

## **BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE:**

**JOSEPH ANTHONY JURAND, M.D.**

### **AMENDED CONSENT ORDER**

The West Virginia Board of Medicine [“Board”] and Joseph Anthony Jurand, M.D. [“Dr. Jurand”] freely and voluntarily enter into the following Amended Consent Order pursuant to West Virginia Code §30-3-14, *et seq.*:

### **FINDINGS OF FACT**

The Board and Dr. Jurand stipulate to the truthfulness and accuracy of the facts, as set forth herein below:

1. Dr. Jurand holds a license (#17328) to practice medicine and surgery in the state of West Virginia.
2. Dr. Jurand’s self-designated area of specialty is psychiatry. Psychiatry is the branch of medical practice which is focused on the diagnosis, treatment and prevention of mental, emotional and behavioral disorders. Dr. Jurand’s address of record with the Board is in Shenandoah Junction, West Virginia.
3. By way of correspondence dated April 12, 2013, the West Virginia Board of Medicine [the Board] received notice that Dr. Jurand has been charged with third degree sexual assault, a felony, and third degree sexual abuse, a misdemeanor, in the Magistrate Court of Jefferson County, West Virginia.
4. These charges were filed in association with Dr. Jurand’s sexual misconduct toward a minor under the age of sixteen [“the victim”].

5. On September 30, 2013, Dr. Jurand entered a plea of guilty to the misdemeanor offense of Third Degree Sexual Abuse in the Circuit Court of Jefferson County.

6. The court accepted Dr. Jurand's plea, and convicted Dr. Jurand of Third Degree Sexual Abuse and issued a Conviction Order, which was entered by the Court on October 1, 2013. Third Degree Sexual Abuse of a minor is a crime involving moral turpitude.

7. The Circuit Court of Jefferson County issued a Sentencing Order on March 6, 2014.

8. Dr. Jurand was sentenced to ninety days of incarceration, which was suspended pending successful completion of five years of probation.

9. Dr. Jurand was further required to perform five hundred hours of community service. He was prohibited from contacting the victim or the victim's family, directly or indirectly. He was also prohibited from publishing any account of the events leading up to and surrounding his arrest and conviction. Dr. Jurand will register for life with the West Virginia Sex Offender Registry.

10. Dr. Jurand admits that he engaged in an illegal and inappropriate relationship of a sexual nature with the victim.

11. Dr. Jurand avers that the victim of his criminal conduct was a community acquaintance, and not a patient of his.

12. On June 30, 2014, Dr. Jurand and the Board entered into a Consent Order which imposed discipline upon his West Virginia medical license.

13. The Consent Order suspended Dr. Jurand's medical license. However, with terms and condition, the suspension was provisionally stayed, and Dr. Jurand's license was placed in probationary status contingent upon Dr. Jurand's compliance with the probationary terms and

conditions set forth in the Consent Order. A copy of the June 30, 2014 Consent Order is attached hereto as Exhibit A.

14. As part of the Consent Order, Dr. Jurand agreed that he would “complete, at his own expense, the Multidisciplinary Assessment & Evaluation of Professionals program at the Professional Renewal Center [“PRC”] in Lawrence, Kansas[,]” and that he would “fully comply with any and all professional practice and treatment recommendations made by the Professional Renewal Center[.]” *See* Exhibit A.

15. Pursuant to its evaluation of Dr. Jurand, the PRC made practice recommendations which it considered reasonable and appropriate and in Dr. Jurand’s best professional interests, including a recommendation that Dr. Jurand be “an employed practitioner who works in an organized institutional or agency-type facility with multiple practitioners present and on-site and where there is a high degree of accountability.”

16. Specifically, the PRC recommended that:

- a. Dr. Jurand participate in a sex offender group therapy program in addition to or in conjunction with his individual treatment, and Dr. Jurand should execute necessary releases permitting his treaters to be in contact with one another;
- b. Dr. Jurand’s practice of medicine should be restricted to adults only;
- c. Dr. Jurand should comply with the restrictions on sexually related treatment set forth in the Consent Order;
- d. Dr. Jurand should not practice medicine or otherwise work in a private practice situation;
- e. Dr. Jurand may not participate forensically, psychiatrically, or as a consultant in any legal case or case that has potential legal involvement related to sexual offending of any type;
- f. Dr. Jurand should complete quarterly monitoring polygraph examinations with results made available to his treatment providers; and
- g. Dr. Jurand should have no significant role or participation in activities that involve minors in terms of volunteering or community service hours, such as community theatre. Incidental contact with minors is acceptable. He must have

no leadership role, and he must not be in a position where he is held up as a role model to minors.

17. On December 8, 2014, the Board communicated with counsel for Dr. Jurand to ensure that he was aware of, and complying with, the practice recommendations of the PRC as required by his Consent Order.

