

STATE OF OHIO
THE STATE MEDICAL BOARD

79 AUG -1 PG 2 27

CONSENT ORDER

OHIO STATE
MEDICAL BOARD

BETWEEN

EDWARD J. KURT, M.D.

AND

THE STATE MEDICAL BOARD OF OHIO

Edward J. Kurt, M.D., licensed by the State Medical Board of Ohio to practice medicine and surgery, has been notified of his right to an adjudicatory hearing in accordance with Chapter 119, Ohio Revised Code, by a letter of citation issued by the State Medical Board of Ohio on February 14, 1979.

Edward J. Kurt, M.D., being fully aware of his rights and advised by counsel, admits the following.

1. Edward J. Kurt, M.D., admits that he prescribed the drugs listed in Paragraph 1 of the February 14, 1979 citation letter, for his wife, Rose Kurt, in the amounts as indicated in the citation letter.
2. Edward J. Kurt, M.D., admits that such acts listed in Paragraph 1 of the citation letter, individually and/or collectively, constitute a "failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease" as that clause is used in Section 4731.22 (B)(2), Ohio Revised Code.
3. Edward J. Kurt, M.D., admits that such acts listed in Paragraph 1 of the citation letter, individually and/or collectively, constitute a "departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances" as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

WHEREFORE, Edward J. Kurt, M.D., being fully aware of his rights and advised by counsel, knowingly and voluntarily enters into the following agreement with the State Medical Board of Ohio:

1. Edward J. Kurt, M.D., agrees to refrain completely from prescribing, administering or dispensing any and all controlled substances to himself, Rose Kurt, or other members of his family subsequent to the effective date of this agreement, with the following exception:
 - A. Edward J. Kurt, M.D., may prescribe, administer, or dispense controlled substances to himself, Rose Kurt, or other members of his family, when a medical emergency dictates that the use of controlled substances is necessary.
2. Edward J. Kurt, M.D., agrees that in the event it is necessary to prescribe, administer, or dispense a controlled substance in an emergency situation, as outlined in numbered Paragraph 1-A above, within ten (10) days thereafter, Edward J. Kurt, M.D., agrees to notify the State Medical Board of Ohio, or its designated agent, or employee, of the circumstances requiring the prescribing, administering, or dispensing, to the satisfaction of the State Medical Board of Ohio, or its designated agent or employee.

STATE OF OHIO
THE STATE MEDICAL BOARD

3. Edward J. Kurt, M.D. agrees to keep a separate record of his prescribing of all Schedule II controlled substances for an indefinite period of time subsequent to the effective date of this agreement. This record shall be made available for inspection to the State Medical Board of Ohio, or its designated agents or employees, upon request.
4. Edward J. Kurt, M.D., agrees to keep a separate record of his prescribing of all Schedule III controlled substances for an indefinite period of time subsequent to the effective date of this agreement. This record shall be made available for inspection to the State Medical Board of Ohio, or its designated agents or employees, upon request.
5. Edward J. Kurt, M.D., agrees to cooperate fully with the State Medical Board of Ohio and its agents and employees.
6. Edward J. Kurt, M.D. agrees to obey all laws and regulations of the United States, the State of Ohio, and its political subdivisions, related to the practice of medicine.
7. Edward J. Kurt, M.D. agrees to report in person, at approximate four (4) month intervals, to the State Medical Board of Ohio, the Secretary of the Board, or the Board's agents and employees, as requested, for the purpose of reporting on his current activities.

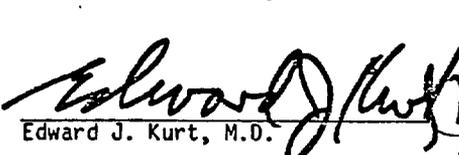
Each of the above terms and conditions shall be in effect until the State Medical Board, in its discretion, or the Secretary of the Board, in his discretion, determines the appropriateness of terminating the term or condition.

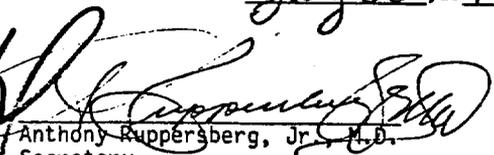
The State Medical Board of Ohio, in full and adequate consideration, agrees to these terms and conditions in lieu of continuing formal disciplinary proceedings concerning the allegations in the February 14, 1979 citation letter.

If, in the discretion of the Secretary of the State Medical Board, Dr. Edward J. Kurt appears to have violated any terms or conditions of this agreement, the State Medical Board of Ohio reserves the right to institute formal disciplinary proceedings for any and all possible violations, including but not limited to the allegations in the February 14, 1979 citation letter.

