TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 306
Austin, TX 78704

DOCKET NUMBER 1990-2
CHERYL A. NAZZAL, D.V.M.
License No. 5535

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Nazzal and the Texas State Board of Veterinary Medical Examiners staff in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Nazzal will be granted a continuance at his/her option.

Dr. Nazzal does not contest the allegations set forth in the Complaint and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he/she is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES:

Prescribing, providing and administering dangerous drugs when not necessary or required for the care of animals.

RECOMMENDED DISCIPLINARY ACTION:

1. A one (1) year suspension, all probated, effective October 5, 1989.

CONDITIONS:

1. Obtain twenty-five (25) hours of continuing education during the year of probation.
2. Perform fifty (50) hours of community service, the details of which to be arranged through the Board staff.
3. Take and pass the State Board Jurisprudence Examination within sixty (60) days of this agreement.
4. Submit quarterly reports certifying continued compliance with the Order during the probationary period, with the first report due January 2, 1990.
5. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.

Cheryl A. Nazzal

Donald B. Wilson, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Witness
The foregoing Agreed Settlement, entered into between Dr. Cheryl A. Nazzal, the Board Secretary, Dr. Robert Lewis and Board Executive Staff and having been presented to the Texas Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on October 5, 1989 ORDERED that all penalties and conditions as stated therein be complied with the same as if the Board had heard evidence and testimony and as a result of such hearing has issued Findings, Conclusions and Orders.

Jim F. Humphrey, President
Robert D. Lewis, D.V.M., Secretary
W. L. Anderson, D.V.M., Member
Larry M. Dubuisson, D.V.M., Member
Olivia Eudaly, Member
Mike Levi, Member
Mary E. Mainster, D.V.M., Member
Edward S. Murray, D.V.M., Member

Date
October 5, 1989
Date
Date
Date
Date
Date
Date
DOCKETED COMPLAINT NO. 1990-2
TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS VS. CHERYL ANNE NAZZAL, D.V.M.
TEXAS VETERINARY MEDICAL LICENSE NO. 5535 1989 RENEWAL CERTIFICATE NUMBER 1538

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared JOE RIZZO, who after being duly sworn, did depose and say:

I, JOE RIZZO, being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one CHERYL ANNE NAZZAL, D.V.M., P.O. Box 187, Gilmer, Upshur County, Texas, Texas Veterinary License Number 5535, 1989 Renewal Certificate Number 1538, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, JOE RIZZO do hereby present the following complaint against CHERYL ANNE NAZZAL, D.V.M., who is hereinafter called Respondent.

I.

On or about January, 1987, Respondent administered Imovax Rabies I.D. Rabies Vaccine U.S.P. (Human Diploid Cell) manufactured by Merieux Institute to her employees Carole Klinger, Debbie Hendrix and Kevin Meyers. This was followed up with a booster injection in two weeks; to Ms. Hendrix and Ms. Klinger

II.

On or about January, 1987 Carole Klinger and Debbie Hendrix suffered local reactions to the rabies vaccination booster and Respondent provided and dispensed furosemide, prednisolone and chlorpheniramine to treat the reaction.

III.

On or about March, 1987 Respondent prescribed and administered oral Banamine, aka flunixin meglumine to employee Debbie Hendrix for treatment of a migraine headache.

IV.

On or about November or December, 1986 Respondent administered injectable B-12, a prescription vitamin, to a 4-5 year old, female child, the daughter of Kim Myers. The vitamin shot had been recommended by an M.D. to improve the child’s appetite.

V.

By administering Imovax Rabies I.D. Rabies Vaccine U.S.P. (Human Diploid Cell) manufactured by Merieux Institute to her employees Carole Klinger, Debbie Hendrix and Kevin Meyers, and following up with a booster injection as outline in Paragraph I; by providing and dispensing furosemide, prednisolone and chlorpheniramine to treat
Carole Klinger and Debbie Hendrix for a local reactions to the rabies vaccination as outlined in Paragraph II; by prescribing and administering Banamine, aka flunixin meglumine, to employee Debbie Hendrix for treatment of a migraine headache as outlined in Paragraph III; and, by administering injectable B-12, a prescription vitamin to a 4-5 year old female child as outlined in Paragraph IV, Respondent has violated Rule 33 of the Rules of Professional Conduct which states:

**Rule 33 - Controlled Substances**

It is unprofessional conduct and a violation of the Rules of Professional Conduct for the veterinary profession to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to any person, narcotic drugs, dangerous drugs, or any controlled substances that are not necessary or required for the care of animals or where the use or possession of such drugs would promote addiction thereto. For purposes of the rule the term Narcotic Drugs, Dangerous drugs, and Controlled Substances shall mean those which are defined and recognized as such by any law of the State of Texas or of the United States.

VI.

The Texas State Board of Veterinary Medical Examiners has authority to take disciplinary action against DR. CHERYL A. NAZZAL’S veterinary license under the Texas Veterinary Licensing Act, Article 7465a, V.A.C.S., Section 14(a)(5), and (12) which states in part:

**Art. 7465a, Sec. 14(a)(5) and (12), Veterinary Licensing Act**

"...the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation or reprimand a licensee....if it finds that an applicant or licensee:

(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law;

(12) has ordered prescription drugs/or/controlled substances for treatment of an animal without first establishing a valid/veterinarian-patient-client/relationship;"

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 25th day of September, 1989.

Further, Affiant sayeth not.

[Signature]

JOE RIZZO, Affiant
SUBSCRIBED and SWORN TO before me by the said JOE RIZZO, this the 25th day of September, 1989.

JUDY C. SMITH
Notary Public, State of Texas
My Commission Expires SEP. 13, 1993

JUDY C. SMITH
Notary Public in and for Texas
My Commission Expires: September 13, 1993

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Cheryl A. Nazzal, D.V.M. under Docketed Number 1990-2, this the 25th day of September, 1989.

ROBERT D. LEWIS, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners