

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **KURT W. SPRUNGER, M.D.**

4 Holder of License No. 37779
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-22-0586A

**ORDER FOR LETTER OF
REPRIMAND; AND CONSENT TO THE
SAME**

7 Kurt W. Sprunger, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for a Letter of Reprimand; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 37779 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-22-0586A after receiving notification of
17 a malpractice settlement regarding Respondent's care and treatment of a 25-year-old
18 female patient ("HO") alleging failure to recognize and treat signs and symptoms of
19 thiamine deficiency.

20 4. On January 14, 2017, Respondent performed a laparoscopic gastric bypass
21 procedure on HO. After an uncomplicated hospital course, HO was discharged home.

22 5. On February 8, 2017, HO presented to the Hospital Emergency Department
23 with nausea and vomiting. HO was found to have a stricture at the gastrojejunal
24 anastomosis. Respondent performed an endoscopic balloon dilation.

25 6. On February 24, 2017, HO returned to the Hospital and was admitted with
nausea and vomiting with hematemesis. HO underwent another endoscopy and was found

1 to have an anastomotic ulcer on the small bowel mucosal side of the anastomosis. HO
2 was discharged on Protonix 40mg twice daily and Carafate 1gm every six hours.

3 7. On March 6, 2017, HO returned to the Hospital and was admitted with
4 intractable nausea and vomiting with hematemesis.

5 8. On March 8, 2017, Respondent performed a reversal of HO's gastric bypass
6 using an open approach.

7 9. On March 10, 2017, Respondent performed an exploratory laparoscopy for
8 tachycardia and suspicion of a leak. There was no leak found at the gastrostomy or
9 jejunostomy sites. Respondent ordered total parenteral nutrition ("TPN") via NG tube. The
10 TPN did not include multivitamins or thiamine. HO's post-operative course was
11 complicated by altered mental status, confusion, opsoclonus, and double vision. A
12 neurologist made a diagnosis of Wernicke's Encephalopathy and treated HO
13 appropriately. HO's mental changes resolved but she was left with permanent neurological
14 damage.

15 10. The standard of care requires a physician to recognize and treat thiamine
16 deficiency. Respondent deviated from the standard of care by failing to recognize and treat
17 thiamine deficiency in a patient with post-operative complications from gastric bypass.

18 11. Actual patient harm was identified in that HO has permanent neurological
19 changes including oculomotor dysfunction and gait disturbance.

20 **CONCLUSIONS OF LAW**

21 a. The Board possesses jurisdiction over the subject matter hereof and over
22 Respondent.

23 b. The conduct and circumstances described above constitute unprofessional
24 conduct pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is or
25 might be harmful or dangerous to the health of the patient or the public.").

1 **ORDER**

2 IT IS HEREBY ORDERED THAT:

3 1. Respondent is issued a Letter of Reprimand.

4 DATED AND EFFECTIVE this ^{3rd} ~~4th~~ day of August, 2023.

6 ARIZONA MEDICAL BOARD

8 By Patricia E. McSorley
9 Patricia E. McSorley
10 Executive Director

11 **CONSENT TO ENTRY OF ORDER**

12 1. Respondent has read and understands this Consent Agreement and the
13 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
14 acknowledges he has the right to consult with legal counsel regarding this matter.

15 2. Respondent acknowledges and agrees that this Order is entered into freely
16 and voluntarily and that no promise was made or coercion used to induce such entry.

17 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
18 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
19 this Order in its entirety as issued by the Board, and waives any other cause of action
20 related thereto or arising from said Order.

21 4. The Order is not effective until approved by the Board and signed by its
22 Executive Director.

23 5. All admissions made by Respondent in this Order are solely for final
24 disposition of this matter and any subsequent related administrative proceedings or civil
25 litigation involving the Board and Respondent. Therefore, said admissions by Respondent
are not intended or made for any other use, such as in the context of another state or

1 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
2 State of Arizona or any other state or federal court.

3 6. Notwithstanding any language in this Order, this Order does not preclude in
4 any way any other State agency or officer or political subdivision of this state from
5 instituting proceedings, investigating claims, or taking legal action as may be appropriate
6 now or in the future relating to this matter or other matters concerning Respondent,
7 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
8 acknowledges that, other than with respect to the Board, this Order makes no
9 representations, implied or otherwise, about the views or intended actions of any other
10 state agency or officer or political subdivisions of the State relating to this matter or other
11 matters concerning Respondent.

12 7. Upon signing this agreement, and returning this document (or a copy thereof)
13 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
14 the Order. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

17 8. This Order is a public record that will be publicly disseminated as a formal
18 disciplinary action of the Board and will be reported to the National Practitioner's Data
19 Bank and on the Board's web site as a disciplinary action.

20 9. If the Board does not adopt this Order, Respondent will not assert as a
21 defense that the Board's consideration of the Order constitutes bias, prejudice,
22 prejudgment or other similar defense.

23 10. ***Respondent has read and understands the terms of this agreement.***

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DATED: 6-30-23

1 KURT W. SPRUNGER, M.D.
2 EXECUTED COPY of the foregoing mailed
3 this 3rd day of August, 2023 to:

4 Kurt W. Sprunger, M.D.
5 Address of Record

6 ORIGINAL of the foregoing filed
7 this 3rd day of August, 2023 with:

8 Arizona Medical Board
9 1740 West Adams, Suite 4000
10 Phoenix, Arizona 85007

11 Michelle Buxus
12 Board staff

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