This negotiated settlement has been entered by agreement between Dr. Nazzal, legal counsel for 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, attached as Exhibit "A" and incorporated herein for all purposes, 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:

- Failure to maintain drug inventory records, adequate patient records, allowing the practice of veterinary medicine by an unlicensed employee, and violations of the Rabies Control Act.

RECOMMENDED DISCIPLINARY ACTION:

1. A three (3) year suspension with the entire period being probated.
2. Pay a Civil Penalty in the sum of $1,500.00.
3. Submit copies of drug invoices and controlled substances log on a quarterly basis, during probationary period,

CONDITIONS:

1. Submit quarterly reports certifying continued compliance with the Orders during the probationary period, with the first report due May 1, 1992.
2. Abide by the laws and rules of the State of Texas as they pertain to the practice of veterinary medicine.
3. Take and pass the State Board Jurisprudence Examination as scheduled by the Board staff.

4. Obtain twenty (20) hours of Continuing Education each year of the probationary period.

CHERYL ANNE NAZZAL, D.V.M.

Buddy Matthijetz, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Date: 3/9/92
Office of the Attorney General  
State of Texas  

DAN MORALES  
ATTORNEY GENERAL  

January 24, 1992  

AIRBORNE EXPRESS  

Mr. David B. Griffith  
Attorney at Law  
104 North Trinity  
Gilmer, Texas  75644  

Re:  Texas State Board of Veterinary Medical Examiners vs. Cheryl Anne Nazzal,  
     D.V.M.  

Dear Mr. Griffith:  

Attached is the Board's First Amended Complaint Affidavit Form. Old paragraphs  
VIII and XVI have been deleted in their entirety. In addition, several other paragraphs  
have been modified in light of the depositions conducted January 13, 1992.  

Further, please be advised that we will not be rescheduling the deposition of Ms.  
Kristi Hinson as we have no intention or need to use her testimony at the hearing scheduled  

Please feel free to call if you have questions.  

Yours very truly,  

Jennifer S. Riggs  
Assistant Attorney General  
Chief, Administrative Law  
Section  
General Litigation Division  
(512) 463-2120  

Nazzal.VET  
Enclosure  
cc:  Buddy Matthijetz  
     Dr. Cheryl Nazzal
DOCKETED COMPLAINT NO. 1992-01

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS vs. CHERYL ANNE NAZZAL, D.V.M.

FIRST AMENDED COMPLAINT AFFIDAVIT FORM

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

On or about January 25, 1991, Ernie M. Carroll, 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., Animal Medical & Surgical Hospital of Gilmer, Inc., Highway 154 West, Gilmer, Upshur County, Texas, Veterinary License Number 5535, 1991 Renewal Certificate Number 0716, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Ernie M. Carroll, do hereby present the following complaint against CHERYL ANNE NAZZAL, D.V.M., who is hereinafter called Respondent.

I.

During the period of June of 1988, to February of 1990, Respondent allowed Kristi Hinson, Virginia Koerner and Helen Anderson, unlicensed employees to vaccinate, treat, and to dispense medications for domestic animals.

II.

During the period of June of 1988, to February of 1990, Respondent allowed in her absence, unlicensed persons in her employment to complete rabies vaccination records and to sign her signature to rabies certificates. During the same period, Respondent, on "rabies drives" would routinely pre-sign rabies certificates.

III.

During the period of December, 1988, to March, 1990, Respondent ordered and received 2,200 Diazepam, 10 mg. tablets, a Schedule IV Controlled Substance. Respondent was unable to account adequately for the disposition of 1,700 of the 2,200 tablets received. During the same time period, Respondent ordered and received 300 Diethylpropion, 25 mg. tablets, a Schedule IV Controlled Substance. Respondent was unable to adequately account for the 300 Diethylpropion tablets received.

First Amended Complaint Affidavit Form
NAZZAL, VET
IV.

During the period of March, 1990 to July, 1991, Respondent failed to properly account for the following scheduled drugs in her controlled substance inventory:

