DOCKET NO. 2003-30

IN THE MATTER OF § TEXAS STATE BOARD OF

THE LICENSE OF § VETERINARY MEDICAL EXAMINERS

CHERYL NAZZAL-HOBBS, D.V.M. §

AGREED ORDER

On this the 16th day of October, 2003 came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of Cheryl Nazzal-Hobbs, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on June 24, 2003. The Respondent did not attend. The Board was represented at the conference by the Board’s Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

Upon the recommendation of the Enforcement Committee and with Respondent’s consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact

1. On April 29, 2002, Patricia Allison Watkins of Big Sandy, Texas, presented her eight-month old bluetick coon hound “Royce” to Cheryl Nazzal-Hobbs, D.V.M., Animal Medical and Surgical Center (AMSC), Gilmer, Texas. The dog was apparently suffering from a swollen upper jaw. Dr. Nazzal-Hobbs removed the dog’s parathyroid glands. The dog continued to receive treatment for several days following surgery, but on or around May 12, 2002 he was euthanized. The remains of “Royce” were placed in a freezer until Ms. Watkins could decide what to do with them. Ms. Watkins decided on cremation and was told that on May 14, 2002 the remains were being boxed up and would be delivered for cremation at a location in Longview by May 16, 2002.

2. “Royce” was boxed up and placed in the trunk of Dr. Nazzal-Hobbs’ car but was apparently forgotten until Dr. Nazzal-Hobbs noticed the smell. Dr. Nazzal-Hobbs then removed the carcass from the trunk and attempted to burn it in the clinic’s incinerator, but the burn was only partially successful. The remains were finally taken to Longview for cremation as originally promised.
Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board’s Rules.

2. Based on Findings of Fact 1 and 2, Dr. Nazzal-Hobbs has violated Rule 573.26, HONESTY, INTEGRITY AND FAIR DEALING, of the Board’s Rules of Professional Conduct, because she did not promptly and professionally carry out the wishes of the client with regard to cremation of the dog. **I am sorry, I made a horrible mistake and regret my misjudgment.**

3. Based on Conclusions of Law 1 and 2, Dr. Nazzal-Hobbs has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under 801.401 if the person:
   (6) engages in practices or conduct that violates the board’s rules of professional conduct.

5. Based on Conclusions of Law 1 through 3, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:
   (1) refuse to examine an applicant or to issue or renew a license;
   (2) revoke or suspend a license;
   (3) place on probation a license holder or person whose license has been suspended;
   (4) reprimand a license holder; or
   (5) impose a civil penalty.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Cheryl Nazzal-Hobbs, D.V.M., be INFORMALLY REPRIMANDED.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.

2. Respondent shall cooperate with the Board’s attorneys, investigators, compliance
officers and other employees and agents investigating Respondent's compliance with this Order.

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth, and agrees that she will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she was not represented by legal counsel in this matter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, CHERYL NAZZAL-HOBBES, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

9-3-3
Date

Cheryl Nazzal-Hobbs, D.V.M.
STATE OF TEXAS  
COUNTY OF UPSHUR  

BEFORE ME, on this day, personally appeared Cherly Nazzal-Hobbs, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 3rd day of September, 2003.

[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the _______ day of ________, 2003.

[Signature]
J. Lynn Lawhon, D.V.M., President