Upon consent of both parties, the terms of this agreement may be modified or terminated in writing.

The terms of this agreement shall become effective on July 30, 1979.


Edward J. Kurt, M.D.


Anthony Ruppertsberg, Jr., M.D.
Secretary
State Medical Board of Ohio


John W. Kitchen, Esq.
Attorney for Dr. Kurt


B. Douglas Anderson, Esq.
Assistant Attorney General
for the State Medical Board

STATE OF OHIO
THE STATE MEDICAL BOARD
Suite 1006
180 East Broad Street
Columbus, Ohio 43215

February 14, 1979

Edward J. Kurt, M.D.
4352 Sylvania Avenue
Toledo, OH 43623

Dear Doctor Kurt:

In accordance with Chapter 119, Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine, under the provisions of Section 4731.22, Ohio Revised Code, whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery for one or more of the following reasons:

1. On or about the following dates, you did prescribe the following drugs for your wife, Rose Kurt, in the amounts as indicated:

<u>Date</u>	<u>Drug</u>	<u>Amount</u>
09-07-76	Percodan	100
09-07-76	Morphine Sulfate $\frac{1}{4}$ gr/cc	20 cc
09-22-76	Percodan	100
09-22-76	Morphine Sulfate $\frac{1}{4}$ gr/cc	20 cc
11-11-76	Morphine Sulfate $\frac{1}{4}$ gr/cc	60 cc
12-06-76	Demerol 100 mg/cc	20 cc
12-23-76	Demerol 100 mg/cc	20 cc
12-30-76	Demerol 100 mg/cc	20 cc
01-03-77	Demerol 100 mg/cc	20 cc
01-15-77	Demerol 100 mg/cc	20 cc
07-27-77	Demerol 100 mg/cc	20 cc
08-13-77	Demerol 100 mg/cc	20 cc
08-16-77	Demerol 100 mg/cc	20 cc
08-21-77	Demerol 100 mg/cc	20 cc
08-23-77	Demerol 100 mg/cc	20 cc
08-29-77	Demerol 100 mg/cc	20 cc
09-08-77	Demerol 20 mg/cc	20 cc
09-11-77	Demerol 100 mg/cc	20 cc
09-18-77	Demerol 100 mg/cc	20 cc
09-19-77	Demerol 100 mg/cc	20 cc
09-19-77	Percodan	50
09-28-77	Demerol 100 mg/cc	20 cc
09-28-77 or		
10/28/77	Morphine Sulfate $\frac{1}{4}$ gr/cc	20 cc
11-04-77	Demerol 100 mg/cc	20 cc
11-05-77	Percodan	50
11-19-77	Percodan	50
11-29-77	Percodan	50

<u>Date</u>	<u>Drug</u>	<u>Amount</u>
12-08-77	Percodan	50
12-09-77	Demerol 100 mg/cc	20 cc
12-11-77	Demerol 100 mg/cc	20 cc
01-16-78	Percodan	50
01-22-78	Demerol 100 mg/cc	20 cc
01-24-78	Percodan	50
01-26-78	Perdocan	50
01-31-78	Percodan	50
02-03-78	Demerol 100 mg/cc	20 cc
02-04-78	Percodan	50
02-05-78	Demerol 100 mg/cc	20 cc
02-08-78	Percodan	50
02-10-78	Demerol 100 mg/cc	20 cc
02-13-78	Percodan	50
02-14-78	Demerol 100 mg/cc	20 cc
02-18-78	Paregoric Liquid	6 oz.
02-18-78	Percodan	50
02-18-78	Demerol 100 mg/cc	20 cc
02-19-78	Demerol 100 mg/cc	20 cc
02-20-78	Percodan	50
02-22-78	Percodan	50
02-24-78	Demerol 100 mg/cc	20 cc
02-25-78	Seconal 100 mg	50
02-25-78	Demerol 100 mg/cc	20 cc
02-26-78	Percodan	30
02-26-78 or		
02-23-78	Demerol 100 mg/cc	20 cc
02-27-78	Demerol 100 mg/cc	20 cc
02-28-78	Demerol 100 mg/cc	20 cc
02-28-78	Percodan	30
03-01-78	Demerol 100 mg/cc	20 cc
03-03-78	Demerol 100 mg/cc	20 cc
03-03-78	Demerol 100 mg/cc	20 cc
03-04-78	Demerol 50 mg/cc	60 cc
03-05-78	Demerol 100 mg/cc	30 cc
03-05-78	Seconal 100 mg	50
03-05-78	Demerol 100 mg/cc	20 cc
03-07-78	Demerol 100 mg/cc	20 cc
03-08-78	Demerol 100 mg/cc	20 cc
03-09-78	Demerol 100 mg/cc	20 cc
03-10-78	Demerol 100 mg/cc	20 cc
03-11-78	Seconal	50
03-11-78	Codeine 1 gr.	50
03-12-78	Demerol 100 mg/cc	20 cc
03-12-78	Demerol 100 mg/cc	20 cc
03-12-78	Demerol 100 mg/cc	20 cc
03-13-78	Demerol 100 mg/cc	20 cc
03-14-78	Demerol 100 mg/cc	20 cc
03-14-78	Morphine Sulfate $\frac{1}{4}$ gr/cc	20 cc
03-15-78	Demerol 100 mg/cc	20 cc
03-16-78	Demerol 100 mg/cc	20 cc
03-16-78	Demerol 100 mg/cc	20 cc
03-16-78	Demerol 50 mg/cc	30 cc

<u>Date</u>	<u>Drug</u>	<u>Amount</u>
03-17-78	Demerol 100 mg/cc	20 cc
03-18-78	Demerol 100 mg/cc	20 cc
03-18-78	Demerol 100 mg/cc	20 cc
03-18-78	Demerol 100 mg/cc	20 cc
03-19-78	Demerol 100 mg/cc	20 cc
03-20-78	Demerol 100 mg/cc	20 cc
03-20-78	Seconal 100 mg	50
03-20-78	Codeine 1 gr.	50
03-21-78	Demerol 100 mg/cc	20 cc
03-21-78	Demerol 50 mg/cc	30 cc
03-22-78	Demerol 100 mg/cc	20 cc
03-22-78	Demerol 100 mg/cc	20 cc
03-23-78	Demerol 100 mg/cc	20 cc
03-23-78	Demerol 100 mg/cc	20 cc
03-25-78	Demerol 100 mg/cc	20 cc
03-26-78	Demerol 100 mg/cc	20 cc
03-27-78	Demerol 100 mg/cc	40 cc
03-29-78	Demerol 100 mg/cc	40 cc
03-29-78	Demerol 100 mg/cc	20 cc
03-30-78	Demerol 100 mg/cc	40 cc
03-30-78	Codeine 1 gr.	50
03-30-78	Seconal 100 mg	50
03-30-78	Demerol 100 mg/cc	40 cc
04-01-78	Demerol 100 mg/cc	20 cc
04-02-78	Demerol 100 mg/cc	40 cc
04-02-78	Demerol 100 mg/cc	40 cc
04-03-78	Demerol 50 mg/cc	30 cc
04-03-78	Demerol 100 mg/cc	20 cc
04-04-78	Demerol 100 mg/cc	20 cc
04-05-78	Demerol 100 mg/cc	40 cc
04-06-78	Demerol 100 mg/cc	40 cc
04-06-78	Demerol 100 mg/cc	20 cc
04-07-78	Seconal 100 mg	50
04-07-78	Demerol 100 mg/cc	20 cc
04-08-78	Demerol 100 mg/cc	40 cc
04-09-78	Demerol 100 mg/cc	20 cc
04-09-78	Demerol 100 mg/cc	40 cc
04-10-78	Demerol 100 mg/cc	20 cc
04-10-78	Demerol 100 mg/cc	40 cc
04-11-78	Demerol 100 mg/cc	40 cc
04-11-78	Demerol 100 mg/cc	30 cc
04-12-78	Demerol 100 mg/cc	40 cc
04-13-78	Demerol 100 mg/cc	40 cc
04-13-78	Demerol 100 mg/cc	20 cc
04-14-78	Demerol 100 mg/cc	60 cc
04-15-78	Demerol 100 mg/cc	40 cc
04-15-78	Seconal 100 mg	50
04-15-78	Demerol 100 mg/cc	20 cc
04-16-78	Demerol 100 mg/cc	40 cc
04-17-78	Demerol 100 mg/cc	20 cc
04-18-78 or		
04-18-77	Demerol 100 mg/cc	40 cc
04-19-78	Demerol 100 mg/cc	40 cc
04-20-78	Seconal 100 mg	50
04-20-78	Demerol 100 mg/cc	20 cc
04-20-78	Demerol 100 mg/cc	40 cc

