



recommendations of the Peer Assistance Coordinator, which is the Peer Recovery Network ("PRN"). Respondent was further required by the Order to abstain from prohibited substances, including Dangerous Drugs and Controlled Substances as defined in the Texas Health and Safety Code.

4. On March 6, 2015, PRN notified the Board that Respondent was in non-compliance with his contract with PRN when he failed a random urine drug screen for buprenorphine and norbuprenorphine.

5. On March 26, 2015, the Board received a letter from Respondent's attorney, Mr. Louis Leichter, stating that Respondent was scheduled to enter treatment at the beginning of April of 2015 at Promises Professionals Program in California. On May 8, 2015, the Board received a response from Mr. Leichter on behalf of Respondent admitting to Respondent's consumption of suboxone. Mr. Leichter stated that Respondent inappropriately utilized suboxone and buprenorphine products obtained illegally through inappropriate sources. Mr. Leichter also stated that Respondent occasionally diverted a small amount of medications from his veterinary practice.

6. Dr. Brandy Miller evaluated Respondent on March 17, 2015. She stated that Respondent began abusing shortly after his previous evaluation at Promises Professional Program in April of 2013. He experienced "full opiate withdrawal" during his honeymoon in July/August 2013. Dr. Miller made many recommendations, including but not limited to that Respondent undergo inpatient treatment. She further stated that he was unfit to practice veterinary medicine until he completes such treatment and is in compliance with his PRN contract. She recommended 90 meetings in 90 days after treatment, frequent drug screenings, and individual therapy once a week for a year. She further stated that when Respondent returns to work, he needs to be in a setting that provides for stringent oversight of medication management. Previously, Respondent did not follow this recommendation as he was self-employed as a mobile veterinarian.

### **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 the above paragraphs, Respondent has violated Rule 573.41, USE OF PRESCRIPTION DRUGS, of the Board's Rules of Professional Conduct, by prescribing and obtaining prescription drugs that are not necessary or required for the medical care of animals.

3. Based on the above paragraphs, Respondent has violated Rule 573.60, PROHIBITION AGAINST TREATING HUMANS, of the Board's Rules of Professional Conduct, by treating himself with prescription drugs for personal use.

4. Based on the above Findings of Fact, Respondent has violated Rule 573.62 VIOLATION OF BOARD ORDER/NEGOTIATED SETTLEMENTS, which requires a licensee to abide by the terms of Board Orders. Respondent has failed to abstain from prohibited substances.

5. Based on the above Conclusions of Law, Respondent 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 Section 801.401 if the person:

(6) engages in practices or conduct that violates the board's rules of professional conduct.

6. Based on the above Conclusions of Law, 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: (a)

- (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 an administrative penalty.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

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

Based on the above Findings of Fact and Conclusions of Law, the Board **ORDERS** that MATTHEW MOSKOSKY, D.V.M., be **FORMALLY REPRIMANDED**.

In addition, the Board **ORDERS** that Respondent enter into a Peer Assistance Contract under the Board's Peer Assistance Program for five years from the date of this Order. Respondent **shall timely** follow any and all recommendations of the Peer Assistance Program Coordinator which may include, but are not limited to, drug testing and participation in in-patient counseling. In addition, at the request of a representative of the Board or the Board's Peer Assistance Program, with or without notice, Respondent shall submit to appropriate examinations, including screenings for alcohol and drugs, through either a saliva, urine, blood, sweat, or hair specimen, to determine by laboratory analysis whether Respondent is free of prohibited drugs and alcohol. Respondent shall pay any costs associated with these analyses. Respondent shall execute any and all releases for medical records necessary to evaluate compliance with this order and/or are necessary to

effectuate this order. Any violation of the terms of his contract with the Board's Peer Assistance Program subjects Respondent to possible immediate revocation of his license.

The Board **ORDERS** Respondent to notify his veterinary profession employer(s) of this Order and its related details. Respondent shall provide the Board with a signed acknowledgment from his employer within 30 days of the date of this Order acknowledging that she or he has read and understands this Order.

The Board **ORDERS** the Respondent not be employed by a veterinarian under a current and active Board Order regarding substance abuse.

The Board **ORDERS** that the Respondent not obtain or possess a controlled substance registration with the Drug Enforcement Administration ("DEA").

The Board further **ORDERS** that the license of Respondent is **SUSPENDED** for **FIVE YEARS** from the date the Board adopts this Order. However, the suspension is **STAYED AFTER** sixty (60) days of active suspension from the date that the Board approves this Order.

During the suspension, Respondent shall abstain from the consumption of prohibited substances as defined below, except as prescribed by another physician to Respondent for legitimate and documented therapeutic purposes. As used in this provision, "consumption" means any manner of ingestion, including oral, injection, topical, inhalation, or otherwise. Prohibited substances, as used in this order, includes:

- 1) alcohol in any form;
- 2) Dangerous drugs, as defined in Chapter 483, Tex. Health & Safety Code;
- 3) Controlled substances, as defined in Chapter 481, Tex. Health & Safety Code;
- 4) Any substance, in any form, including over-the-counter (OTC) agents and food products, that may cause a positive drug or alcohol test.

The following is an illustrative, but not exclusive, list of prohibited substances:

- 1) Stimulants
- 2) Appetite suppressants
- 3) Medication for ADD/ADHD
- 4) Anti-anxiety agents
- 5) Antidepressants
- 6) Antihistamines
- 7) Anticholinergics
- 8) Antispasmodics
- 9) Recreational, mind-altering drugs
- 10) Any product containing pseudophedrine or epinephrine
- 11) Alcohol
- 12) Any product containing alcohol, including mouthwashes, cough medicines, after shave lotions, colognes, hand sanitizing formulas, and dietary and herbal supplements

13) Food containing any of the above and/or poppy seeds.

