

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

<b>In the Matter of</b>	)	
	)	
<b>David B. Jones, M.D.</b>	)	
<b>Kansas License No. 04-21765</b>	)	<b>KSBHA Docket No. 19-HA00028</b>
	)	
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**Journal Entry Granting Motion  
to Terminate Consent Order**

On December 11, 2020, the parties appeared before the Kansas State Board of Healing Arts ("Board") for an electronic video Conference Hearing on Dr. Jones' Motion to Terminate Consent Order in the above captioned matter. Matthew Gaus, Associate Litigation Counsel, appeared to present the position of the disciplinary panel of the Board. David B. Jones, M.D., appeared by video conference and counsel for Dr. Jones, Anne M. Kindling, appeared by video conference.

The Kansas State Board of Healing Arts ("Board"), by its Acting Executive Director, Tucker L. Poling, a duly authorized representative of the Board, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, as amended, and upon due consideration of the agency record, the applicable statutes and regulations, and being otherwise duly advised in the premises, makes the following determinations:

1. On June 21, 2019, a Consent Order was approved by the Board as a Final Order against the license of David B. Jones, M.D., ("Licensee"), imposing requirements as follows:
  1. Cease treatment of patients for chronic pain management;
  2. Cease prescription or recommendation of XPC Horse Feed for human consumption;

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**Journal Entry Granting Motion to Terminate Consent Order  
In the Matter of David B. Jones M.D.  
KSBHA Docket No. 19-HA00028**

3. Complete at least eight hours of Board approved continuing education (“CE”) in each of the following areas: (1) prescribing controlled substances; (2) medical record documentation; and (3) proper physician-patient communication; and
  4. Establish Board approved Monitoring – Educational Preceptor program using a Kansas licensed physician that would review at least 10 patient charts per month; meet monthly with Dr. Jones to discuss charts and practice; and submit quarterly reports to the Board. Consent Order pp. 11-17.
2. Licensee may request to terminate Consent Order after six months operating under the Educational Preceptor program. Consent Order p. 17.
  3. On or about November 6, 2020, Licensee filed a Motion to Terminate Consent Order.
  4. On December 11, 2020, the Board conducted a conference hearing on the Motion to Terminate Consent Order and determined that Licensee has satisfactorily met all the provisions of the Consent Order.

Therefore, Licensee’s Motion to Terminate Consent Order is **GRANTED**.

**IT IS SO ORDERED** this 5<sup>th</sup> day of January 2021.

**KANSAS STATE BOARD OF HEALING ARTS**

  
\_\_\_\_\_  
Tucker L. Poling, Acting Executive Director  
Kansas State Board of Healing Arts

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **Journal Entry Granting Motion to Terminate Consent Order** was served this 5th day of January 2021 by depositing the same in the United States Mail, first-class postage prepaid, and via email, addressed to:

David B. Jones, M.D.  
**CONFIDENTIAL**

*Licensee*

Anne M. Kindling  
Joseph Hollander & Craft LLC  
1508 SW Topeka Blvd.  
Topeka, Kansas 66612  
[akindling@josephhollander.com](mailto:akindling@josephhollander.com)  
*Attorney for Licensee*

And a copy hand delivered to:

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

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

And the original was filed with:

Tucker L. Poling, Acting Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level - Suite A  
Topeka, Kansas 66612

  
\_\_\_\_\_  
Jennifer Cook, Paralegal

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**Journal Entry Granting Motion to Terminate Consent Order**  
***In the Matter of David B. Jones M.D.***  
**KSBHA Docket No. 19-HA00028**



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

**In the Matter of** )  
 )  
**David B. Jones, M.D.** )  
**Kansas License No. 04-21765** )  
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\_\_\_\_\_ )

**KSBHA Docket No. 19-HA00028**

**Journal Entry of Partial Satisfaction**

The Kansas State Board of Healing Arts ("Board"), by its Acting Executive Director, Tucker L. Poling, a duly authorized representative of the Board, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, as amended, and upon due consideration of the agency record, the applicable statutes and regulations, and being otherwise duly advised in the premises, makes the following determinations:

1. On June 21, 2019, a Consent Order was approved by the Board as a Final Order against the license of David B. Jones, M.D., ("Licensee"), imposing requirements therein.
2. Licensee has satisfactorily met requirements of the Final Order - except as noted below.
3. Licensee is obligated to continue to comply with the ongoing license limitations imposed by the Final Order regarding chronic pain treatment patients.
4. Licensee is obligated to continue to comply with the ongoing license limitations imposed by the Final Order regarding supplements not approved for human consumption.

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**Journal Entry of Partial Satisfaction**  
***In the Matter of David B. Jones M.D.***  
**KSBHA Docket No. 19-HA00028**

**IT IS SO ORDERED.**

Dated this 15<sup>th</sup> day of September 2020.