18. On December 29, 2016, Dr. Jurand contacted the PRC and sought a modification to the PRC's practice recommendations which would permit Dr. Jurand to engage in office-based private practice.

19. The PRC declined to modify its practice recommendations, and it did not approve Dr. Jurand to continue practicing medicine in his private practice setting.

20. On or about January 26, 2015, Dr. Jurand advised the Board that he had begun terminating his private practice in Shepherdstown, West Virginia to come into compliance with the practice recommendations of the PRC. Dr. Jurand confirmed the closure of his private practice in May 2015.

21. Dr. Jurand appeared before the Complaint Committee for his first annual appearance on July 12, 2015. During his appearance, Dr. Jurand disclosed that he was employed in Martinsburg, West Virginia at the New Life Clinic, a clinic which provides medication assisted treatment for substance use disorder.

22. The Committee asked Dr. Jurand if he had received approval from the PRC for this practice location, and if not, the basis upon which he contends his current employment is consistent with the PRC practice recommendations.

23. Dr. Jurand submitted a description of his practice to the Complaint Committee and to the PRC, and indicated that he believed that his practice at the Martinsburg addiction clinic complied with the PRC practice recommendations.

24. In his correspondence, Dr. Jurand indicated that there were six individuals in the Martinsburg office in addition to him: the practice manager; a medical assistant who primarily assisted a second on-site physician; the receptionist; another physician ("Physician A"); the staff therapist; and a full-time lab technician.

25. Dr. Jurand averred that Physician A worked at the clinic on Tuesdays, Wednesdays and Thursdays from 8:30am until 5:00pm, and that Physician A frequented the clinic on Mondays and Fridays with no specific schedule. Dr. Jurand also asserted that there were plans in the works which would require Physician A to be at the clinic "full-time five days a week."

26. On September 21, 2015, and based upon the information submitted by Dr. Jurand, the PRC opined that "the description of Dr. Jurand's current employment and the environment in which it is conducted seems appropriate."

27. Dr. Jurand appeared before the Complaint Committee for his second annual appearance on July 10, 2016. He reported no change in his practice environment at that time.

28. On or about August 30, 2016, Physician A contacted the Board. Physician A advised the Board that he had resigned his position at the Martinsburg, West Virginia New Life Clinic as of August 24, 2016, and was no longer employed with Dr. Jurand.

29. Physician A further indicated that his work schedule at the Martinsburg practice was always Tuesdays, Wednesdays and Thursdays. Physician A acknowledged that he had, upon request, submitted correspondence in July 2015 and July 2016 indicating that he was present intermittently on Mondays and Fridays, but that characterization was a bit of a "stretch." Physician A told the Board that he was rarely in the Martinsburg office on Mondays and Fridays, and Dr. Jurand was the only physician in the office who saw patients on Mondays and Fridays.

30. Dr. Jurand has disputed Physician A's assertion that he was rarely on-site on Mondays or Fridays, however it is undisputed that Physician A never became a full-time

practitioner at the New Life Clinic in Martinsburg, West Virginia despite assertions that plans to that effect were in the works in August 2015.

31. On August 31, 2016, a Board Investigator conducted a site visit of Dr. Jurand's practice environment at the New Life Clinic.

32. Dr. Jurand confirmed to the Board Investigator that, as of August 24, 2016, there were no other physicians employed or practicing with him on-site at the Martinsburg, West Virginia practice location. Likewise, there were no mid-level practitioners at the Martinsburg, West Virginia office.

33. As part of his Consent Order, Dr. Jurand agreed that "[i]f the Board determines, in its sole discretion, that Dr. Jurand has violated any of the terms of this Consent Order, it may dissolve the stay of suspension which is currently in place, without any further process or hearing, and may take any other action with regard to Dr. Jurand's license which is authorized by law, including but not limited to instituting proceedings to revoke Dr. Jurand's license to practice medicine and surgery in West Virginia." Exhibit A, p. 8.

34. At its regular meeting on September 12, 2016, the West Virginia Board of Medicine determined that Dr. Jurand's practice environment at the New Life Clinic in Martinsburg, West Virginia was not consistent with the PRC's recommendations.

35. The Board further concluded that Dr. Jurand was not in compliance with the practice recommendations of the PRC, and that he was in violation of the terms of his June 30, 2014 Consent Order.

36. Based upon these determinations, the Board entered an Order Dissolving Stay of Suspension, which dissolved the stay of Dr. Jurand's license suspension, effective Friday, September 30, 2016.

37. Dr. Jurand has disputed that he was in violation of the terms of his June 30, 2014 Consent Order or the PRC recommendations, and has initiated an appeal of the Board's September 12, 2016 Order Dissolving Stay of Suspension in the Circuit Court of Jefferson County, West Virginia.

38. A hearing upon Dr. Jurand's appeal was scheduled for December 15, 2016 in the Circuit Court of Jefferson County.

39. By joint request of the parties, a continuance of those proceedings was granted.

40. Thereafter, on or about January 2, 2017, Dr. Jurand submitted documentation to the PRC regarding the suspension of his West Virginia license, and information regarding proposed modifications of his practice environment at the New Life Clinic, and sought an opinion from the PRC regarding whether such modifications were consistent with the PRC's practice recommendations for Dr. Jurand.

41. On March 2, 2017, Dr. Jurand provided the Board with correspondence from the PRC in which the PRC opined that "if Dr. Jurand's current workplace situation is as represented to us in the January 2, 2017 documents we would be supportive of Dr. Jurand working" at the New Life Clinic, pursuant to certain recommendations which the PRC then enumerated. The PRC cautioned that there would need to be "external verification to assure that the worksite meets the same criteria laid out as part of the prior plan."

42. On March 12, 2017, the Complaint Committee reviewed Dr. Jurand's request that he be permitted to return to practice, as well as the most recent recommendations of the PRC.

43. On March 13, 2017, the Complaint Committee recommended to the full Board that it offer an Amended Consent Order to Dr. Jurand which would permit Dr. Jurand to return to practice under the practice restrictions and limitations set forth herein. The Board accepted the Committee's recommendation.

44. As of March 30, 2017, Dr. Jurand will have served six months of the suspension imposed by the Order Dissolving Stay of Suspension.

45. The Board and Dr. Jurand agree that this Amended Consent Order imposes reasonable and appropriate terms, condition, restrictions and limitations upon Dr. Jurand's West Virginia medical license, and his practice of medicine and surgery in this state.

### **CONCLUSIONS OF LAW**

The Board and Dr. Jurand stipulate to the following conclusions of law:

1. Dr. Jurand's license to practice medicine and surgery in the state of West Virginia is subject to regulation and discipline by the West Virginia Board of Medicine, the "regulatory and disciplinary body for the practice of medicine and surgery" for physicians, podiatrists and physician assistants in West Virginia. W.Va. Code §30-3-5 and §30-3-7(a).

2. The Board has a mandate to ensure "a professional environment that encourages the delivery of quality medical services" to protect the public interest. W.Va. Code §30-3-2.

3. The West Virginia Medical Practice Act sets forth conduct which may render an individual unqualified for licensure or subject to discipline or other restrictions upon licensure. W.Va. Code §30-3-14. Pursuant to W.Va. Code §30-1-8(c), the Board has promulgated legislative rules that "delineate conduct, practices or acts which, in the judgment of the board, constitute professional negligence, a willful departure from accepted standards of professional conduct and/or which may render an individual unqualified or unfit for licensure, registration or other authorization to practice." W. Va. Code R. §11-1A-12.

4. As set forth in the June 30, 2014 Consent Order, probable cause exists to substantiate disciplinary charges against Dr. Jurand pursuant to W. Va. Code §§30-3-14(c)(2)



and (17), and W. Va. Code R. §§ 11-1A-12.1.e, and 12.1.k, all relating to: dishonorable, unethical or unprofessional conduct and/or being found guilty of a crime in any jurisdiction, which offense is a felony, involving moral turpitude or directly relating to the practice of medicine.

5. On September 12, 2016, the Board determined that Dr. Jurand had violated the terms of his Consent Order and dissolved the stay of suspension established in the Consent Order effective September 30, 2016.

6. It is appropriate and in the public interest to supersede the Order Dissolving the Stay of Suspension, subject to compliance by Dr. Jurand with the provisions of this Amended Consent Order.

7. It is appropriate to grant Dr. Jurand an active license, subject to the restrictions, limitations, conditions and accommodations set forth in the Order herein below, contingent upon Dr. Jurand's compliance with the terms of this Amended Consent Order.

8. This Amended Consent Order sets forth reasonable, appropriate and necessary restrictions, limitations, conditions and accommodations upon the practice of medicine and surgery by Dr. Jurand in West Virginia.

## **CONSENT**

By signing his name to this Amended Consent Order, Joseph Anthony Jurand, M.D., acknowledges that he understands and agrees with the following:

1. Dr. Jurand has read and understands this entire Amended Consent Order;
2. Dr. Jurand agrees that he has been given adequate time and opportunity to review and consider the terms set forth in this Amended Consent Order;

3. Dr. Jurand understands that he has the right to legal representation in this matter, at his own expense, and agrees that he has exercised this right, and has been afforded adequate time and opportunity to consult with his counsel regarding the legal effect of this Amended Consent Order;

4. Dr. Jurand understands that this Amended Consent Order is a legally binding Order of the West Virginia Board of Medicine that affects his rights and privileges;

5. Dr. Jurand acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code § 30-3-14(h) and §29A-5-1, *et seq.*;

6. Dr. Jurand is aware of his legal rights in this matter, in addition to his right to be represented by counsel at his own expense, including the rights set forth in his original Consent Order (Exhibit A, pp. 4-5);

7. With the exception of his right to counsel, which he has exercised, Dr. Jurand knowingly and voluntarily waives all such additional rights, and agrees to the entry of this Amended Consent Order relative to his practice of medicine in the state of West Virginia;

8. Dr. Jurand acknowledges that if he violates any of the terms of this Amended Consent Order, further action may be taken against his license by the Board, as permitted by law, up to and including a lifting of the stay of suspension and/or revocation of his medical license; and

9. Dr. Jurand understands that this Order is a public document which will be available for public inspection, will be accessible through the Board's website, and will be a permanent part of his historical record with the Board. Matters contained herein may be reported to other jurisdictions, the National Practitioner Data Bank, the Federation of State Medical Boards and as otherwise required by law.

