

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Complaint No. 23-79-W

JOSEPH ANTHONY JURAND, MD

CONSENT ORDER

The West Virginia Board of Medicine (“Board”) and Joseph Anthony Jurand, MD (“Dr. Jurand”), freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code § 30-3-1, *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 West Virginia medical license, License No. 17328, which was first issued in 1993. Dr. Jurand’s address of record with the Board is in Charles Town, West Virginia.
2. On May 22, 2022, Dr. Jurand submitted his application for medical licensure renewal to the Board for the renewal period of July 1, 2022 through June 30, 2024.
3. Certification of completion of all required Continuing Medical Education (“CME”) is required to renew a West Virginia medical license.
4. Renewal applicants who cannot certify that they have completed all required CME are ineligible for license renewal.

5. On his 2022 renewal application, Dr. Jurand certified to the Board that he had complied with all CME requirements for the renewal of his license, including a minimum of three (3) hours in a Board-approved course on drug diversion training and best practice prescribing of controlled substances training.

6. To accurately certify compliance with all CME requirements necessary to renew licensure for the period of July 1, 2022 through June 30, 2024, a licensee was required to have completed, between July 1, 2020 through June 30, 2022, a minimum of three hours in a Board approved course on drug diversion training and best practice prescribing of controlled substances training (or received a waiver from the Board for this CME because the licensee did not prescribe, administer or dispense any controlled substances whatsoever between July 1, 2020 through June 30, 2022 pursuant to their West Virginia license).

7. Additionally, between July 1, 2020 through June 30, 2022, the licensee must have completed one of the following four CME Options:

- a. Successfully completed a minimum of fifty hours of CME credits designated as Category I by the American Medical Association or American Academy of Family Physicians (twenty hours of the required fifty hours may be obtained through the teaching and preceptorship of medical students); or
- b. Successfully passed a certification or recertification examination of an American Board of Medical Specialties (“ABMS”) member board and received certification or recertification; or

- c. Be ABMS board certified and possess documentation of successful involvement in maintenance of certification from the ABMS member board; or
- d. Successfully completed one full year of Accreditation Council for Graduate Medical Education (“ACGME”) approved post-graduate training.

8. On or about January 3, 2023, the Board notified Dr. Jurand that he had been randomly selected for the Board’s annual CME audit.

9. Dr. Jurand was unable to produce documentation corroborating his certification that he successfully completed his CME requirements for the period of July 1, 2020 through June 30, 2022 within the requisite time frame.

10. Specifically, Dr. Jurand produced documentation that he had completed only 8 hours of the required minimum of 50 CME hours during the requisite time period. Dr. Jurand further failed to complete a minimum of three hours in a Board approved course on drug diversion training and best practice prescribing of controlled substance training.

11. Dr. Jurand’s representation in his 2022 renewal application that he had completed the required CME during the period of July 1, 2020 through June 30, 2022 was incorrect.

12. Between January 3, 2023 through January 13, 2023, Dr. Jurand completed 39 hours of CME. Further, on January 31, 2023, Dr. Jurand completed a three (3) hour Board approved course on drug diversion training and best practice prescribing of controlled substance training.

13. The Board and Dr. Jurand voluntarily enter into this Consent Order to resolve Complaint No. 23-79-W and to protect the public interest.

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 Board, 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." See W. Va. Code R. § 11-1A-12.

4. Probable cause may exist to substantiate disciplinary charges against Dr. Jurand pursuant to W. Va. Code §§ 30-3-14 (c)(1) and (17), W. Va. Code R. §§ 11-1A-12.1.e, 12.1.j, and W. Va. Code R. §§ 11-6-5.3 and 5.4.

5. It is appropriate and in the public interest to waive the commencement of proceedings against Dr. Jurand and to proceed without further investigation, 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. This Consent Order sets forth reasonable and appropriate discipline upon Dr. Jurand in the form of an administrative fine.