Within five days after receipt of this Board-signed Order, Respondent shall:

- 1) Provide to the General Counsel at TBVME a list of all prohibited substances that Respondent is currently consuming, whether by prescription or otherwise;
- 2) Give any treating physician or dentist a copy of this Order;
- 3) Provide a copy of or cause any treating physician or dentist to report all prescriptions and orders for any prohibited substance within five days after the treating physician or dentist receives this Order. The report or Respondent provided records shall include the medical condition being treated; the supporting documentation, including lab results to substantiate the diagnosis; the substance prescribed, dispensed or administered; the amount of such substance; and any refills authorized.

During the term of this Order, Respondent shall:

- 1) Provide to the General Counsel for the Board a list of all subsequent prescriptions and any subsequent orders for prohibited substances within 24 hours after receipt of the subsequent prescription or order; and
- 2) Give any subsequent treating physician or dentist a copy of this Order within five days after the initiation of the treatment, and Respondent shall cause the subsequent treating physician(s) or dentist(s) to report all prescriptions and any orders for prohibited substances to the General Counsel of the Board no later than five days after receipt of this Order by the treating physician. The report shall include the medical condition being treated; the supporting documentation, including lab results to substantiate the diagnosis; the substance prescribed, dispensed or administered; the amount of such substance; and any refills authorized.

If Respondent consumes any prohibited substance in any form without prescription or order authorized by a physician for a legitimate medical purpose, Respondent shall immediately report Respondent's consumption in writing within 24 hours to the General Counsel of the Board.

A violation of this Order under this provision shall include: (1) a positive or a positive-dilute screen for prohibited drugs or alcohol, or a metabolite of prohibited drugs or alcohol; (2) an adulterated specimen; (3) a substituted specimen; or (4) a refusal or failure to submit to random screenings. Should a specimen be reported as negative-dilute, Respondent may be required to undergo additional testing and may be subject to further Board action. A violation may be based on drug and alcohol screening under the Peer Assistance Program or any other drug and/or alcohol testing.

- (a) Evidence of a violation of this Order under this provision and any other information related to Respondent's violation of this Order may be presented to Board representatives at an informal proceeding held in accordance with 22 Tex. Admin.

Code, §575.29.

- (b) If the Board representatives at such informal proceeding determine that Respondent is in violation of this Order pursuant to this provision, the Board representatives may direct the Executive Director to immediately **REVOKE** Respondent's veterinary license. **THIS REVOCATION SHALL BE EFFECTIVE IMMEDIATELY WITHOUT THE NEED FOR A FORMAL HEARING BEFORE THE BOARD, A PANEL OF THE BOARD, OR THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE VETERINARY LICENSING ACT OR THE ADMINISTRATIVE PROCEDURE ACT. RESPONDENT WAIVES ANY SUCH HEARING OR ANY SUCH DUE PROCESS AND ALL RIGHTS OF APPEAL IN REGARD TO THE SUSPENSION.**
- (c) If Respondent is revoked under this provision, a Board representative shall file a formal complaint under Section of the Veterinary Licensing Act as soon as practicable, alleging the violations of this Order under this provision and seeking revocation of the Respondent's license. The formal complaint may also include allegations of other violations of this Order and violations of the Veterinary Licensing Act. The parties may resolve the issues by an agreed order, either before or after the filing of a formal complaint. **RESPONDENT DOES NOT WAIVE AND SPECIFICALLY RESERVES THE RIGHT TO A HEARING BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS, WITH ALL RIGHTS PROVIDED BY THE VETERINARY LICENSING ACT OR THE ADMINISTRATIVE PROCEDURE ACT AND THE RIGHT TO SEEK JUDICIAL REVIEW OF THE FINAL ORDER.**

Respondent shall be solely responsible for and promptly pay all costs and charges by any facility that conducts screens on Respondent pursuant to this Order to determine whether Respondent has ingested alcohol or drugs. Respondent's failure to promptly pay these costs shall constitute a violation of this Order and shall be grounds for further disciplinary action under the Act.

Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Director of Licensing and the General Counsel of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

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 provision of the Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he 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 his right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense in any hearing before the Board.

**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. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.**

The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

**I, MATTHEW MOSKOSKY, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT 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.**

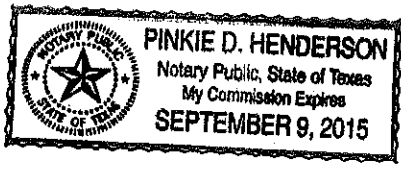
*Matthew Moskosky, DVM*  
MATTHEW MOSKOSKY, D.V.M.

7/10/2015  
DATE

STATE OF TEXAS  
COUNTY OF Travis

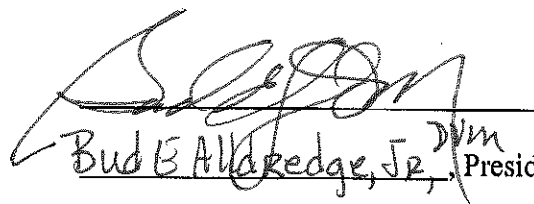
BEFORE ME, on this day, personally appeared MATTHEW MOSKOSKY, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 10<sup>th</sup> day of July, 2015



*Pinkie D. Henderson*  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on  
this the 21 day of July, 2015

  
Bud B Alkred, Jr., <sup>DVM</sup> President