

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

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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

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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.

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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

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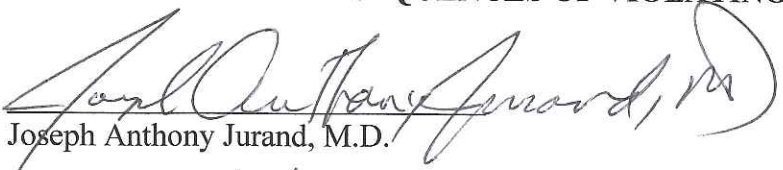
ACCEPTANCE

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

