DOCKET NO. DK2015-176

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
MATTHEW MOSKOSKY, D.V.M. § MEDICAL EXAMINERS

MODIFIED AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners ("Board") considered the matter of the license of Matthew Moskosky, D.V.M. ("Respondent").

Respondent petitioned for the modification of Agreed Order Docket No. DK2015-176. Pursuant to Board Rule 575.38, an informal conference was held before the Board's Enforcement Committee to consider the petition for modification.

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in Agreed Order Docket No. DK2015-176, waived notice and hearing and agreed to the entry of this Modified Agreed Order. Accordingly, the Board enters this Modified Agreed Order as set forth below.

FINDINGS OF FACT

1. Respondent, Matthew Moskosky, D.V.M., of Fredericksburg, Texas, holds Texas veterinary license 11398.


3. Respondent is in full compliance with Agreed Order Docket No. DK2015-176 and continues to meet the terms of his agreement with the Board's Peer Assistance Program.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules. Respondent received notice as required by law.


TERMS OF ORDER

Modified Agreed Order DK2015-176
Matthew Moskosky, D.V.M.
Now, therefore, the Board and Respondent agree to the following modified terms:

1. The Board incorporates by reference all terms and conditions of Agreed Order Docket No. DK2015-176, except as specifically modified below.

2. Respondent may seek to obtain or possess a controlled substance registration with the Drug Enforcement Administration ("DEA") for controlled substances in Schedules III, IV, and V.

3. PEER ASSISTANCE PROGRAM PARTICIPATION

   a. Respondent shall enter into a new contract with the Board’s Peer Assistance Program (PAP) which extends the existing contract for an additional three (3) years, until at least July 21, 2023. Respondent shall enter into this contract and submit documentation of the contract to the Board within 30 days of the date the Board approves this Modified Order. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

   b. For the duration of the PAP contract, Respondent shall abstain from the consumption of or intentional exposure to prohibited substances, except as prescribed by a physician to Respondent for legitimate and documented therapeutic purposes. Any such prescribed substances must be reported to the PAP. Prohibited substances include:

      i. Alcohol in any form;

      ii. Dangerous drugs, as defined by Health and Safety Code, Chapter 483;

      iii. Controlled substances, as defined by Health and Safety Code, Chapter 481;

      iv. Any substance, including over-the-counter agents and food products, which may cause a positive result in a drug or alcohol screening; and

      v. Any other substance designated as a prohibited substance by the PAP.

   c. For the duration of the PAP contract, Respondent shall timely and satisfactorily submit to periodic screenings for prohibited substances as directed by the PAP Coordinator. Screenings may be through saliva, urine, blood, sweat, or hair testing. Respondent may be required to re-submit to inconclusive screenings. The following actions by Respondent shall constitute a violation of this Modified Order:

      i. Submitting a positive or positive-dilute specimen;

      ii. Submitting an adulterated specimen;

      iii. Submitting a substituted specimen; or
iv. Refusing or failing to submit to a screening as directed by the PAP Coordinator.

d. For the duration of the PAP contract, Respondent shall timely and satisfactorily comply with all recommendations of the PAP Coordinator, which may include, but are not limited to:

   i. In-patient or out-patient rehabilitation, treatment, and counselling;

   ii. Limitations in scope of veterinary practice, access to controlled substances, and number of working hours;

   iii. Limitations in the type of facility in which Respondent may practice and the number of veterinarians associated with a facility or practice; and

   iv. Pre-approval by the PAP and the Board of Respondent’s employers or supervisors.

e. Respondent shall timely pay all costs associated with participation in the PAP, including the costs of all testing, examinations, and treatment.

f. Respondent shall execute all releases for medical records necessary for the PAP and the Board to evaluate Respondent’s compliance with the PAP Coordinator’s recommendations and this Modified Order.

4. ADHERENCE TO THE LAW AND BOARD RULES

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

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

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

The effective date of the terms of this Modified Order shall be the date it is adopted by the Board, unless stated otherwise.

Certification and signature page follows.
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Modified Order. I have reviewed this Modified Order and understand the Findings of Fact and Conclusions of law set forth herein. Neither admit nor deny the violation(s) herein. I understand that this Modified Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Modified Order.

I understand that this Modified Order is subject to approval by the Board. I understand that the terms and conditions of this Modified Order become effective upon approval by the Board. A copy of the approved Modified Order will be mailed to me. By signing this Modified Order, I agree to satisfactorily comply with the terms and conditions of the Modified Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Modified Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this 4th day of December, 2018.

Matthew Moskosky, D.V.M.

Sworn and subscribed before me this 4th day of December, 2018.

SEAL:

PATRICIA A BISSAR
Notary ID #126827166
My Commission Expires
April 3, 2021

Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Modified Order. This Modified Order is effective and final on this 29th day of January, 2019.

Jessica Quillivan, D.V.M., Presiding Board Member

Modified Agreed Order DK2015-176
Matthew Moskosky, D.V.M.