; and the Board’s rules, Texas Administrative Code, Title 22, §§71.1-80.7.
2. On or about October 24, 2013, Respondent had a website called “BrainworX” and advertises the treatment of AD/HD, dyslexia, autism and other neuro-developmental disorders that are not related to the biomechanical condition of the spine and the musculoskeletal system of the human body and not with a DC’s scope of practice.
3. On or about October 24, 2013 was treating patients with AD/HD, dyslexia, autism and other neuro-developmental disorders.
4. On April 8, 2014, the Board’s Enforcement Committee met and voted to recommend imposition of an administrative penalty of \$500.00, as authorized by the Chiropractic Act, TEX. OCC. CODE §201.551, and 22 TEX. ADMIN. CODE §75.10(c), for advertising services not within the scope of practice and practicing outside of scope.

## CONCLUSIONS OF LAW

1. Homero Cavazos, D.C., Respondent, is subject to the jurisdiction of the Board and is required to comply with the Chiropractic Act and the Board's rules.
2. By for advertising services not within the scope of practice and practicing outside of scope, Respondent violated Board rule 22 TEX. ADMIN. CODE §77.2(b), and §75.17(d)(2)(D), which states:

§77.2 Publicity. (b) In any form of public communication, a licensee or facility shall not describe services that are inconsistent with the practice of chiropractic as described under §75.17 of this title (relating to Scope of Practice).

§75.17 Scope of Practice. (d) Analysis, Diagnosis, and Other Opinions. (2) Analysis, diagnosis, and other opinions regarding the findings of examinations and evaluations which are outside the scope of chiropractic include: (D) other analysis, diagnosis, and other opinions that are inconsistent with the practice of chiropractic and with the analysis, diagnosis, and other opinions described under this subsection.

3. On a determination that a person has violated the Chiropractic Act or Board rules, the Board is authorized pursuant to §201.501 of the Chiropractic Act to revoke or suspend the person's license, place on probation a person whose license has been suspended, reprimand a license holder, or impose an administrative penalty against the license holder.


NOW THEREFORE, it is the ORDER of the Texas Board of Chiropractic Examiners that:

1. Homero Cavazos, D.C., Respondent, shall:
  - a. pay an administrative penalty of \$500.00 within thirty days from the date the Board approves this Agreed Final Order; and
  - b. comply with all provisions of the Chiropractic Act and the Board's rules in the future, or subject himself to further disciplinary action by the Board, including the possible revocation of his license to practice chiropractic.
2. Upon approval by the Board, the President of the Board (or Chair of the Enforcement Committee) and the Executive Director are authorized to sign this order on behalf of the Board.

By signing this Agreed Final Order, Respondent:


1. Agrees to its terms, acknowledges his understanding of it, and agrees that he will satisfactorily comply with the mandates of this Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board; and
2. Waives his rights to a formal hearing and any right to judicial review of this Order.

I, Homero Cavazos, D.C., HAVE READ AND UNDERSTAND THE FOREGOING AGREED FINAL ORDER. I UNDERSTAND THAT BY SIGNING THIS AGREED FINAL ORDER, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I UNDERSTAND THIS AGREED FINAL ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, ORAL, WRITTEN, OR OTHERWISE.

  
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Homero Cavazos, D.C.  
License No. 11011

DATE: 8-20-14

Approved by a majority of the Texas Board of Chiropractic Examiners on this 13 day of November, 2014.

  
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Yvette T. Yarbrough  
Executive Director

Texas Board of Chiropractic Examiners  
333 Guadalupe  
Tower III, Ste. 3-825  
Austin, TX 78701