

LICENSE NO. G-7076

IN THE MATTER OF

BEFORE THE

THE LICENSE OF

JOHN CLAUDE KRUSZ, M.D.

TEXAS MEDICAL BOARD

AGREED ORDER ON FORMAL FILING

On the 10 day of June, 2016 came on to be heard before the Texas Medical Board (Board), duly in session, the matter of the license of John Claude Krusz, M.D. (Respondent).

On May 19, 2014, Respondent appeared in person, with counsel Michael R. Sharp, at an Informal Show Compliance Proceeding and Settlement Conference (ISC) in response to a letter of invitation from the staff of the Board. The Board's representatives were Michael Arambula, M.D., a member of the Board, and Penny Angelo, a member of a District Review Committee (Panel). Rodney Montes represented Board staff.

The parties were subsequently unable to reach an agreement. Board Staff filed a formal Complaint with the State Office of Administrative Hearings (SOAH), and the case was assigned SOAH Docket No. 503-15-3539.MD. Prior to a formal hearing on the merits, the parties again engaged in informal negotiations and were able to reach an agreement as reflected in this Order.

BOARD CHARGES

Board Staff charged that Respondent failed to provide proper care and treatment to one patient. Specifically, Staff charged that Respondent prescribed dangerous drugs without maintaining proper documentation or appropriately monitoring the patient, whom Respondent knew had abused narcotics.

BOARD HISTORY

Respondent has not previously received a disciplinary order from the Board.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this

Agreed Order.

FINDINGS

The Board finds the following:

1. General Findings:

- a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (Act) or the Rules of the Board.
- b. Respondent currently holds Texas Medical License No. G-7076. Respondent was originally issued this license to practice medicine in Texas on December 2, 1984. Respondent is not licensed to practice medicine in another state.
- c. Respondent reports his primary practice is in neurology. Respondent is board certified by the American Board of Psychiatry and Neurology, a member of the American Board of Medical Specialties.
- d. Respondent is 70 years of age.

2. Specific Panel Findings:

- a. Respondent's prescription of Adderall did not meet the standard of care. The following factors contribute to this finding:
 - i. Respondent prescribed and subsequently increased the dosage of several sedating medications to treat the patient's chronic painful conditions;
 - ii. Respondent prescribed Adderall without first attempting to adjust the patient's medication regimen to address daytime sleepiness;
 - iii. Respondent continued prescribing Adderall despite documenting in his records that Adderall was no longer having the desired therapeutic effect;
 - iv. Despite signs of opioid abuse, including a drug screen positive for marijuana, non-compliance and the patient reporting that she lost prescribed opiates, Respondent did not increase monitoring of the patient for controlled substance abuse.

3. Mitigating Factors:

- a. The panel did not find that Respondent's prescribing was causally related to the patient's overdose.
- b. Respondent voluntarily completed the PACE medical record keeping program before the Board review of this case.
- c. In determining the appropriate sanctions in this matter, the Panel considered that Respondent has cooperated in the investigation of the allegations related to this Agreed Order. The Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a Board rule, specifically Board Rule 165.1(a), failure to maintain an adequate medical record.
3. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable professional manner consistent with public health and welfare, as further defined by Board Rules: 190.8(1)(A), failure to treat a patient according to the generally accepted standard of care; 190.8(1)(C), failure to use proper diligence in one's professional practice; and 190.8(1)(D), failure to safeguard against potential complications.
4. Section 164.053(a)(3) of the Act authorize the Board to take disciplinary action against Respondent based on Respondent writing prescriptions for or dispensing to a person who is known to be an abuser of narcotic drugs, controlled substances, or dangerous drugs or to a person who the physician should have known was an abuser of the narcotic drugs, controlled substances, or dangerous drugs.

5. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.

6. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

7. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least 12 hours of in-person continuing medical education (CME) in the following topics: at least four hours in the topic of medical record keeping; at least four hours in the topic of identifying drug seeking behavior; and at least four hours in the topic of treatment of chronic pain. All CME must be approved for Category I credits by the American Medical Association and approved in writing in advance by the Executive Director or a designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

2. Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has applied for privileges, applies for privileges, or otherwise practices. Within thirty days of entry of this Order Respondent shall provide documentation, including proof of delivery, to the Compliance Division of the Board that the Order was delivered to all such facilities.

3. Respondent shall be permitted to supervise and delegate prescriptive authority to a physician assistant, advanced practice nurse and/or supervise a surgical assistant.

4. Respondent shall comply with all the provisions of the Act and other statutes

regulating the Respondent's practice.

5. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

6. 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 Registration Department and the Compliance Department 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. Respondent agrees that 10 days' notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days' notice, as provided in 22 Texas Administrative Code § 187.44(4).

7. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

8. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos.1 and 2.

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.

THIS ORDER IS A PUBLIC RECORD.

[SIGNATURE PAGES FOLLOW]

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

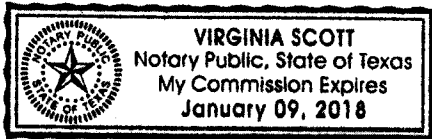
DATED: May 17, 2016.


JOHN CLAUDE KRUSZ, M.D.

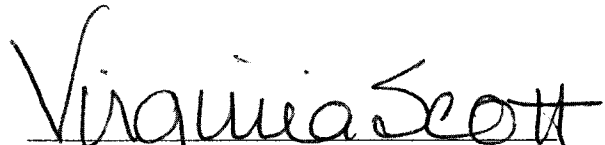
Respondent

STATE OF Texas
COUNTY OF Dallas

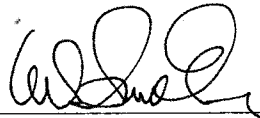
SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 19 day of May, 2016.



(Notary Seal)


Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on
this 10 day of June, 2016.



Michael Arambula, M.D., Pharm.D., President
Texas Medical Board