<table>
<thead>
<tr>
<th>Drug</th>
<th>Previous Balance</th>
<th>Purchased</th>
<th>Total</th>
<th>Disp/Adm.</th>
<th>Computer Balance</th>
<th>Discrep.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diazepam 10 mg. Tab.</td>
<td>104</td>
<td>800</td>
<td>904</td>
<td>620</td>
<td>48</td>
<td>236 unaccounted for</td>
</tr>
<tr>
<td>Diazepam 5 mg. Tab.</td>
<td>0</td>
<td>2,000</td>
<td>2,000</td>
<td>691</td>
<td>289</td>
<td>1,020 unaccounted for</td>
</tr>
<tr>
<td>Diazepam 26cc 5 mg. Inj.</td>
<td>100</td>
<td>126</td>
<td>101.5</td>
<td>38</td>
<td></td>
<td>13.5 excess</td>
</tr>
<tr>
<td>Phenobarbital 30 mg. Tab (M.S.)</td>
<td>0</td>
<td>0</td>
<td>150</td>
<td>-82</td>
<td></td>
<td>232 excess</td>
</tr>
<tr>
<td>Phenobarbital 30 mg. Tab.</td>
<td>1,030</td>
<td>1,030</td>
<td>290</td>
<td>1,080</td>
<td></td>
<td>340 excess</td>
</tr>
<tr>
<td>Hy codan 5 mg. Tab.</td>
<td>0</td>
<td>100</td>
<td>5</td>
<td>0</td>
<td></td>
<td>95 unaccounted for</td>
</tr>
<tr>
<td>Diphenoxylate Hcl. w/atrp. 2.5 mg. Tab.</td>
<td>0</td>
<td>568</td>
<td>0</td>
<td>284</td>
<td></td>
<td>284 unaccounted for</td>
</tr>
</tbody>
</table>

V.

During the period of March, 1990, to July, 1991, Respondent's controlled substance records fail to reflect diagnoses for the use of and balances on hand of the controlled substances used.

VI.

During the period of October, 1989, to June, 1990, Respondent failed to keep complete patient records by not describing names and dosages of anesthesia used.
VII.

During the period of September, 1988, to December, 1988, Respondent failed to adequately examine Dr. R. A. Hinson's dog "Jedi", prior to dispensing diazepam, a controlled substance, to control seizures. In addition, Respondent dispensed diazepam under circumstances in which Respondent should have known the diazepam was not administered to the dog "Jedi."

VIII.

During June, 1990, Respondent dispensed two syringes of medication to Ms. Mary Irons with no labels.

IX.

By allowing, in her absence, unlicensed employees, Kristi Hinson, Virginia Koerner, and Helen Anderson to treat, vaccinate, and dispense medication for domestic animals, as described in Paragraph I, Respondent has violated Rules of Professional Conduct No. 573.10, Direct Supervision of Laymen, 573.11, Discouragement of Unauthorized Practice, and Article 8890, Section 14(a) (5) of the Texas Veterinary Licensing Act.

X.

By allowing unlicensed persons in her employment to complete rabies vaccination records and to sign her name to rabies certificates, and to presign rabies certificates as described in Paragraph II, Respondent has violated Rules of Professional Conduct 573.10, Direct Supervision of Laymen; 573.51, Rabies Control; and Article 8890, Sections 14(a) (5) and (7) of the Texas Veterinary Licensing Act.

XI.

By failing to adequately account for 1,700 of the 2,200 10 mg. Diazepam tablets received and for 300 of the 300 Diethylpropion tablets, as described in Paragraph III, Respondent has violated Rule 573.50 of the Rules of Professional Conduct and Article 8890, Section 14(a) (5) of the Texas Veterinary Licensing Act.

XII.

By failing to properly account for discrepancies in controlled substance record as described in Paragraph IV, and by failing to reflect diagnoses and balances on hand of the controlled substances in her controlled substance record as described in Paragraph V, Respondent has violated Rule 573.50, Controlled Substances Record Keeping for Drugs on Hand and Article 8890, Section 14(a) (5) of the Texas Veterinary Licensing Act.

First Amended Complaint Affd. Form
Nazal.VET
XIII.

By failing to maintain complete individual patient records reflecting the type and amounts of drugs used for anesthesia, as described in Paragraph VI, Respondent has violated Rule of Professional Conduct No. 573.52, Patient Record Keeping, and Article 8890, Section 14(a)(5) of the Texas Veterinary Licensing Act.

XIV.

By failing to adequately examine Dr. R. A. Hinson's dog "Jedi", prior to dispensing diazepam, a controlled substance, to control seizures, and by dispensing diazepam in circumstances in which Respondent should have known the dog "Jedi" was not receiving the diazepam, as described in Paragraph VII, Respondent has violated Article 8890, Section 14(a)(5) of the Texas Veterinary Licensing Act.

XV.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Nazzal's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14 of the Texas Veterinary Licensing Act.

The foregoing amended complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 24th day of January, 1992.

Further, Affiant sayeth not.

[Signature]

ERNIE M. CARROLL, Affiant

SUBSCRIBED AND SWORN TO before me by the said ERNIE M. CARROLL, this the 24th day of January, 1992.