<u>Date</u>	<u>Drug</u>	<u>Amount</u>
04-21-78	Demero1 100 mg/cc	40 cc
04-22-78	Seconal 100 mg	50
04-22-78	Demero1 100 mg/cc	40 cc
04-23-78	Demero1 100 mg/cc	40 cc
04-24-78	Demero1 100 mg/cc	40 cc
04-25-78	Demero1 100 mg/cc	40 cc
04-25-78	Seconal 100 mg	50
04-26-78	Demero1 100 mg/cc	20 cc
04-27-78	Demero1 100 mg/cc	40 cc
04-28-78	Demero1 100 mg/cc	40 cc
04-28-78	Demero1 100 mg/cc	40 cc
04-29-78	Demero1 100 mg/cc	40 cc
04-30-78	Demero1 100 mg/cc	40 cc
05-01-78	Demero1 100 mg/cc	20 cc
05-02-78	Seconal 100 mg	50
05-02-78	Demero1 100 mg/cc	20 cc
05-02-78	Demero1 100 mg/cc	40 cc
05-03-78	Demero1 100 mg/cc	40 cc
05-04-78	Demero1 100 mg/cc	40 cc
05-04-78	Demero1 50 mg/cc	60 cc
05-07-78	Seconal 100 mg	50
05-07-78	Demero1 100 mg/cc	20 cc
05-08-78	Demero1 100 mg/cc	40 cc
05-09-78	Seconal 100 mg	50
05-09-78	Demero1 100 mg/cc	40 cc
05-09-78	Demero1 100 mg/cc	40 cc
05-09-78	Seconal 100 mg	100
05-09-78	Demero1 100 mg/cc	40 cc
05-09-78 (filled)	Demero1 100 mg/cc	40 cc
05-10-78	Demero1 100 mg/cc	40 cc
05-11-78	Demero1 100 mg/cc	40 cc
05-12-78	Demero1 100 mg/cc	40 cc
05-12-78	Demero1 100 mg/cc	40 cc
05-13-78	Seconal 100 mg	50
05-15-78	Demero1 50 mg/cc	90 cc
05-15-78	Demero1 100 mg/cc	40 cc
05-15-78	Demero1 100 mg/cc	20 cc
05-16-78	Demero1 100 mg/cc	40 cc
05-17-78	Demero1 100 mg/cc	40 cc
05-18-78	Demero1 100 mg/cc	40 cc
05-19-78	Demero1 100 mg/cc	40 cc
05-19-78	Seconal 100 mg	100
05-20-78	Demero1 100 mg/cc	40 cc
05-21-78	Demero1 100 mg/cc	40 cc
05-21-78	Demero1 100 mg/cc	40 cc
05-22-78	Seconal 100 mg	100
05-22-78	Demero1 100 mg/cc	40 cc
05-22-78	Demero1 100 mg/cc	40 cc
05-23-78	Demero1 100 mg/cc	20 cc
05-24-78	Demero1 100 mg/cc	40 cc
05-26-78	Demero1 100 mg/cc	40 cc
05-26-78 or		
05-26-77	Demero1 100 mg/cc	20 cc

<u>Date</u>	<u>Drug</u>	<u>Amount</u>
05-26-78 or 5-26-77	Demerol 100 mg/cc	20 cc
05-26-78 or 05-26-77	Demerol 50 mg/cc	30 cc
05-27-78 (filled)	Seconal 100 mg	100
05-27-78 or 05-27-77	Demerol 100 mg/cc	40 cc
05-30-78 (filled)	Seconal 100 mg	100
06-21-78 (filled)	Seconal 100 mg	30
06-25-78	Seconal 100 mg	50
07-02-78	Seconal 100 mg	100
07-09-78	Seconal 100 mg	100
07-17-78	Seconal 100 mg	36
07-19-78	Seconal 100 mg	50
07-22-78	Seconal 100 mg	100
07-27-78	Seconal 100 mg	100
08-03-78	Seconal 100 mg	100
08-14-78	Seconal 100 mg	100

Such acts, individually and/or collectively, constitute a "failure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease" as that clause is used in Section 4731.22 (B)(2), Revised Code.

Further, such acts, individually and/or collectively, constitute a "departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances" as that clause is used in Section 4731.22(B)(6), Revised Code.

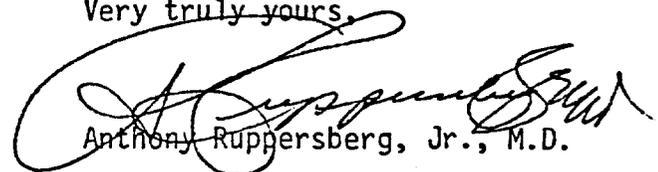
You are hereby advised that you are entitled to a hearing on this matter if you request such hearing within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing made within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, reprimand, revoke, suspend, place on probation, refuse to register, or reinstate your certificate to practice medicine and surgery.

A copy of the Medical Practice Act is enclosed for your examination.

Very truly yours,



Anthony Ruppberg, Jr., M.D.

AR:sp

Enclosure

CERTIFIED MAIL #810965
RETURN RECEIPT REQUESTED