

RECEIVED and FILED by the  
NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
on this date of: 12-21-2006

STUART RAHNER  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, Fifth Floor  
Post Office Box 45029  
Newark, New Jersey 07101

By: Olga E. Bradford  
Deputy Attorney General  
(973) 648-3696

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS -  
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF

KARL THOMAS NAGLE, V.M.D.

29VI00263200

TO PRACTICE VETERINARY MEDICINE  
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened before the State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") following the Board's receipt of information suggesting that respondent Karl Thomas Nagle, V.M.D., was prescribing and administering Controlled Dangerous Substances ("CDS") without a valid New Jersey CDS Registration or a Drug Enforcement Administration ("DEA") Registration to horses under his care. Additionally, information indicated that Dr. Nagle stored

KTN

medications on a farm in a locked storage cabinet; to which he maintained the key for later administration to horses; and that the medications were not completely labeled. In addition, he allowed trainers to administer injectable medications to horses while not under his direct supervision.

Upon receipt of the above referenced information, the Board authorized the Enforcement Bureau of the Division of Consumer Affairs ("EB") to conduct an investigation, including a personal interview with the respondent which was held on February 16, 2003. The investigation revealed that the respondent was initially licensed to practice veterinary medicine in Pennsylvania in 1986. He was licensed to practice in New Jersey in October 1986 and has worked at Colts Neck Equine Associates ("Colts Neck"), Farmingdale New Jersey, since then.

Dr. Nagle admitted during the February 16, 2003, interview that he administered CDS to horses under his care without a New Jersey CDS or DEA registration. Specifically, Dr. Nagle indicated that he was under the impression that the CDS and DEA registration numbers assigned to the owner of Colts Neck were applicable for all of the veterinarians employed at the practice.

Evidence found as a result of said investigation also supported a finding that the respondent failed to completely label medications that he stored on the farm, which he prescribed, left in the locked storage cabinet in the stable and later personally

dispensed to horses under his care. Specifically, the evidence indicated that some of the medication labels did not contain the name of the patient, the prescribed dosages and/or the directions for use, contrary to the mandates of N.J.A.C. 13:44-4.1.

On February 25, 2004, Dr. Nagle appeared with counsel at an investigative inquiry held by the Board. During the inquiry, the respondent again conceded that he had administered controlled dangerous substances to horses under his care without a New Jersey CDS or DEA registration. However, Dr. Nagle testified that, subsequent to his February 16, 2003 interview with the EB investigators, he applied for the requisite CDS and DEA registrations and received the documents sometime in the end of February or the beginning of March 2003.

The respondent further testified that his billing and medical records were combined on one form. The records reviewed by the Board failed to, in certain instances, contain information that specifically stated what intraarticular medications were injected and the locations of the injections, namely whether or not it was front or back feet. Rather, the records stated the pricing for each medication, which specifically corresponded to the services and medications administered to the animal. Dr. Nagle again conceded that some of medications he left locked in a storage cabinet at the stable for later administration to horses did not contain all of the necessary labeling information. Finally, the

respondent testified that, on occasion, he would prepare hypodermic needles and syringes for the administration of medication by the horse's trainer in his absence. He further maintained that these syringes were labeled and would be given directly to the trainer to be given to a specific horse and that, to the best of his knowledge, the syringes were kept in a tack trunk in approximately the same vicinity as the locked storage cabinet in the stable.

Having reviewed the entire record in this matter, including the testimony of the respondent at the investigative inquiry on February 25, 2004 and a January 16, 2003 affidavit from the respondent, the Board has concluded that Dr. Nagle violated or failed to comply with the provisions of an act administered by the Board, contrary to N.J.S.A. 45:1-21(h), in that he prescribed and administered CDS to horses in his care without the proper New Jersey CDS or DEA registration in violation of N.C.S.A. 24:21-1 et seq. While the respondent indicated that he erroneously believed that this conduct was permitted since the owner of his practice had obtained the proper registrations, the Board finds that the law is clear and that every licensee is responsible for knowing and complying with the law. Absent a valid and current CDS registration, a practitioner is not authorized to dispense, prescribe, order, administer or distribute controlled substances in this State.

Additionally, the Board concludes that Dr. Nagle again violated or failed to comply with the provisions of an act administered by the Board, contrary to N.J.S.A. 45:1-21(h), in that he failed to completely label medications which he prescribed and left in the locked storage cabinet in the stable and later personally dispensed to horses under his care by omitting the name of the patient, the prescribed dosages, and/or the directions for use from the medication labels, in violation of N.J.A.C. 13:44-4.1.

Further, the Board's review of Dr. Nagle's patient records in this matter indicate that the records do not contain the dosages or strength of the prescribed medications.

The Board also finds that Dr. Nagle failed to adequately store and secure prescription medications and medical waste when he prepared injectable medications and left the medications with the trainer for administration in his absence. According to the respondent's testimony, the syringes could have been left by the trainer in an unlocked tack trunk which could have been readily available to any person with access to the stable. The Board concludes all the above conduct constitutes professional misconduct in violation of the mandates of N.J.S.A. 45:1-21(e).

Finally, the Board concludes that the respondent is in violation of the mandates of N.J.A.C. 13:44-4.9 in that he prepared and maintained inadequate and incomplete patient records for the horses in his care. Specifically, the records, in some instances,

failed to include: the dosages or strength of prescribed medications, the identification of the medications injected and the locations of the intraarticular injections, namely whether or not it was front or back feet.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown:

IT IS, THEREFORE, ON THIS            DAY OF DECEMBER 2006,

ORDERED THAT:

1. The respondent, Karl Thomas Nagle, V.M.D., is assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the aggregate amount of \$4,000.00 consisting of: \$2,500.00 for engaging in professional misconduct contrary to N.J.S.A. 45:1-21(e) and \$1,500.00 for his failure to comply with the provisions of the statutes and regulations administered by the Board in violation of N.J.S.A. 45:1-21(h). Said penalties shall be paid by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Veterinary Medical Examiners at 124 Halsey Street, Post Office Box 45020, Newark, New Jersey 07101, within fifteen (15) days following entry of this Order. Subsequent

violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

3. Respondent is hereby assessed investigative costs in the amount of \$2,108.00. Payment for the costs shall be paid by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Veterinary Medical Examiners at the address listed in Paragraph 2 above within fifteen (15) days following entry of this Order.

In the alternative, the respondent may pay the civil penalties totaling \$4,000.00, and the investigative costs totaling \$2,108.00 in equal installments payments of \$254.50 for a total of twenty-four (24) months. The first payment shall be due on the fifteenth of each month beginning January 15, 2007 and every month thereafter until the total amount is paid in full.

Any failure to make any installment payment within ten (10) days of the due date shall cause the entire remaining balance to become immediately due and payable without further notice. Further, failure to pay the civil penalties and costs within the time period allotted above will result in the filing of a Certificate of Debt, including the applicable interest permitted by the New Jersey Court Rules.

4. Failure to comply with any of the provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD  
MARK W. LOGAN, V.M.D.  
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Karl T. Nagle, 2  
KARL THOMAS NAGLE, V.M.D.

DATED: Dec. 19, 2006

Consent as to form and entry.

Deborah A. Holzman  
DEBORAH A. HOLZMAN, ESQUIRE  
WolfBlock Brach Eichler

DATED: 12/20/06