[Signature]

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

The foregoing Complaint was initially filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. CHERYL ANNE NAZZAL, D.V.M. under Docketed Number 1992-01, on the 27th day of September, 1991. This amendment was filed on January 24, 1992.
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been forwarded by certified mail, return receipt requested to Mr. David B. Griffith, Attorney at Law, 104 North Trinity, Gilmer, Texas 75644 on this the 21st day of January, 1992.

[Signature]

Jennifer S. Riggs
January 27, 1992

Ms. Jennifer Riggs
Assistant Attorney General
P. O. Box 12548
Austin, Texas 78711-2548

RE: Docketed Complaint No. 1992-01
Texas Board of Veterinary Medical Examiners vs. Cheryl A. Nazal, DVM

Dear Ms. Riggs:

This letter will confirm our agreement regarding a negotiated settlement in the above referenced matter. My client has agreed to all of the terms that we discussed, which will be set out hereafter with more particularity. My client's agreement to these terms is evidenced by her signature below, and also by my signature.

The specific terms of the negotiated settlement are as follows:

1. Three (3) years suspension of my client's veterinary license, which suspension will be probated for a period of three (3) years;
2. A $1,500.00 fine;
3. Twenty (20) hours of continuing education per year;
4. The successful completion of the Veterinary Board Jurisprudence Exam;
5. Quarterly compliance reports, including all Drug Logs and Drug Inventory Reports.

It is my understanding that the entry of this negotiated settlement will neither be an admission nor denial of liability nor a stipulation of the truthfulness of the facts therein, but will be a stipulation that the facts and allegations in the complaint can be accepted as true for the purpose of the entry of an order.

It is further my understanding that this settlement will be presented to the Board on Wednesday, January 29, 1992, in lieu of the hearing. In the event that the Board chooses not to accept this, then the hearing will be rescheduled at a later date and that my client's presence on January 29, 1992, is not required.
Ms. Jennifer Riggs
Page 2
January 27, 1992

If any of the above facts or statements are in error or do not completely set out our agreement, please contact me immediately so that we can rectify the language therein.

Thank you for your courtesies and cooperation in this matter.

Sincerely,

[Signature]

David B. Griffith

DBG/jh
APPROVED:

[Signature]

Cheryl A. Mazza
DOCKETED COMPLAINT NO. 1992-01

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

CHERYL ANNE NAZZAL, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 5535
1991 RENEWAL CERTIFICATE NUMBER 0716

COMPLAINT AFFIDAVIT FORM

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

On or about January 25, 1991, Ernie M. Carroll, 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., Animal Medical & Surgical Hospital of Gilmer, Inc., Highway 154 West, Gilmer, Upshur County, Texas, Veterinary License Number 5535, 1991 Renewal Certificate Number 0716, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Ernie M. Carroll, do hereby present the following complaint against CHERYL ANNE NAZZAL, D.V.M., who is herein-after called Respondent.

I.

During the period of June of 1988 to February of 1990, Respondent allowed Kristi Hinson, Virginia Koerner and Helen Anderson, unlicensed employees, to vaccinate, treat and to prescribe medications for domestic animals.

II.

During the period of June of 1988 to February of 1990, Respondent allowed, in her absence, unlicensed persons in her employment to complete rabies vaccination records and to sign her signature to rabies certificates.

III.

During the period of December, 1988 to March, 1990, Respondent ordered and received 2,200 Diazepam, 10 mg. tablets, a Schedule IV Controlled Substance. Respondent was unable to account for the disposition of 1,700 of the 2,200 tablets received. During the same time period, Respondent ordered and received 300 Diethylpropion, 25mg. tablets, a Schedule IV Controlled Substance. Respondent was unable to account for any of the 300 Diethylpropion tablets received.

IV.

During the period of March, 1990 to July, 1991, Respondent failed to properly account for the following scheduled drugs in her controlled substance inventory.
<table>
<thead>
<tr>
<th>DRUG</th>
<th>PREVIOUS BALANCE</th>
<th>PURCHASED</th>
<th>TOTAL</th>
<th>DISP./ADM.</th>
<th>COMPUTER BALANCE</th>
<th>DISCREP.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diazepam 10mg. Tab.</td>
<td>104</td>
<td>800</td>
<td>904</td>
<td>620</td>
<td>48</td>
<td>236</td>
</tr>
<tr>
<td>Diazepam 5mg. Tab.</td>
<td>0</td>
<td>2,000</td>
<td>2,000</td>
<td>691</td>
<td>289</td>
<td>1,020</td>
</tr>
<tr>
<td>Diazepam 5mg. Inj.</td>
<td>26 cc</td>
<td>100</td>
<td>126</td>
<td>101.5</td>
<td>38</td>
<td>13.5</td>
</tr>
<tr>
<td>Phenobarbital 30mg. Tab (M.S.)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>150</td>
<td>-82</td>
<td>232</td>
</tr>
<tr>
<td>Phenobarbital 30mg. Tab.</td>
<td>0</td>
<td>1,030</td>
<td>1,030</td>
<td>290</td>
<td>1,080</td>
<td>340</td>
</tr>
<tr>
<td>Hycodan 5mg. Tab.</td>
<td>0</td>
<td>100</td>
<td>100</td>
<td>5</td>
<td>0</td>
<td>95</td>
</tr>
<tr>
<td>Diphenoxylate Hcl. 568 w/atrp. 2.5mg. Tab.</td>
<td>0</td>
<td>568</td>
<td>0</td>
<td>284</td>
<td>284</td>
<td>unaccounted for</td>
</tr>
</tbody>
</table>