7. The discipline imposed by this Consent Order does not relate to the delivery of health care services by Dr. Jurand.

CONSENT

By signing his name to this Consent Order, Joseph Anthony Jurand, MD, 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 been afforded adequate time and opportunity to exercise his right to consult with 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 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; 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 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. To satisfy his CME deficiency for the reporting period of July 1, 2020 through June 30, 2022, Dr. Jurand completed 39 CME hours between January 3, 2023 and January 13, 2023. Further, on January 31, 2023, Dr. Jurand completed a Board approved course on drug diversion training and best practice prescribing of controlled substance training. The Board accepts

these courses in satisfaction of Dr. Jurand's CME requirements for the July 1, 2020 through June 30, 2022 reporting period.

2. Dr. Jurand may not utilize the 39 CME hours he completed from January 3, 2023 through January 13, 2023, nor may he utilize the January 31, 2023 Board approved course on drug diversion training and best practice prescribing of controlled substance training, towards satisfaction of any of his CME requirements for any other reporting period, including the current period of July 1, 2022 through June 30, 2024.

3. Dr. Jurand is hereby assessed a **CIVIL FINE** in the amount of **four thousand and two hundred dollars (\$4,200.00)** for his CME delinquency and deficiencies. Dr. Jurand's payment of the fine must be received by the Board on or before **January 5, 2024**. Dr. Jurand shall pay the fine electronically, via credit or debit card, utilizing the fine payment portal on the Board's website.

4. No later than twenty (20) days after the entry of this Consent Order, Dr. Jurand shall review the Board's Legislative Rule, *Continuing Education for Physicians and Podiatrists*, W. Va. Code R. § 11-6-1 *et. seq.*, to ensure that he is familiar with his CME obligations for the current reporting cycle. Within thirty (30) days of the entry of this Order, Dr. Jurand shall provide written certification, with his original and dated signature, to the Board indicating that he has read and fully understands his CME obligations for the July 1, 2022 through June 30, 2024, reporting period.

5. In the event that Dr. Jurand fails to comply with the terms of this Order by the established deadlines, the Board may elect to take any other action with regard to Dr. Jurand's license which is authorized by law.

6. This Consent Order imposes disciplinary action upon Dr. Jurand's West Virginia medical license which he is obligated to disclose in association with his 2024 medical license renewal application.

7. 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: December 19, 2023

WEST VIRGINIA BOARD OF MEDICINE

Ashish P. Sheth, MD

Ashish P. Sheth, MD
President

Date: 12/14/2023

Matthew Q. Christiansen, MD, MPH

Matthew Q. Christiansen, MD, MPH
Secretary

Date: 12/18/2023

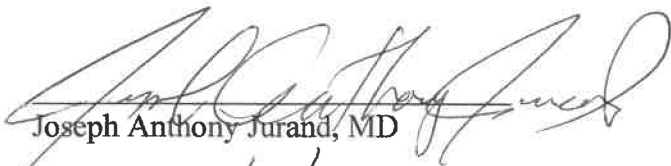
ACCEPTANCE

I, JOSEPH ANTHONY JURAND, MD, 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, WHICH I HAVE EXERCISED. I HAVE BEEN PROVIDED WITH AMPLE TIME TO CONSULT WITH MY ATTORNEY AND OBTAIN LEGAL ADVICE REGARDING MY ACCEPTANCE OF THIS CONSENT ORDER.

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


Joseph Anthony Jurand, MD

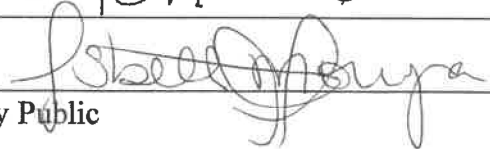
Date: 12/2/23

STATE OF West Virginia
COUNTY OF Jefferson, to-wit:

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

Given under my hand this 2 day of December, 2023.

My Commission expires 07/27/2026


Notary Public