## **ORDER**

WHEREFORE, on the basis of the foregoing stipulated Findings of Fact and Conclusions of Law, and with the consent of Dr. Jurand, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Effective upon entry, this Amended Consent Order supersedes the Consent Order entered on June 30, 2014 and the Order Dissolving Stay of Suspension entered on September 12, 2016.

2. Dr. Jurand's West Virginia medical license, No. 17328 is hereby **SUSPENDED**, which suspension is immediately **STAYED**, and effective upon entry of this Amended Consent Order, Dr. Jurand's license to practice medicine is placed on **PROBATION** until June 30, 2020, during which period of time Dr. Jurand may practice medicine and surgery in the state of West Virginia pursuant to the following restriction, limitations, terms and conditions of probation:

- a. Dr. Jurand is authorized to resume the practice of medicine at the New Life Clinic in Martinsburg, West Virginia on April 1, 2017 if prior to that date he:
  - i. Causes the New Life Clinic to submit a verified list of all physicians (allopathic and osteopathic) who are currently employed and physically practicing on-site at that location; and
  - ii. Submits a proposed work plan to address the requirement that Dr. Jurand not be present at the New Life Clinic when another physician is not physically present, including written protocol for how he anticipates handling a situation when a scheduled physician is unable to be present for a work shift; and
  - iii. Submits a written verification that each of the physicians who practice

at the New Life Clinic in Martinsburg, West Virginia are aware of his restrictions, reasons for his restrictions, and the terms and conditions set forth in the Amended Consent Order; and

- iv. Receives written notification from the Executive Director of the Board that the proposed work plan is acceptable to the Board.
- b. At all times when Dr. Jurand is present at the New Life Clinic, another physician must be physically present on-site. Presence via telemedicine technology does not satisfy this requirement.
- c. During his period of probation, Dr. Jurand may not treat any patients under the age of twenty-one.
- d. During his period of probation, Dr. Jurand may not treat anyone:
  - i. for sexual disorders;
  - ii. for abnormal sexual psychology;
  - iii. for sex addiction;
  - iv. for psychological trauma or anxiety related to sexual abuse; and/or
  - v. with whom there are sexually related treatment issues.
- e. During his period of probation, Dr. Jurand may not treat any female patient unless there is another staff member present in the room.
- f. On a quarterly basis, beginning on July 1, 2017, and every ninety days thereafter, Dr. Jurand shall submit to the Board a log which identifies each day Dr. Jurand was present and/or practicing medicine at or from the New Life Clinic, the hours he worked on each such date, and the printed name and signature of the physician who was continuously present on each such occasion.

- g. Dr. Jurand shall, at his own expense, complete quarterly polygraph examinations. The first quarterly polygraph examination shall be completed after the entry of this Amended Consent Order and prior to July 1, 2017. Dr. Jurand shall cause to be submitted to the Board the results of each and every quarterly polygraph examination within fifteen days of the completion thereof.
- h. Dr. Jurand shall remain in continuous compliance with any and all treatment recommendations made by the Professional Renewal Center in its September 30, 2014 Assessment Discharge Summary, and shall comply with the requirements of any and all aftercare plans, contracts or agreements entered into as a result of his assessment and treatment at the Professional Renewal Center. Failure to comply with the treatment recommendations made by the Professional Renewal Center or with any aftercare agreement shall constitute a violation of this Amended Consent Order.
- i. Throughout the term of this Amended Consent Order, Dr. Jurand shall execute all necessary authorizations, releases and written consent forms necessary to permit the open communication and sharing of information between the Board and the Professional Renewal Center regarding Dr. Jurand's assessment, evaluation, treatment and aftercare and PRC practice recommendations. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Amended Consent Order.
- j. Dr. Jurand shall cause the Professional Renewal Center to provide the Board with quarterly reports regarding his participation, compliance and progress.
- k. Prior to practicing medicine and surgery at any location in West Virginia

other than the New Life Clinic in Martinsburg, West Virginia, Dr. Jurand shall submit a written request to the Board to approve the change and/or addition of a practice location. In association with any such request, Dr. Jurand shall cause the proposed practice location to submit a description of the practice location and environment which is sufficient to permit the Board to determine whether it is an institutional or agency-type facility with multiple practitioners present and on-site, with a high degree of accountability, and with at least one other physician physically present when Dr. Jurand is on site.