V.

During the period of March, 1990 to July, 1990, Respondent’s controlled substance records fail to reflect diagnoses and balances on hand of the controlled substances used.

VI.

During the period of October, 1989 to June, 1990, Respondent failed to keep complete patient records by not describing names and dosages of anesthesia used.

VII.

During the period of September, 1988 to December, 1988, Respondent made false entries on the patient record of Dr. R.A. Hinson’s dog "Jedi", in that she described his seizures and her dispensing diazepam, a controlled substance, to control the seizures, when in fact, those events did not occur.

VIII.

During January, 1989, Respondent failed to complete the castration of a cryptorchid horse owned by Robert and Helen Anderson; charged for the entire surgery; and noted on the patient records that the fee would be based on the satisfactory completion of welding work Robert Anderson was doing for Respondent.

IX.

During June, 1990, Respondent dispensed two syringes of medication to Ms. Mary Irons with no labels.
X.

By allowing, in her absence, unlicensed employees, Kristi Hinson, Virginia Koerner and Helen Anderson to treat, vaccinate and prescribe medication for domestic animals as described in Paragraph I, Respondent has violated Rules of Professional Conduct No. 573.10, Direct Supervision of Laymen, 573.11, Discouragement of Unauthorized Practice, and Article 8890, Section 14(a) (5) of the Texas Veterinary Licensing Act which state in part:

573.10 DIRECT SUPERVISION OF LAYMEN
(a.) A licensed veterinarian shall not allow an unlicensed person to issue presigned certificates with the veterinarian’s signature affixed thereto. The licensee shall not permit an unlicensed person to inoculate or treat animals unless the inoculation or treatment are done under the direct supervision of the licensed veterinarian; provided however, an unlicensed individual shall not perform the following health care services: surgery; diagnosis and prognosis of animal diseases; and prescribing of drugs, medicine, and appliance for domestic animals.

(b.) "Direct Supervision" shall mean the supervision of those tasks or procedures that do not require the presence of a veterinarian in the room where performed, but require the presence of a licensee on the premises and availability for prompt consultation and treatment.

573.11 DISCOURAGEMENT OF UNAUTHORIZED PRACTICE
A licensed veterinarian shall be professionally and legally responsible for the unauthorized practice of veterinary medicine by unlicensed employees within the scope of their employment. An employee's unauthorized practice of veterinary medicine without a license constitutes grounds for the Texas State Board of Veterinary Medical Examiners to take action against the licensed veterinarian.

ARTICLE 8890, SEC. 14(a)
". . . 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 license . . . if it finds that . . . a 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 law;"

XI.

By allowing unlicensed persons in her employment to complete rabies vaccination records and to sign her name to rabies certificates, as described in Paragraph II, Respondent has violated Rules of Professional Conduct 573.10, Direct Supervision of Laymen; 573.51, Rabies Control; and Article 8890, Sections 14(a) (5) and (7) of the Texas Veterinary Licensing Act which state in part:
573.10 DIRECT SUPERVISION OF LAYMEN
(a.) A licensed veterinarian shall not allow an unlicensed person to issue presigned certificates with the veterinarian’s signature affixed thereto. The licensee shall not permit an unlicensed person to inoculate or treat animals unless the inoculation or treatment are done under the direct supervision of the licensed veterinarian; provided however, an unlicensed individual shall not perform the following health care services: surgery; diagnosis and prognosis of animal diseases; and prescribing of drugs, medicine, and appliance for domestic animals.

(b.) "Direct Supervision" shall mean the supervision of those tasks or procedures that do not require the presence of a veterinarian in the room where performed, but require the presence of a licensee on the premises and availability for prompt consultation and treatment.

