

**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE:**

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

**ORDER DISSOLVING STAY OF SUSPENSION**

1. Joseph Anthony Jurand, M.D. ("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. By way of correspondence dated April 12, 2013, the West Virginia Board of Medicine ("the Board") received notice that Dr. Jurand had 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. These charges were filed in association with Dr. Jurand's sexual misconduct toward a minor under the age of sixteen ("the victim").

2. 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. 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.

3. The Circuit Court of Jefferson County issued a Sentencing Order on March 6, 2014. Dr. Jurand was sentenced to ninety days of incarceration, which was suspended pending successful completion of five years of probation. Dr. Jurand was further ordered: to perform five hundred hours of community service; to have no direct or indirect contact with the victim or the victim's family; not to publish any account of the events leading up to and surrounding his arrest and conviction; and to register for life as a sex offender with the West Virginia Sex Offender Registry.

4. On, June 30, 2014, the Board and Dr. Jurand entered into a Consent Order to impose discipline upon Dr. Jurand's West Virginia license in association with his criminal-sexual abuse of a minor. A copy of the Consent Order is attached hereto as Exhibit A.

5. Pursuant to the terms of the Consent Order, Dr. Jurand admitted that he engaged in an illegal and inappropriate relationship of a sexual nature with the victim. See Exhibit A at p. 2.

6. Dr. Jurand consented to the imposition of the following discipline pursuant to the Consent 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.*

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.*

See Exhibit A, pp 5-9. (emphasis supplied).

7. Pursuant to its evaluation of Dr. Jurand, the Professional Renewal Center (“PRC”) made practice recommendations which it considered reasonable and appropriate and in Dr. Jurand’s best professional interests.

8. 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.

9. 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. A copy of this correspondence is attached hereto as Exhibit B.

10. 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.

11. In his correspondence to PRC seeking modification to its practice recommendations, Dr. Jurand indicated that in or around November 2014, he opened a private practice in Shepherdstown, West Virginia. He averred that there was a full-time lab technician on site, and plans to bring a therapist on board. He further advised the PRC that the walls were “paper thin,” and “often you can hear conversations from the adjoining businesses.” A copy of his letter to the PRC, without attachments, is attached as Exhibit C.

12. After evaluating his request, the PRC had continued concerns regarding Dr. Jurand practicing in a private office-based setting. Such concerns were initially discussed with Dr. Jurand, in person, during his visit to the PRC in the early fall of 2014.

13. The PRC declined to modify its practice recommendations, and it did not approve Dr. Jurand to continue practicing medicine in his private practice setting. A copy of this correspondence, which is confidential in nature, is on file with the Board under seal and is designated as Sealed Exhibit D.<sup>1</sup>

14. 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. Copies of these letters are attached as Exhibit E.

15. Dr. Jurand appeared before the Complaint Committee for his first annual appearance on July 12, 2015. During the course of his appearance, Dr. Jurand disclosed that he was employed in Martinsburg, West Virginia at a small addiction treatment clinic.

16. Thereafter, the Complaint Committee expressed concerns to Dr. Jurand regarding the compatibility of his practice situation with the practice recommendations set forth by the Professional Renewal Center. The Professional Renewal Center recommended that Dr. Jurand only

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<sup>1</sup> Dr. Jurand shall be provided copies of all Exhibit, including sealed exhibits.

practice in “an organized institutional or agency-type facility with multiple practitioners present and on-site and where there is a high degree of accountability.” Sealed Exhibit D.

17. 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. A copy of the referenced correspondence is attached hereto as Exhibit F.

18. Dr. Jurand submitted a description of his practice to the Complaint Committee and to the PRC, and indicated that he was confident that this practice at the Martinsburg addiction clinic complied with the PRC practice recommendations. A copy of this correspondence is attached as Exhibit G.

19. In this 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.

20. 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.” *See* Exhibit G.

21. On September 21, 2015, and based upon the information contained in Exhibit G, the PRC opined that “the description of Dr. Jurand’s current employment and the environment in which it is conducted seems appropriate.” A copy of this correspondence, which is confidential in nature, is on file with the Board under seal and is designated as Sealed Exhibit H.

22. 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.