- l. Dr. Jurand shall appear before the Board on an annual basis, and at any other time requested at the discretion of the Board, to discuss his practice of medicine, his compliance with the terms of this Amended Consent Order, progress and his wellbeing.
- m. Dr. Jurand shall notify the Board, in writing, of all periods of time exceeding thirty days in duration during which he is not actively practicing medicine in West Virginia. Notification shall be made in advance for all scheduled periods, and no later than five days after the conclusion of any unanticipated or unscheduled periods.
- n. The terms of this Amended Consent Order, including but not limited to the period of stayed suspension and probation, shall be tolled for any period of time during which Dr. Jurand is not actively practicing medicine in West Virginia.
- o. Within ten days of the entry of this Amended Consent Order, Dr. Jurand shall provide a complete copy of the fully executed Amended Consent Order to the

New Life Clinic. For the duration of his probation, Dr. Jurand shall provide a complete copy of this Amended Consent Order to any and all additional or new employers, contract partners and places in West Virginia where he is authorized to practice and/or has privileges. Dr. Jurand must also provide a copy of this Amended Consent Order to his probation officer and, to the extent he seeks to fulfill his community service obligations through the practice of medicine, to the Court and to any community service coordinators who will be responsible for his community service assignments.

3. Dr. Jurand agrees that any violation of this Amended Consent Order constitutes clear and convincing evidence that his continued practice of medicine and surgery would be an immediate danger to the public.

4. If the Board determines, in its sole discretion, that Dr. Jurand has violated any of the terms of this Amended Consent Order, it may dissolve the stay of suspension which is currently in place, without any further process or hearing, and may take any other action with regard to Dr. Jurand's license which is authorized by law, including but not limited to instituting proceedings to revoke Dr. Jurand's license to practice medicine and surgery in West Virginia.

5. At the end of Dr. Jurand's period of probation, Dr. Jurand may petition to the Board to modify and/or lift the practice restrictions imposed by this Order.

6. Dr. Jurand may not seek modification of the terms of this Amended Consent Order any sooner than two years after the date of entry of this Order.

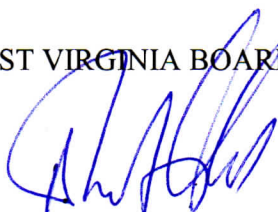
7. This Amended Consent Order shall be deemed entered on the date that this Order, with all required signatures affixed hereupon, is received in the Board's 101 Dee Drive, Charleston, West Virginia, office. The Executive Director of the West Virginia Board of Medicine is hereby authorized to denote the date of entry on behalf of the Board in accordance

Amended Consent Order  
Joseph Anthony Jurand, M.D.


with this paragraph.

ENTERED ON: April 3, 2017

WEST VIRGINIA BOARD OF MEDICINE

  
Ahmed Daver Faheem, M.D.  
President

Date: 3/27/17

  
Rahul Gupta, M.D., M.P.H.  
Secretary

Date: 4/3/17

#### ACCEPTANCE

**I, JOSEPH ANTHONY JURAND, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AMENDED CONSENT ORDER. I HAVE BEEN GIVEN SUFFICIENT TIME AND OPPORTUNITY TO CONSIDER THIS AMENDED CONSENT ORDER, AND I UNDERSTAND THE EFFECT IT WILL HAVE UPON MY LICENSE TO PRACTICE MEDICINE AND SURGERY IN WEST VIRGINIA.**

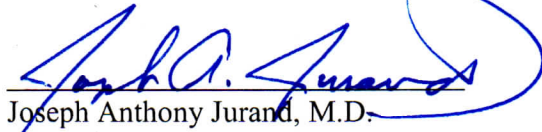
**BY SIGNING THIS AMENDED CONSENT ORDER, I HAVE WAIVED CERTAIN RIGHTS, BUT I DO SO KNOWINGLY AND VOLUNTARILY, AND I DO NOT WISH TO ASSERT THOSE RIGHTS IN THIS MATTER.**

**I UNDERSTAND THAT I HAVE THE RIGHT TO LEGAL COUNSEL, AND I HAVE BEEN PROVIDED WITH AMPLE TIME TO SEEK LEGAL ADVICE REGARDING MY ACCEPTANCE OF THIS AMENDED CONSENT ORDER FROM MY ATTORNEY.**



Amended Consent Order  
Joseph Anthony Jurand, M.D.

**I AM SIGNING THIS AMENDED CONSENT ORDER VOLUNTARILY, AND I UNDERSTAND THE POTENTIAL CONSEQUENCES OF VIOLATING THIS AMENDED CONSENT ORDER.**

  
Joseph Anthony Jurand, M.D.