573.51 RABIES CONTROL
(a.) Each Texas licensed veterinarian shall keep a record of each rabies vaccination administered by him/her for at least three (3) years. The record of said vaccination shall include the date administered, animal’s breed, age, approximate weight, name, color, owner, the vaccine expiration date, together with its serial number. The name, address and telephone number of the administering veterinarian, along with his/her signature and license number shall be included. The tag shall include the tag serial number, clinic name, or veterinarian’s name, telephone number, or address and the title "Rabies".

ARTICLE 8890, SEC. 14(a)
". . . 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 . . . a 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 law;"

". . . (7) has fraudulently issued a health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine that relates to the presence or absence of animal disease."

XII.

By failing to account for 1,700 of the 2,200 10 mg. Diazepam tablets received and 300 of the 300 Diethylpropion tablets, as described in Paragraph III, Respondent has violated Rule 573.50 of the Rules of Professional Conduct and Article 8890, Section 14(a)(5) of the Texas Veterinary Licensing Act which state in part:

573.50 CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND
Texas veterinarians shall maintain at their place of business records of all scheduled drugs listed in the Texas Controlled Substances Act, in their possession. These records shall be maintained for a minimum of five (5) years. The form for
keeping records of those drugs shall contain the following information in addition to the name of the drug:

1. Date of acquisition,
2. Quantity purchased,
3. Date administered, dispensed,
4. Quantity administered, dispensed,
5. Name of client and patient receiving the drug(s),
6. Diagnosis and

ARTICLE 8890, SEC. 14(a)
"... 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 license ... if it finds that ... a 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 law;"
XIV.

By failing to maintain complete individual patient records reflecting the type and amounts of drugs used for anesthesia, as described in Paragraph VI, Respondent has violated Rule of Professional Conduct No. 573.52, Patient Record Keeping, and Article 8890, Section 14(a)(5) of the Texas Veterinary Licensing Act which state in part:

573.52 PATIENT RECORD KEEPING
(a.) Individual records will be maintained at the place of business and include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, names and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

(b.) Patient records shall be current and maintained on the business premises for a period of three years and are the responsibility and property of the employing veterinarian.

ARTICLE 8890, SEC. 14(a)
"... 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 license ... if it finds that ... a licensee:

... 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 law;"

XV.

By making false entries on the patient record of Dr. R.A. Hinson's dog "Jedi", describing seizures and Respondent dispensing diazepam, a controlled substance, to control the seizures, when in fact, those events did not occur, as described in Paragraph VII, Respondent has violated Rule of Professional Conduct No. 573.52, Patient Record Keeping, and Article 8890, Section 14(a)(5) of the Texas Veterinary Licensing Act which state in part:

573.52 PATIENT RECORD KEEPING
(a.) Individual records will be maintained at the place of business and include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, names and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

(b.) Patient records shall be current and maintained on the business premises for a period of three years and are the responsibility and property of the employing veterinarian.

ARTICLE 8890, SEC. 14(a)
"... 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 license ... if it finds that ... a 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 law;"

XVI.

By failing to complete the surgery, and charging for services rendered to Robert & Helen Anderson's horse, based upon whether or not she was satisfied with the quality of welding work done by Mr. Anderson, as described in paragraph VIII, Respondent has violated Rule 573.22, Professional Standard of Humane Treatment; Rule 573.26 Honesty, Integrity and Fair Dealing; and Article 8890, Section 14(a)(3) and (5) of the Texas Veterinary Licensing Act which state in part:

573.22 PROFESSIONAL STANDARD OF HUMANE TREATMENT
Veterinarians shall 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.

573.26 HONESTY, INTEGRITY, AND FAIR DEALING
Licensed veterinarians shall conduct their practice with honesty, integrity, and fair dealing to clients in time and services rendered, and in the amount charged for services, facilities, appliances, and drugs.

ARTICLE 8890, SECTION 14(a)
"... 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 a licensee:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(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 law;

XVII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Nazzal's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14 which states in part:

ARTICLE 8890, SECTION 14(a)
"... 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 a licensee:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;
(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 law;

(7) has fraudulently issued a health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine that relates to the presence or absence of animal disease."

**ARTICLE 8890, SECTION 14B**

(a) If a person violates this Act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 24th day of September, 1991.

Further, Affiant sayeth not.

[Signature]

ERNIE M. CARROLL, Affiant

SUBSCRIBED and SWORN TO before me by the said ERNIE M. CARROLL, this the 24th day of September, 1991.

[Signature]

JUDY C. SMITH, Notary in and for Texas


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 ANNE NAZZAL, D.V.M. under Docketed Number 1992-01, this the 24th day of September, 1991.

[Signature]

GUY A. SHEPPARD, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners