

**BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS**

In the Matter of	)	
	)	<b>KSBHA Docket No. 24-HA00015</b>
<b>James A. Brockenbrough, M.D.</b>	)	
<b>Kansas License No. 04-32320</b>	)	

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**CONSENT ORDER**

COMES NOW, Petitioner, Disciplinary Panel #38 ("Petitioner"), a duly authorized committee of the Kansas State Board of Healing Arts ("Board"), by and through Bradley S. Taylor, Associate Litigation Counsel, and James A. Brockenbrough, M.D. ("Licensee"), by and through J. Wesley Smith, Attorney for Licensee, and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is: **CONFIDENTIAL**  
**CONFIDENTIAL**
2. Licensee's last known e-mail address to the Board is: **CONFIDENTIAL**
3. Licensee is or has been entitled to engage in the practice of medicine and surgery in Kansas, having been issued License No. 04-32320 on approximately April 21, 2007. Licensee's license is Active, having last renewed on July 30, 2023.
4. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of medicine and surgery. K.S.A. 65-2801 *et seq.* and K.S.A. 65-2869.

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**License Number 04-32320**

5. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505 and K.S.A. 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

6. The Kansas Healing Arts Act is constitutional on its face and as applied in the case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

7. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

8. A protective order is hereby entered to protect all confidential information under K.S.A. 65-2898a.

9. The Board has received information **CONFIDENTIAL** , and has reason to believe there are grounds under K.S.A. 65-2836(k), to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

10. Facts supporting the allegations in this Consent Order include, but are not limited to the following:

**CONFIDENTIAL**

1. **CONFIDENTIAL**

2.

3.

4.

**CONFIDENTIAL**

13. Based on the above and foregoing, Petitioner contends Licensee violated the following section of the Healing Arts Act:

- a. K.S.A. 65-2836(k) in that Licensee has violated a "lawful order or directive of the Board," to-wit: **CONFIDENTIAL**

# CONFIDENTIAL

14. Licensee acknowledges that, if proven, the above referenced failures to comply with the terms and conditions **CONFIDENTIAL** would be a violation(s) of the Kansas Healing Arts Act.

15. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

16. According to K.S.A. 65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

17. All the materials **CONFIDENTIAL** **CONFIDENTIAL** were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 38 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

18. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice medicine and surgery in Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or

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conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

19. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.

20. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

21. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

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22. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

23. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

24. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

25. Licensee acknowledges he has read this Consent Order and fully understands the contents.

26. Licensee acknowledges this Consent Order has been entered into freely and voluntarily.

27. Licensee shall obey all federal, state and local laws and rules governing the practice of medicine and surgery in Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

28. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final Order under K.S.A. 77-526. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.

29. This Consent Order constitutes **public disciplinary action**.

30. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

31. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to engage in the practice of medicine and surgery.

#### **PRACTICE LIMITATION**

32. Licensee is prohibited from ordering, prescribing, dispensing, distributing and/or administering any controlled substance in Schedules II, III, and IV of the Controlled Substance Act in the State of Kansas.

33. Licensee agrees that the Board may, at its discretion throughout the duration of this limitation, request KTRACS reports to ensure Licensee's compliance with the above provision.

34. Licensee agrees to immediately surrender his license if he fails to comply with this aforementioned limitation of ordering, prescribing, dispensing, distributing and/or administering any controlled substance in Schedules II, III, and IV of the Controlled Substance Act in any manner.

35. All proceedings conducted on this limitation shall be in accordance with the provisions of the Kansas Administrative Procedure Act and shall be reviewable in accordance with the Kansas Judicial Review Act.

36. Licensee agrees that any request for termination or modification of this provision shall not occur prior to his completion of an assessment with Professional Renewal Center ("PRC") (1421 Research Park Drive #3B, Lawrence, Kansas 66049), Acumen Institute ("Acumen") (4321 W 6<sup>th</sup> St., Lawrence, KS 66049), or a substantially similar program approved by Petitioner, to evaluate his clinical competency regarding, but not limited to, prescribing patterns.

37. This Consent Order shall be effective **December 31, 2023**.

**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

**IT IS SO ORDERED** on this 17<sup>th</sup> day of November, 2023.

**FOR THE KANSAS STATE BOARD OF  
HEALING ARTS:**

*Susan Hill*

Executive Director

11/17/2023

Date

*James A. Brockenbrough*  
James A. Brockenbrough, M.D.  
Licensee

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License Number 04-32320**



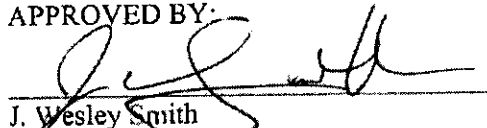
November 15, 2023  
Date

PREPARED AND APPROVED BY:

/s Bradley Taylor

Bradley Taylor, #28946  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
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Topeka, Kansas 66612  
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APPROVED BY:

  
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**License Number 04-32320**

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the above  
**Consent Order** by United States mail, postage prepaid, and via e-mail on this 17<sup>th</sup> day of  
November, 2023, to the following:

James A. Brockenbrough, M.D.

*Licensee*

**CONFIDENTIAL**

J. Wesley Smith  
Attorney for Licensee  
Simpson Logback Lynch Norris P.A.  
7400 West 110<sup>th</sup> Street, Suite 600  
Overland Park, Kansas 66210  
(913) 342-2500  
[wsmith@slln.com](mailto:wsmith@slln.com)

And the original was hand-filed with:

Executive Director  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

And a copy was hand-delivered to:

Bradley Taylor  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

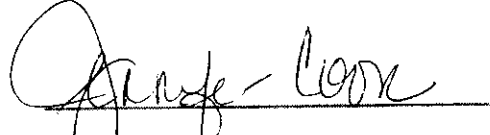
Compliance Coordinator  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Licensing Administrator

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Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612



Staff Member

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