

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED 

JUL 1 1 2006

KS State Board of Healing Arts

In the Matter of)
David Braverman)
)
Kansas License No. 04-17188)
_____)

Docket No. 06-HA00006

FINAL ORDER

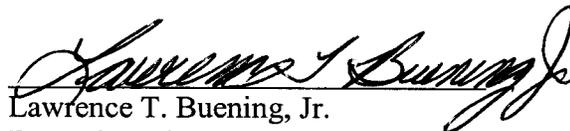
NOW ON THIS Tenth day of June 2006, this matter comes on for review of the April 18 Journal Entry. Respondent David Braverman appears in person and through Steve A. Schwarm. Kelli J. Stevens, Litigation Counsel appears for the Board.

Having the agency record before it, the Board adopts the findings, conclusions, and orders stated in the April 18 Journal Entry as the Final Order of the Board.

IT IS, THEREFORE, ORDERED that request of David E. Braverman, M.D. to change his license designation from inactive to active is granted.

Dated this 11th day of July, 2006.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

July I certify that a true copy of the foregoing Final Order was served this 11th day of ~~June~~, 2006, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

David E. Braverman, M.D.
4601 W 109th St. #250
Leawood, KS 66211

and

Steve A. Schwarm
Polsinelli Shalton Welte Suelthaus P.C.
555 S. Kansas Avenue, Suite 301
Topeka, KS 66603-3443

And a copy was hand-delivered to the office of

Kelli J. Stevens, Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603



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

FILED *CAB*

APR 18 2006

KS State Board of Healing Arts

In the Matter of)
)
DAVID E. BRAVERMAN, M.D.)
Kansas License No. 04-17188)
_____)

Docket No. 06-HA-00006

**JOURNAL ENTRY RETURNING RESPONDENT
DAVID E. BRAVERMAN, M.D. TO ACTIVE MEDICAL LICENSE STATUS**

On Monday, April 17, 2006, this matter comes before the designated Presiding Officer, Nancy Welsh, M.D. (“Dr. Welsh”) for consideration of Respondent Dr. Braverman’s petition to return his medical license to active status. The Kansas Board of Healing Arts (“Board”) appears by and through Kelli J. Stevens, Litigation Counsel. Respondent, David E. Braverman, M.D. (“Dr. Braverman”), appears by and through counsel, Steve A. Schwarm. There are no other appearances and none are necessary.

PROCEDURAL HISTORY

1. The parties, Board and Dr. Braverman, entered into a “Consent Order” dated February 11, 2006 that was filed in the Board offices on February 15, 2006.
2. The February, 2006 Consent Order states in part that Dr. Braverman would complete a Clinical Skills Assessment at either the Center for Personalized Education for Physicians (“CPEP”) or at the Physician Assessment and Clinical Education Program (“PACE”) at the University of California at San Diego Medical Center. Dr. Braverman elected the PACE program.
3. Dr. Braverman has completed PACE Phase I and Phase II Clinical Skills Assessment. Phase I and II are all the phases of the PACE Clinical Skills Assessment.

4. The PACE program has submitted both an April 3, 2006 letter and April 8, 2006 Addendum detailing Dr. Braverman's Clinical Skills Assessment.

THE "PACE" REPORT

5. Confidential
Confidential

6. The PACE Assessment Report content is further described in Dr. Braverman's "Respondent's Petition for Medical License Status Change from Inactive to Active License Status" and set forth in detail in both PACE's April 3 and April 8, 2006 letter and Addendum.

7. Confidential
Confidential

CONTINUING MEDICAL EDUCATION IS CURRENT

8. Dr. Braverman has petitioned to return his medical license from inactive status to active status. In his Petition, as a prerequisite to returning his medical license to active status, it is also noted that Dr. Braverman has presented continuing medical education credit/units ("CMEs") for both 2005 and 2006 and is considered current in his CMEs.

DR. BRAVERMAN'S PROPOSAL

9. Dr. Braverman has proposed, that notwithstanding the PACE lack of recommendations, that he is willing to have a minimum of 10% of his office / clinic patient charts and 25% of his hospital surgery operative report randomly reviewed between the time his Kansas medical license is returned to active status and May 31, 2006 which will give the reviewer sufficient time to submit a written report of such review to the Board's Litigation Counsel for consideration by the Board's Disciplinary Panel in advance of the Board's June 10, 2006 Board meeting. It shall be Dr. Braverman's obligation to ensure that the chart review is submitted in a timely fashion, but no later than close of business June 2, 2006, to the Board's Litigation Counsel. The review shall be solely at the expense of Dr. Braverman and the reviewer must have a current and unrestricted Kansas medical license and have a specialty practice of ophthalmology.

10. The Board's legal counsel does not oppose such proposal.

FINDINGS AND ANALYSIS

11. The Board's Presiding Officer finds that for good cause shown, Dr. Braverman's license should be returned to active status subject to the following:

Dr. Braverman shall have a minimum of 10% of his office / clinic patient charts and 25% of his hospital surgery cases randomly reviewed between the time his medical license is returned to active status and May 31, 2006. The reviewer must submit a written report of such review to the Board's Litigation Counsel no later than close of business June 2, 2006. The review shall be solely at the expense of Dr. Braverman and the reviewer must have a current and unrestricted Kansas medical license and have a specialty practice of ophthalmology. This Presiding Officer's Order/Journal Entry shall be reviewed by the entire Board at the June 10, 2006 Board meeting. Such chart review shall not be considered disciplinary in nature but is an interim condition pending entire Board review.

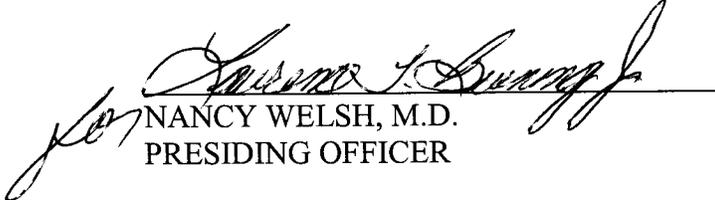
12. Further, the Presiding Officer finds that upon meeting all requirements for active license in the State of Kansas, the Kansas Board of Healing Arts, effective with the entering and service of this Order, returns Dr. Braverman's medical license to active status.

WHEREFORE, in consideration of the above and for good cause shown, the Board's designated Presiding Officer hereby orders that David E. Braverman, M.D.'s medical license to engage in the practice of medicine and surgery in the State of Kansas

be moved to active status subject to the above chart review and that all rights and privileges associated with such active medical license status be attached to such active medical license status.

IT IS FURTHER ORDERED that the PACE Report is determined to be confidential and should be covered by a protective order. The parties shall not release the report to any third person without further order of the Board. This protective order shall not be interpreted to prohibit the parties from using the report as necessary to carry out the purposes of this order, as necessary in further proceedings before the Board, or in any judicial review.

IT IS SO ORDERED this 17th day of April, 2006.


NANCY WELSH, M.D.
PRESIDING OFFICER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing was served this 18th day of April 2006 by depositing the same in the United States Mail, First Class postage prepaid, addressed to:

Kelli J. Stevens
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, KS 66603-3068

Steve A. Schwarm
POL SINELLI SHALTON WELTE SUELTHAUS P.C.
555 S. Kansas Avenue, Suite 301
Topeka, KS 66603-3443

A handwritten signature in black ink, appearing to read "Steve A. Schwarm". The signature is written in a cursive style with a horizontal line underneath the name.