Date: 3/28/17

STATE OF West Virginia

COUNTY OF Berkeley, to-wit:

I, Marilyn Anne Blaylock a Notary Public for said county and state do hereby certify that Joseph Anthony Jurand, M.D., whose name is signed herein above has this day acknowledged the same before me.

Given under my hand this 23rd day of March, 2017. My

Commission expires 1 December 2023

MPB, Notary Public



**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE:**

**JOSEPH ANTHONY JURAND, M.D.**

**CONSENT ORDER**

The West Virginia Board of Medicine ["Board"] and Joseph Anthony Jurand, M.D. ["Dr. Jurand"] freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code §30-3-14, *et seq.*:

**FINDINGS OF FACT**

The Board and Dr. Jurand stipulate to the truthfulness and accuracy of the facts, as set forth herein below:

1. Dr. Jurand holds a license (#17328) to practice medicine and surgery in the state of West Virginia. Dr. Jurand's self-designated area of specialty is psychiatry.
2. Dr. Jurand's address of record with the Board is in Shenandoah Junction, West Virginia.
3. By way of correspondence dated April 12, 2013, the West Virginia Board of Medicine [the Board] received notice that Dr. Jurand has been charged with third degree sexual assault, a felony, and third degree sexual abuse, a misdemeanor, in the Magistrate Court of Jefferson County, West Virginia.
4. These charges were filed in association with Dr. Jurand's sexual misconduct toward a minor under the age of sixteen ["the victim"].
5. On September 30, 2013, Dr. Jurand entered a plea of guilty to the misdemeanor offense of Third Degree Sexual Abuse in the Circuit Court of Jefferson County.

6. The court accepted Dr. Jurand's plea, and convicted Dr. Jurand of Third Degree Sexual Abuse and issued a Conviction Order, which was entered by the Court on October 1, 2013.

7. Third Degree Sexual Abuse of a minor is a crime involving moral turpitude.

8. The Circuit Court of Jefferson County issued a Sentencing Order on March 6, 2014.

9. Dr. Jurand was sentenced to ninety days of incarceration, which was suspended pending successful completion of five years of probation.

10. Dr. Jurand was further ordered:

- a. to perform five hundred hours of community service;
- b. to have no direct or indirect contact with the victim or the victim's family;
- c. not to publish any account of the events leading up to and surrounding his arrest and conviction; and
- d. to register for life as a sex offender with the West Virginia Sex Offender Registry.

11. Dr. Jurand admits that he engaged in an illegal and inappropriate relationship of a sexual nature with the victim.

12. Dr. Jurand avers that the victim of his criminal conduct was a community acquaintance, and not a patient of his.

13. The Board and Dr. Jurand voluntary enter into this Consent Order to protect the public interest, and to establish appropriate terms, conditions, restrictions and limitations upon Dr. Jurand's practice of medicine in West Virginia.

## CONCLUSIONS OF LAW

The Board and Dr. Jurand stipulate to the following conclusions of law:

1. Dr. Jurand's license to practice medicine and surgery in the state of West Virginia is subject to regulation and discipline by the West Virginia Board of Medicine, the "regulatory and disciplinary body for the practice of medicine and surgery" for physicians, podiatrists and physician assistants in West Virginia. W.Va. Code §30-3-5 and §30-3-7(a).

2. The Board has a mandate to ensure "a professional environment that encourages the delivery of quality medical services" to protect the public interest. W.Va. Code §30-3-2.

3. The West Virginia Medical Practice Act sets forth conduct which may render an individual unqualified for licensure or subject to discipline or other restrictions upon licensure. W.Va. Code §30-3-14. Pursuant to W.Va. Code §30-1-8(c), the Board has promulgated legislative rules that "delineate conduct, practices or acts which, in the judgment of the board, constitute professional negligence, a willful departure from accepted standards of professional conduct and/or which may render an individual unqualified or unfit for licensure, registration or other authorization to practice." W. Va. Code R. §11-1A-12.

4. Probable cause exists to substantiate disciplinary charges against Dr. Jurand pursuant to W. Va. Code §§30-3-14(c)(2) and (17), and W. Va. Code R. §§ 11-1A-12.1.e, and 12.1.k, all relating to: dishonorable, unethical or unprofessional conduct and/or being found guilty of a crime in any jurisdiction, which offense is a felony, involving moral turpitude or directly relating to the practice of medicine.

5. It is appropriate and in the public interest to waive the commencement of proceedings against Dr. Jurand and to proceed without the filing of charges, or a formal

Complaint and Notice of Hearing, subject to compliance by Dr. Jurand with the provisions of this Consent Order.

6. It is appropriate to grant Dr. Jurand an active license, subject to the restrictions, limitations, conditions and accommodations set forth in the Order herein below, contingent upon Dr. Jurand's compliance with the terms of this Consent Order.

