

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

FILED 

FEB 16 2007

In the Matter of)
James Brockenbrough, MD)
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_____)

KS State Board of Healing Arts

Docket No. 06-HA00020

FINAL ORDER

NOW ON THIS 10th day of February 2007, this matter comes before the Board to review the Initial Order issued by Presiding Officer Roger D. Warren, M.D. Respondent James Brockenbrough, M.D. appears in person and through Gregory Lee, Attorney. Kathleen Selzler Lippert, Associate Counsel, appears for the Board.

Having the agency record before it, the Board adopts the findings, conclusions and orders stated in the Initial Order as follows:

1. The Board considered the application of Dr. Brockenbrough at its October 8, 2005 meeting. After reviewing the record and hearing the testimony presented, the Board found that Applicant had failed to disclose fully the nature of disciplinary action by the California licensing board, that he had failed to provide documentation regarding a criminal accusation, and that a professional liability claim had been paid by him or on his behalf. The Board denied the application.

2. Applicant asked that the Board, on its own motion, reconsider its action, and requests that the Board grant license with limitations. He proposes limitations.

3. Applicant provides evidence that his medical license has been reinstated by the State of Pennsylvania, and that he has taken and passed the SPEX.

4. The Presiding Officer found that Applicant is now sufficiently aware of the necessity for complete honesty, and that dishonesty brings disrepute on the profession. Further, the Presiding Officer found that Applicant is contrite regarding his failure to make full disclosure of facts when applying for a medical license. The Board adopts those findings.

5. The Board finds and concludes that limitations Applicant proposes sufficiently protect the public while allowing him to demonstrate that he will be a competent, professional and honorable physician, and that those limitations should be imposed.

IT IS, THEREFORE, ORDERED upon reconsideration, the application for a license to practice medicine and surgery is hereby granted, subject to the following limitations:

a. Licensee shall at all time keep the Board informed of any and all practice locations and all hospitals where Licensee holds privileges in this state. Applicant shall immediately notify the Board of any changes in practice locations or terminations of privileges.

b. Licensee shall satisfy all continuing education requirements for renewal of an active license.

c. Until further Board order, Licensee shall cause his professional practice to be monitored by a Board-approved Kansas-license physician. Licensee shall bear all expenses associated with monitoring.

d. Monitoring shall include a review of Licensee's practices and procedures to ensure compliance with community and ethical standards, and any recommendations for practice improvement. The parties shall determine the number of patient charts to be reviewed and a schedule for monitoring reports. If no agreement can be reached, the matter shall be determined by a Presiding Officer. Licensee shall be responsible for ensuring that the monitor submits timely written reports to Board staff. Licensee shall discuss with the monitor and follow recommendations for practice improvement.

e. For a period of one year following the effective date of the Board's Final Order on review of this Initial Order, Licensee shall create and maintain a daily log identifying all patients seen in the office and the services provided to each patient. These logs shall be immediately submitted to the Board staff upon request.

f. In the event Licensee discontinues professional practice in the State of Kansas for a period of more than 30 days for any reason, Licensee shall notify Board staff within ten days of the dates of departure and return, or the dates of non-practice within Kansas.

g. Licensee may petition the Board for modification or termination of the limitations stated herein after one year following the effective date of this Final Order.

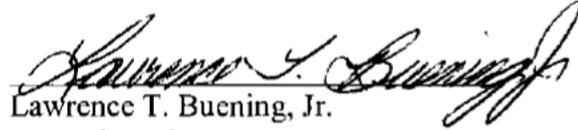
h. Roger D. Warren, M.D. is hereby appointed as Presiding Officer to issue a Final Order approving a monitor and making other determinations necessary to carry out this order.

PLEASE TAKE 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 16th day of February, 2007.

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 19 day of February, 2007, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

James Brockenbrough, M.D.

Confidential

Kansas City, MO 64128

Gregory Lee
Cooper & Lee LLC
100 SE 9th St.
P.O. Box 1755

← Topeka, Ks.
66601

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

Charlene K. Abbott, Licensing Administrator
Kansas State Board of Healing Arts
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