

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

OCT 31 2005

KS State Board of Healing Arts

**In the Matter of** )  
**James Brockenbrough, MD** )  
 )  
**Application for Licensure** )  
\_\_\_\_\_ )

**Docket No. 06-HA00020**

**FINAL ORDER**

**NOW ON THIS** 8th day of October, 2005, this matter comes on for hearing.

Applicant James Brockenbrough appears in person and without counsel. Kathleen Selzler Lippert, Associate Counsel, appears for the Board.

Having the agency record before it, the Board finds, concludes and orders as follows:

1. Applicant submitted his application for licensure to practice medicine and surgery on June 30, 2005.

2. In his application, Applicant disclosed that he has been arrested, charged with or convicted of a crime, and that he had been a defendant in a malpractice action. He also disclosed that he had been notified of charges or complaints by a licensing agency, and that he had been requested to appear before a licensing agency. Applicant denied that a licensing agency had limited, restricted, suspended or revoked a license that he had held.

3. Applicant did not provide supporting documentation regarding the disclosures. He did state that the California Board had given him a public reprimand in 2001.

4. On April 12, 1999, the California medical board revoked Applicant's license to practice medicine and surgery. The grounds for the revocation involved illegal drug use. That order was modified November 14, 2000 to remove the revocation, place his license on probation, and reprimand Applicant.

5. In a renewal application dated December 28, 2000, Applicant failed to disclose to the Pennsylvania medical board that California had taken disciplinary action. The Pennsylvania medical board reprimanded Applicant, and notified him that if he sought reinstatement of his license, he would be on probation for a five year period.

6. Applicant practiced medicine and surgery in the United States until September 1997. He then practiced in Bermuda until December 2004. It appears that he has not practiced medicine and surgery since that time.

7. Applicant disclosed that in 1982 a settlement claim was paid on his behalf in the amount of \$150,000. The action alleged a patient death following the perforation of the esophagus.

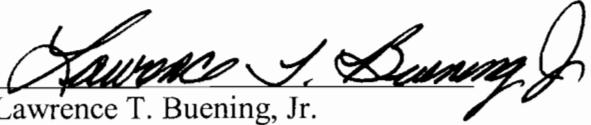
8. The Board finds and concludes that Applicant's failure to disclose the true nature of the California disciplinary action, and his failure to provide documentation regarding the criminal accusation, constitute misrepresentation in the application for a license, and are grounds to deny the application as provided by K.S.A. 65-2836(a). The Board further finds that the professional liability claim payment constitutes grounds to deny an application as provided by K.S.A. 65-2836(w).

**IT IS, THEREFORE, ORDERED** that that the application for a license to practice medicine and surgery of James Brockenbrough is denied.

**PLEASE TAKE FURTHER NOTICE** that this is a final order. A final order is effective upon service. A party to an agency proceeding may seek judicial review of a final order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq. Reconsideration of a final order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the final order. A copy of any petition for judicial review must be served upon the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

Dated this 31<sup>st</sup> day of October, 2005.

Kansas State Board of Healing Arts



Lawrence T. Buening, Jr.  
Executive Director

### Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 31<sup>st</sup> day of October, 2005, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

James Brockenbrough  
3210 Mersington Avenue  
Kansas City, MO 64128

And a copy was hand-delivered to the office of

Kathleen Selzler Lippert  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

A handwritten signature in black ink, appearing to read "Lawrence L. Lippert", written over a horizontal line.