7. This Consent Order sets forth reasonable, appropriate and necessary restrictions, limitations, conditions and accommodations upon the practice of medicine and surgery by Dr. Jurand in West Virginia.

### CONSENT

By signing his name to this Consent Order, Joseph Anthony Jurand, M.D., acknowledges that he understands and agrees with the following:

1. Dr. Jurand has read and understands this entire Consent Order;
2. Dr. Jurand agrees that he has been given adequate time and opportunity to review and consider the terms set forth in this Consent Order;
3. Dr. Jurand understands that he has the right to legal representation in this matter, at his own expense, and agrees that he has exercised this right, and has been afforded adequate time and opportunity to consult with his counsel regarding the legal effect of this Consent Order;
4. Dr. Jurand understands that this Consent Order is a legally binding Order of the West Virginia Board of Medicine that affects his rights and privileges;
5. Dr. Jurand acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code § 30-3-14(h) and §29A-5-1, *et seq.*;



6. Dr. Jurand is aware of his legal rights in this matter, in addition to his right to be represented by counsel at his own expense, including: the right to a formal hearing, after reasonable notice, before the West Virginia Board of Medicine on the disciplinary charges before the Board; the right to confront and cross-examine witnesses against him; the right to present evidence and testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

7. With the exception of his right to counsel, which he has exercised, Dr. Jurand knowingly and voluntarily waives all such additional rights, and agrees to the entry of this Consent Order relative to his practice of medicine in the state of West Virginia;

8. Dr. Jurand acknowledges that if he violates any of the terms of this Consent Order, further action may be taken against his license by the Board, as permitted by law, up to and including a lifting of the stay of suspension and/or revocation of his medical license; and

9. Dr. Jurand understands that this Order is a public document which will be available for public inspection, will be accessible through the Board's website, and will be a permanent part of his historical file with the Board. Matters contained herein may be reported to other jurisdictions, the National Practitioner Data Bank, the Federation of State Medical Boards and as otherwise required by law.

### **ORDER**

WHEREFORE, on the basis of the foregoing stipulated Findings of Fact and Conclusions of Law, and with the consent of Dr. Jurand, the West Virginia Board of Medicine hereby ORDERS that Dr. Jurand's West Virginia medical license, No. 17328 is

hereby SUSPENDED, which suspension is immediately STAYED, and effective upon entry of this Consent Order, Dr. Jurand's license to practice medicine is placed on PROBATION for a period of five years, during which time Dr. Jurand may practice medicine and surgery in the state of West Virginia pursuant to the following restriction, limitations, terms and conditions of probation:

1. Dr. Jurand shall complete, at his own expense, the Multidisciplinary Assessment & Evaluation of Professionals program at the Professional Renewal Center in Lawrence, Kansas. Within sixty days of the entry of this Order, Dr. Jurand shall present himself at the Professional Renewal Center for assessment. Dr. Jurand shall cause the Professional Renewal Center to notify the Board ahead of time of his assessment date(s), and provide proof directly to the Board of Dr. Jurand's participation in the initial assessment process within ten days of completion of the process.

2. Dr. Jurand shall fully comply with any and all professional practice and treatment recommendations made by the Professional Renewal Center and shall comply with the requirements of any and all aftercare plans, contracts or agreements entered into as a result of his assessment and treatment at the Professional Renewal Center. Failure to comply with the professional practice and treatment recommendations made by the Professional Renewal Center or with any aftercare agreement shall constitute a violation of this Consent Order, provided that, where any such recommendations or terms conflict with the terms of this Consent Order, the terms of the Consent Order shall control.

3. Dr. Jurand shall execute all necessary authorizations, releases and written consent forms necessary to permit the open communication and sharing of information between the Board and the Professional Renewal Center regarding Dr. Jurand's assessment, evaluation,

treatment and aftercare. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Order.

4. Dr. Jurand shall cause the Professional Renewal Center to provide the Board with quarterly reports regarding his participation, compliance and progress.

5. Dr. Jurand's participation and completion of the Multidisciplinary Assessment & Evaluation of Professionals program at the Professional Renewal Center may not be utilized to satisfy any of his continuing medical education requirements for the state of West Virginia.

6. During his period of probation, Dr. Jurand may not treat any patients under the age of eighteen.

7. During his period of probation, Dr. Jurand may not treat any patients for:

- a. sexual disorders;
- b. abnormal sexual psychology;
- c. sex addiction; and/or
- d. psychological trauma or anxiety related to sexual abuse.

8. Should Dr. Jurand have any established patients for whom his continued treatment is prohibited by this Consent Order, Dr. Jurand shall have sixty days from the entry date of this Consent Order to transition such patients to other treating physicians, and Dr. Jurand shall endeavor to do so with expeditious care. Upon request, Dr. Jurand shall provide the Board with information and/or documentation regarding the manner in which any such patient referrals and/or transfers were handled.

