

OCT 13 2021

KS State Board of Healing Arts ^{AD}

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

In the Matter of

)

Docket No. 22-HA 00014

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William J. Braun, M.D.

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Kansas License No. 04-17786

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CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Matthew Gaus, Associate Litigation Counsel ("Petitioner"), and William J. Braun, M.D. ("Licensee"), *pro se*, and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in Kansas. The Parties stipulate and agree to the following:

1. Licensee's last mailing address known to the Board is:

CONFIDENTIAL

CONFIDENTIAL

. Licensee's last email address known to the Board is

CONFIDENTIAL

2. Licensee is entitled to engage in the practice of medicine and surgery in Kansas, having been issued original license number 04-17786 on December 15, 1978. Licensee's current license status is Inactive, having last renewed such license on or about July 26, 2021.

3. During all times relevant to the facts set forth in this Consent Order Licensee held an Active license to practice medicine and surgery in Kansas.

4. The Board has received information and investigated the same, and has reason to believe there are grounds to take action against License under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

Consent Order

William J. Braun, M.D.

Kansas License No. 04-17786

5. At all times relevant to the facts set forth in this Consent Order Licensee was employed as a physician specializing in addiction medicine at **CONFIDENTIAL** ("IP") in **CONFIDENTIAL**, Kansas.

6. Licensee treated Patient 1 for substance abuse (most prominently opioid abuse) and other mental health issues at IP from August 2017 through September 2018.

7. Following Patient 1's leaving IP, Licensee continued to treat Patient 1 "off the record," without informing his employer. Such treatment continued through at least May 2020.

8. Although Patient 1 was required at the time she first became a patient at IP to enter into a Patient Treatment Contract, which among other things required regular UDS screening, and for Patient 1 to receive prescriptions for medications only during office visits, Licensee failed to ensure Licensee adhered to the terms of the Patient Treatment Contract.

9. During the course of Licensee's treatment of Patient 1:

- a. On multiple occasions, Licensee prescribed medications to Patient 1, including controlled substances, without conducting a UDS;
- b. On multiple occasions, Licensee prescribed medications to Patient 1, including controlled substances, after learning Licensee had tested positive for drugs of abuse;
- c. Licensee prescribed medications to Patient 1, including controlled substances, after learning of Patient 1's severe relapse;
- d. On multiple occasions, Licensee prescribed medications, including both controlled substances and medications to treat other purported conditions, without conducting a physical examination of Patient 1.

e. On at least on occasion, Licensee prescribed opioids to Patient 1 although he was treating her for opioid abuse.

f. On multiple occasions, Licensee prescribed new medications, including antibiotics and Estradiol, without recording the rationale for treatment.

10. Licensee continued to treat Patient 1 solely over the phone and/or remotely after she stopped attending IP, but Licensee failed on multiple occasions to record any notes of either treatment or of prescribing for these visits.

11. In some cases, Licensee kept only handwritten records, many of which are illegible.

12. Between October 1, 2019 (when Licensee began treating Patient 1 outside of IP) and July 9, 2020, Licensee communicated with Patient 1 by phone or by text over 1,100 times, but failed to keep a record of these communications.

CONFIDENTIAL

14. 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. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

15. The Board is the sole and exclusive administrative agency in Kansas authorized to regulate the practice of the healing arts, and specifically the practice of medicine and surgery. K.S.A. 65-2801 *et seq.*

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

17. 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.

18. 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.

19. The Board has received information and investigated the same, and has reason to believe there are grounds to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.* Specifically, the Board has evidence to establish the following:

- a. Licensee violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(a), by committing acts of professional incompetency; specifically, Licensee committed repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, and/or engaged in a pattern of practice other behavior that demonstrates a manifest incapacity or incompetence

to practice the healing arts, over the course of his treatment of and prescribing to Patient 1, as detailed above.

b. Licensee violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(23), by prescribing, dispensing, administering or distributing a prescription drug or substance, including a controlled substance, in an improper or inappropriate manner, or for other than a valid medical purpose, or not in the course of Licensee's professional practice; specifically, as detailed above, on multiple occasions Licensee prescribed Patient 1 prescription medications without keeping records, without conducting physical examinations, outside the course of his professional practice, and prescribed medications inappropriate for the conditions for which Licensee was treating Patient 1.

c. Licensee violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(25), by failing to keep written medical records that accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results.

20. Licensee acknowledges that if formal proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, and did not in any way otherwise contest the allegations and averments made by the Board, the Board has sufficient evidence to prove that Licensee has violated the Kansas Healing Arts Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

21. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure, or place under probationary conditions Licensee's license and pursuant to K.S.A. 65-2863a, the Board has the authority to impose administrative fines violations of the Kansas Healing Arts Act.

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

23. All pending **CONFIDENTIAL** materials in **CONFIDENTIAL** regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 36 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

24. 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 engage in the practice of 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 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.*

25. 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.

26. 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 for 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.

27. 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.

28. 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.

29. 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.

30. 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.

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

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

33. 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.

34. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 77-505 and K.S.A. 65-2838. 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.

35. Licensee shall immediately notify the Board or its designees of any citation, arrest or charge filed against him or any conviction for any traffic or criminal offense excluding speeding and/or parking violations.

36. Licensee shall immediately notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of Columbia, or other county, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.

37. Licensee shall at all times keep Board staff informed of his current practice locations addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten days of any such change.

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

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

40. 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 in Kansas.