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

24. Physician A 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.

25. Physician A never worked at the clinic on Mondays or Fridays, nor was he intermittently present on such days. He characterized his previous assertion that he was intermittently present on such dates as a bit of a "stretch." A copy of correspondence from Physician A is attached hereto as Exhibit I.

26. Physician A 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.

27. On August 31, 2016, a Board Investigator conducted a site visit of Dr. Jurand's practice environment in Martinsburg. A copy of the Board Investigator's Investigative Report is on file with the Board as Sealed Exhibit J.<sup>2</sup>

28. 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 are currently no mid-level practitioners at the Martinsburg, West Virginia office.

29. Dr. Jurand practices at the Martinsburg office during some evening hours, when no other staff is present.

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<sup>2</sup> The Board Investigator's report contains personally identifiable information for third parties and witness identification information and is therefore placed under seal. The attachment to the report is provided separately as Exhibit I.



30. Dr. Jurand indicated that the Medical Director for his employer's Millwood and Martinsburg, West Virginia locations is physically located in in Millwood, West Virginia.

31. According to Dr. Jurand, the Medical Director is available to Dr. Jurand via telemedicine technologies.

32. Despite the fact that the PRC has recommended 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," Dr. Jurand avers that the availability of the Medical Director via telemedicine technologies satisfies the PRC practice recommendations relative to his practice. Sealed Exhibits D and J.

33. The telemedicine technology is set up in the Martinsburg office in a separate room. It includes audio and video capabilities. Sealed Exhibit J.

34. When Dr. Jurand sought to demonstrate the availability of the Medical Director via telemedicine to the Board Investigator during the on-site visit, the Medical Director was not available to communicate with Dr. Jurand. Sealed Exhibit J.

35. The PRC's approval of Dr. Jurand's current practice environment was premised, at least in part, upon representations made by Physician A and Dr. Jurand that Physician A was present in the Martinsburg office on Tuesdays, Wednesdays and Thursdays from 8:30am to 5:00pm, and that he was present intermittently on Mondays and Fridays. It was also premised, at least in part, upon Dr. Jurand's representation that plans were in place to transition Physician A to full time five days per week. *See* Sealed Exhibit H.

36. Dr. Jurand's current practice environment is not consistent with the recommendations of the PRC.

37. Dr. Jurand is currently in violations of the terms of his Consent Order. Specifically, he is not in compliance with the practice recommendations of the PRC.

38. As set forth in 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.

39. At its September 12, 2016, meeting, the full Board received a report from R. Curtis Arnold, D.P.M., Acting Chair of the Complaint Committee, regarding this matter. The Board also received and reviewed Exhibits A through J.

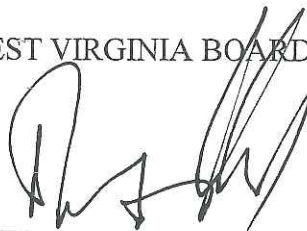
40. With a quorum present and voting, the Board determined that Dr. Jurand is in violation of the terms of his Consent Order, and exercised its discretion to dissolve the stay of the suspension imposed by the Consent Order.

Wherefore, it is hereby **ORDERED** that the stay of the suspension imposed by Dr. Jurand’s June 30, 2014 Consent Order is hereby **DISSOLVED**, effective September 30, 2016. At 12:01am on Friday, September 30, 2016, Dr. Jurand’s license to practice medicine and surgery in West Virginia, No. 17328, shall be placed in **SUSPENDED** status for the remainder of the five year term set forth in the June 30, 2014 Consent Order. All other terms and conditions of the June 30, 2014 Consent Order, with the exception of the probationary practice restrictions, shall remain in full force and effect.

**ENTERED**, this 12<sup>th</sup> day of September 2016.

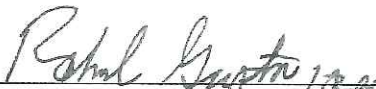
Order Dissolving Stay of Suspension  
Joseph Anthony Jurand, M.D.

WEST VIRGINIA BOARD OF MEDICINE



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Ahmed D. Faheem, M.D.  
President



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

**Exhibits on file**  
**with**  
**The West Virginia**  
**Board of Medicine**