9. Dr. Jurand shall appear before the Board on an annual basis, and at any other time requested at the discretion of the Board, to discuss his practice of medicine, his progress and his wellbeing.



10. Dr. Jurand shall notify the Board, in writing, of all periods of time exceeding thirty days in duration during which he is not actively practicing medicine in West Virginia. Notification shall be made in advance for all scheduled periods, and no later than five days after the conclusion of any unanticipated or unscheduled periods.

11. The terms of this Consent Order, including but not limited to the period of stayed suspension and probation, shall be tolled for any period of time during which Dr. Jurand is not actively practicing medicine in West Virginia.

12. Within ten days of the entry of this Consent Order, Dr. Jurand shall provide a complete copy of the fully executed Consent Order to any and all employers and places where he practices, contracts to provide medical services and/or has privileges in West Virginia. For the duration of his probation, Dr. Jurand shall provide a complete copy of this Consent Order to any and all additional or new employers, contract partners and places in West Virginia where he practices and/or has privileges. Dr. Jurand must also provide a copy of this Consent Order to his probation officer and, to the extent he seeks to fulfill his community service obligations through the practice of medicine, to the Court and to any community service coordinators who will be responsible for his community service assignments.

13. Dr. Jurand agrees that any violation of this Consent Order constitutes clear and convincing evidence that his continued practice of medicine and surgery would be an immediate danger to the public.

14. If the Board determines, in its sole discretion, that Dr. Jurand has violated any of the terms of this Consent Order, it may dissolve the stay of suspension which is currently in place, without any further process or hearing, and may take any other action with regard to Dr. Jurand's license which is authorized by law, including but not limited to instituting proceedings to revoke Dr. Jurand's license to practice medicine and surgery in West Virginia.

Consent Order  
Joseph Anthony Jurand, M.D.

15. At the end of Dr. Jurand's five (5) year period of probation, and upon Dr. Jurand's submission of written certification that he has fully complied with the terms of this agreement, the stayed suspension and period of probation set forth herein shall be lifted with respect to his license.

16. Dr. Jurand may not seek modification of the terms of this Consent Order any sooner than two years after the date of entry of this Order.

17. This Consent Order shall be deemed entered on the date that this Order, with all required signatures affixed hereupon, is received in the Board's 101 Dee Drive, Charleston, West Virginia, office. The Executive Director of the West Virginia Board of Medicine is hereby authorized to denote the date of entry on behalf of the Board in accordance with this paragraph.

ENTERED ON: June 30, 2014

WEST VIRGINIA BOARD OF MEDICINE

Rev. O. Richard Bowyer  
Reverend O. Richard Bowyer  
President

Date: 6/17/14

Letitia E. Tierney M.D.  
Letitia E. Tierney, M.D., J.D.  
Secretary

Date: 6/26/14

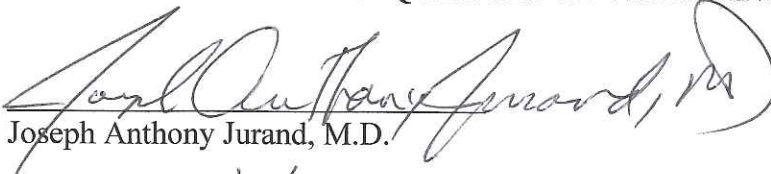
ACCEPTANCE

I, JOSEPH ANTHONY JURAND, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT ORDER. I HAVE BEEN GIVEN SUFFICIENT TIME AND OPPORTUNITY TO CONSIDER THIS CONSENT ORDER, AND I UNDERSTAND THE EFFECT IT WILL HAVE UPON MY LICENSE TO PRACTICE MEDICINE AND SURGERY IN WEST VIRGINIA.

BY SIGNING THIS CONSENT ORDER, I HAVE WAIVED CERTAIN RIGHTS, BUT I DO SO KNOWINGLY AND VOLUNTARILY, AND I DO NOT WISH TO ASSERT THOSE RIGHTS IN THIS MATTER.

I UNDERSTAND THAT I HAVE THE RIGHT TO LEGAL COUNSEL, AND I HAVE BEEN PROVIDED WITH AMPLE TIME TO SEEK LEGAL ADVICE REGARDING MY ACCEPTANCE OF THIS CONSENT ORDER FROM MY ATTORNEY.

I AM SIGNING THIS CONSENT ORDER VOLUNTARILY, AND I UNDERSTAND THE POTENTIAL CONSEQUENCES OF VIOLATING THIS CONSENT ORDER.

  
Joseph Anthony Jurand, M.D.

Date: 6/12/14

STATE OF West Virginia

COUNTY OF Berkeley, to-wit:

I, Marilyn Anne Blaylock, a Notary Public for said county and state do hereby certify that Joseph Anthony Jurand, M.D., whose name is signed herein above has this day acknowledged the same before me.

Given under my hand this 12th day of June, 2014. My  
Commission expires 1 December 2023

MAB, Notary Public