PUBLIC CENSURE

41. Licensee is hereby **publicly censured** for violating the Kansas Healing Arts Act.

EDUCATION: RECORDKEEPING

42. Licensee shall enroll in and successfully complete the **Medical Record Keeping Seminar** put on by the **Center for Personalized Education for Professionals ("CPEP")** within **180 calendar days** of the execution of this Consent Order. Licensee shall provide proof of completion of the Medical Record Keeping Seminar within **15 calendar days** of receiving such proof from CPEP. Information about the Medical Record Keeping Seminar can be found at <https://www.cpepdoc.org/cpep-courses/medical-records-keeping-seminar-2/>.

43. Following completion of the Medical Record Keeping Seminar, Licensee shall enroll in and successfully complete **CPEP's Medical Record Keeping Personalized Implementation Plan ("PIP")**. The PIP will be required for a period of **12 months**. Licensee shall ensure that all progress reports and other similar materials are provided to the Board within **15 calendar days** of the receipt of such report. Upon successful completion of the PIP, Licensee shall provide proof of completion of the PIP, with a grade of "Pass", within **15 calendar days** of the receipt of such proof of completion.

44. All costs associated with the Medical Record Keeping Seminar and the PIP shall be at Licensee's own expense, including, but not limited to, all costs associated with registration for the examination, any testing center costs, the cost of travel to and from the examination, and the cost of accommodations while taking the examination.

45. Any hours earned by Licensee toward continuing education as a result of successfully completing the Medical Record Keeping Seminar and the PIP shall be in addition to those continuing education hours required for renewal of licensure.

46. Licensee shall sign any and all releases necessary to allow CPEP to communicate with the Board. Licensee shall provide a copy of such releases to the Board's Compliance Coordinator and failure to execute such a release, failure to provide copies to the Board, or any premature revocation of such release shall constitute a violation of this Consent Order.

47. All documentation required pursuant to this Consent Order shall be mailed to the Board by certified mail, addressed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
KSBHA_compliancecoordinator@ks.gov

EDUCATION: BOUNDARIES

48. Licensee shall enroll in and successfully complete the **PROBE: Ethics and Boundaries** program put on by CPEP within **180 calendar days** of the execution of this Consent Order. Licensee shall provide proof of completion of the PROBE: Ethics and Boundaries program within **15 calendar days** of receiving such proof from CPEP. Information about the Medical Record Keeping Seminar can be found at <https://www.cpepdoc.org/cpep-courses/probe-ethics-boundaries-program-united-states-2/>.

49. All costs associated with the PROBE: Ethics and Boundaries Course shall be at Licensee's own expense, including, but not limited to, all costs associated with registration for the examination, any testing center costs, the cost of travel to and from the examination, and the cost of accommodations while taking the examination.

50. Any hours earned by Licensee toward continuing education as a result of successfully completing the PROBE: Ethics and Boundaries Course shall be in addition to those continuing education hours required for renewal of licensure.

51. Licensee shall sign any and all releases necessary to allow CPEP to communicate with the Board. Licensee shall provide a copy of such releases to the Board's Compliance Coordinator and failure to execute such a release, failure to provide copies to the Board, or any premature revocation of such release shall constitute a violation of this Consent Order.

52. All documentation required pursuant to this Consent Order shall be mailed to the Board by certified mail, addressed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
KSBHA_compliancecoordinator@ks.gov

ASSESSMENT

53. Licensee shall enroll in and successfully complete a **Clinical Competence Assessment** with CPEP within **180 calendar days** of the execution of this Consent Order. Licensee shall provide the results of the Clinical Competence Assessment within **15 calendar days** of the receipt of such results.

54. Licensee hereby agrees to abide by all recommendations, including, but not limited to, follow-up plans, additional educational requirements, and/or additional evaluations determined by CPEP to be necessary as the result of the Clinical Competence Assessment, with the timeframes for completion of such recommendations to be determined by CPEP. Licensee shall provide the Board with any such recommendations within **15 calendar days** of the receipt of such results and will further provide the Board with any associated progress reports within **15 calendar days** of the receipt of such reports.

55. All costs associated with the Clinical Competence Assessment shall be at Licensee's own expense, including, but not limited to, all costs associated with registration for the assessment, the cost of travel to and from the assessment, and the cost of accommodations while undergoing the assessment.

56. Licensee shall sign any and all releases necessary to allow CPEP to communicate with the Board. Licensee shall provide a copy of such releases to the Board's Compliance Coordinator and failure to execute such a release, failure to provide copies to the Board, or any premature revocation of such release shall constitute a violation of this Consent Order.

57. All documentation required pursuant to this Consent Order shall be mailed to the Board by certified mail, addressed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
KSBHA_compliancecoordinator@ks.gov

TIMEFRAME

58. Licensee must successfully complete all requirements of the Consent Order within the timeframes specified. This Consent Order shall terminate upon the completion of all requirements contained within the Consent Order. The Board hereby authorizes Disciplinary Panel #36 to make all determinations as to whether Licensee has completed the requirements of the Consent Order.

IT IS HEREBY 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 8th day of October, 2021.

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

Susan Hill

~~9-14-2021~~ 10/8/21
Date *NHill*

William J. Braun, M.D.
Licensee

9-14-2021
Date

PREPARED AND APPROVED BY:

/s Matthew Gaus

Matthew P. Gaus, #22609
Associate Litigation Counsel
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Topeka, Kansas 66612
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Matthew.Gaus@ks.gov

Consent Order
William J. Braun, M.D.
Kansas License No. 04-17786

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 13th day of October, 2021, to the following:

William J. Braun, M.D.
CONFIDENTIAL

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:

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



Staff Member

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