

IN THE MATTER OF
THE APPLICATION FOR LICENSE BY
ARTHUR CHARLES KRIGSMAN, M.D.

BEFORE THE
TEXAS STATE BOARD OF
MEDICAL EXAMINERS

AGREED LICENSURE ORDER

On August 26, 2005, came on to be heard before the Texas State Board of Medical Examiners (the "Board"), duly in session, the matter of the application for a Texas medical license by Arthur Charles Krigsmann, M.D. ("Respondent"). By the signature of Respondent on this Agreed Licensure Order ("Agreed Order"), Respondent waives all rights pursuant to Tex. Gov't Code, §§2001.051-2001.054 (Vernon 2004), including the right to notice and hearing, and instead agrees to the entry of this Agreed Order to resolve the matters addressed herein.

On August 25, 2005, Respondent appeared in person, with counsel, Sam Stone, before the Licensure Committee of the Board. The Committee, after hearing from Respondent and after considering Respondent's application, recommended that Respondent be granted a Texas medical license with certain terms and conditions, as set forth below, subject to the consideration and approval of the Board.

Based on the recommendation of the Committee, and with the consent of Respondent, as evidenced by Respondent's signature on this Agreed Order, the Board makes the following findings of fact and conclusions of law and enters this Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. Respondent filed a written application for Texas medical license with the Board on November 29, 2004.
2. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further

right to notice or hearing under TEX. OCC. CODE ANN. TITLE 3, SUBTITLE B (Vernon 2004) (the "Act") or the Rules of the Board.

3. Respondent is 43 years of age.

4. Respondent is also licensed to practice in New York and Florida .

5. Respondent's specialty is Pediatric Gastro Gastroenterology. Respondent was board certified in this specialty by the American Board of Medical Specialties in 1995.

6. Respondent is a 1989 graduate of the State University of New York Health Sciences Center, Brooklyn College of Medicine, Brooklyn, New York.

7. Lenox Hill Hospital, New York, disciplined Respondent by requiring certain procedures to be pre-approved. The disciplinary action was due to concern that Respondent was using the hospital's facilities to conduct research on pediatric patients without the approval of the hospital's Institutional Review Board (IRB). Respondent presented a research proposal involving the evaluation of gastrointestinal symptoms in autistic children to the IRB on three separate occasions: 1. January 2001 proposal was rejected due to safety concerns; 2. June 2002 proposal was deferred until he could submit certain revisions; 3. September 2002 proposal was deferred pending investigation by Lenox Hill's IRB. Respondent appealed the disciplinary action by Lenox Hill Hospital, but Respondent's privileges expired while the appeal was pending, making the appeal moot.

8. Respondent failed to disclose non-disciplinary action by the Florida Medical Board on February 4, 2004, in which Respondent was assessed an administrative monetary penalty of \$1,000, plus \$89 in costs, for failure to document continuing medical education required for initial licensure.

9. Prior to being licensed in Texas, Respondent published information on a website, misrepresenting himself as being available to make appointments to see patients in Texas.

10. Respondent has cooperated with Board staff in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and

the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes the following:

1. Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on disciplinary action taken by Respondent's peers.
2. Section 164.052(a)(1) of the Act provides that an applicant for a license to practice medicine commits a prohibited practice if that person submits to the board a false or misleading statement, document, or certificate in an application for a license.
3. Section 165.156 of the Act provides that misrepresentation regarding entitlement to practice medicine, in any manner, is an offense.
4. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.
5. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.
6. Section 164.001(b)(3) of the Act authorizes the Board to limit or restrict Respondent's license or practice of medicine including limiting Respondent's practice to or excluding one or more specified activities of medicine, or stipulating periodic Board review.
7. Respondent is subject to Board action pursuant to Section 155.003(d) of the Act that provides Respondents may be required to comply with other requirements that Board considers appropriate as set out in Board rule.

ORDER

Based on the Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent is hereby GRANTED a Texas Medical License upon passage of the Jurisprudence Examination within three attempts. In addition, the Board ORDERS that Respondent's Texas license is subject to the following terms and conditions:

1. Respondent shall pay an administrative penalty in the amount of \$5,000.00 within 30 days of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas State Board of Medical Examiners and shall be submitted to the Director of Compliance for the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

2. This Agreed Order shall terminate upon payment of the administrative penalty.

3. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

4. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within ten days after the address change. This information shall be submitted to the Verification Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a violation of this Order and a basis for disciplinary action by the Board against Respondent pursuant to the Act.

5. Respondent shall abide by all State and Federal Laws regulating his practice as a physician, the Board's rules, and the terms of this Order. If Respondent shall fail to abide by such laws, rules, or terms, or if it should appear from reports submitted to the Board that Respondent is unable practice with reasonable skill and safety to patients, or should Respondent violate the criminal laws of this state, Respondent's license shall be subject to discipline, including possible revocation, upon substantiation thereof, after notice and hearing, and if revoked, the Board in its discretion may determine that the license should be permanently revoked and not subject to reissuance.

6. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that ten days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30 day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

7. Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has applied for privileges, applies for privileges, or otherwise practices.

8. Respondent shall ensure that any inquiries that are made by any person or entity through any means to Respondent or Respondent's employees regarding Respondent's Texas licensure status are answered by accurate reference to this Order.

9. Upon request by any person or entity, either orally or in writing, Respondent shall provide a complete and legible copy of this Order to the requesting party within ten calendar days of the request.


10. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within ten days after the address change. This information shall be submitted to the Verification Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a violation of this Order and a basis for disciplinary action by the Board against Respondent pursuant to the Act.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, ARTHUR CHARLES KRIGSMAN, M.D., HAVE READ AND UNDERSTAND THIS AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

 9/6/05

Arthur Charles Krigsman, M.D.
Respondent

STATE OF NY
COUNTY OF NASSAU

NOTARY PUBLIC

BEFORE ME, the undersigned Notary Public, on this day personally appeared Arthur Charles Krigsman, M.D., known to me to be the person whose name is subscribed to this instrument and Agreed Order, and who after being by me duly sworn, on oath, stated that Respondent executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 6th day of Sept, 2005.

NOTARY SEAL

SHIRLEY WEINSTEIN
NOTARY PUBLIC, State of New York
No. 01WE4860764
Qualified in NASSAU County
Commission Expires 6/9/06

Shirley Weinstein
Signature of Notary Public
SHIRLEY WEINSTEIN

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 16 day of September, 2005.

Roberta Kalafut
Roberta M. Kalafut, D.O., President
Texas State Board of Medical Examiners

STATE OF NY
COUNTY OF NASSAU

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BEFORE ME, the undersigned Notary Public, on this day personally appeared Arthur Charles Krigsman, M.D., known to me to be the person whose name is subscribed to this instrument and Agreed Order, and who after being by me duly sworn, on oath, stated that Respondent executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 6th day of Sept, 2005.

NOTARY SEAL

SHIRLEY WEINSTEIN
NOTARY PUBLIC, State of New York
No. 01WE4860764
Qualified in NASSAU County
Commission Expires 6/27/06

Shirley Weinstein
Signature of Notary Public
SHIRLEY WEINSTEIN

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 16 day of September, 2005.

Roberta M. Kalafut
Roberta M. Kalafut, D.O., President
Texas State Board of Medical Examiners