**KANSAS STATE BOARD OF HEALING ARTS**



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Tucker L. Poling, Acting Executive Director  
Kansas State Board of Healing Arts

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **Journal Entry of Partial Satisfaction** was served this 15th day of September 2020 by depositing the same in the United States Mail, first-class postage prepaid, and via email, addressed to:

David B. Jones, M.D.  
**CONFIDENTIAL**

*Licensee*

Anne M. Kindling  
Joseph Hollander & Craft LLC  
1508 SW Topeka Blvd.  
Topeka, Kansas 66612  
[akindling@josephhollander.com](mailto:akindling@josephhollander.com)  
*Attorney for Licensee*


And a copy hand delivered to:

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

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

And the original was filed with:

Tucker L. Poling, Acting Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level - Suite A  
Topeka, Kansas 66612

  
\_\_\_\_\_  
Jennifer Cook, Paralegal

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**Journal Entry of Partial Satisfaction  
In the Matter of David B. Jones M.D.  
KSBHA Docket No. 19-HA00028**

FILED *AMC*  
JUN 21 2019

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

KS State Board of Healing Arts

<b>In the Matter of</b>	)	
	)	<b>KSBHA Docket No. 19-HA00028</b>
<b>DAVID B. JONES, M.D.</b>	)	<b>OAH No. 19HA0001 BHA</b>
<b>Kansas License No. 04-21765</b>	)	

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**CONSENT ORDER**

**COMES NOW**, Petitioner, the Kansas State Board of Healing Arts (“Board”), by and through Courtney E. Manly, Associate Litigation Counsel, and David B. Jones, M.D. (“Licensee”), by and through counsel Anne M. Kindling of Joseph Hollander & Craft LLC, 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: [REDACTED]

[REDACTED]

2. Licensee is or has been entitled to engage in the practice of medicine and surgery in Kansas, having been issued License No. 04-21765 on approximately June 19, 1987. Licensee’s license is Active.

3. 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.

4. 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.

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**Consent Order**  
**David B. Jones, M.D.**

5. 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.

6. 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.

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 42 CFR Part II, K.S.A. 65-2836(i), K.S.A. 65-4915, K.S.A. 65-2898a, and K.S.A. 65-4925.

9. The Board has received information and investigated the same, and has reason to believe there may be grounds under K.S.A. 65-2836(b), K.S.A. 65-2837(a)(2), K.S.A. 2837(a)(3), K.S.A. 65-2837(b)(12), K.S.A. 65-2837(b)(23), and K.S.A. 65-2837(b)(25), to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

10. While admitting no wrongdoing, Licensee acknowledges that if proven, the allegations would be violations of the Kansas Healing Arts Act.

11. In the four-year period from July 2010 to August 2014, Licensee wrote 8,025 prescriptions for controlled substances, totaling 751,615 dispensed doses to 253 distinct patients.

12. In the seven-month period from September 2014 to April 2015, Licensee wrote 1,073 prescriptions for controlled substances, totaling 116,931 dispensed doses to 95 distinct patients. 12 patients each received more than 3,000 dispensed doses, which, if taken as prescribed, was at least 15 doses per day. Two of those patients were Patient 1 and Patient 2, both described in more detail, below.

### PATIENT 1

13. From December 2013 through at least April 2015, Licensee provided care and treatment to Patient 1, a [REDACTED] year-old male, who initially presented complaining of tooth pain.

14. From December 2013 to the end of January 2014, Licensee prescribed Patient 1 Oxycodone 10mg, Oxycodone 5mg, Oxycodone 15mg, OxyContin 20mg, Morphine Sulfate ER 20mg, and Oxycodone 30mg, for a total of 820 tablets.

15. On [REDACTED], 2014, Licensee prescribed to Patient 1 Morphine Sulfate ER 30mg.

16. On [REDACTED], 2014, Patient 1 reported that Morphine Sulfate ER made him very drowsy. Licensee prescribed Oxycodone 20mg #240 and scheduled an MRI on [REDACTED] 2014.

17. On [REDACTED] 2014, Patient 1 reported increased back pain from lifting something heavy and requested an increase in Oxycodone. Patient 1 had not gotten the MRI. Licensee rescheduled the MRI, discussed medication tolerance and noted Patient 1 was developing tolerance rather quickly.

18. On [REDACTED], 2014, Patient 1 reported he was taking extra OxyContin due to the weak 30mg Oxycodone and requested OxyContin. Licensee wrote a new prescription for OxyContin 40mg and Oxycodone 15mg.

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**Consent Order**

**David B. Jones, M.D.**

19. On March 24, 2014, Patient 1 reported having left his OxyContin 40mg and Oxycodone 15mg in [REDACTED], so he had been using 20mgs. Patient 1 also requested medication for his [REDACTED]. Licensee prescribed Patient 1 Adderall 20mg and Oxycodone 30mg.

20. On March 27, 2014, Patient 1 reported injuring his back [REDACTED] and needed more medication. Licensee prescribed OxyContin 20mg.

21. On [REDACTED], 2014, Patient 1 reported injury to his hip when [REDACTED] Licensee, frustrated with weak generic Oxycodone, prescribed Percocet 10mg with a limit of 10 per day.

22. In April 2014, in addition to adding Percocet, Licensee increased Patient 1's OxyContin to 80mg, added Morphine ER 100mg, and prescribed OxyContin 40mg, Oxycodone 15mg, Oxycodone 30mg, and Oxycodone 20mg.

23. In May 2014, Licensee added Hydromorphone 8mg to Patient 1's list of prescriptions.

24. In June 2014, Licensee added Fentanyl 100mcg patches to Patient 1's list of prescriptions.

25. From September 2014 to April 2015, Licensee prescribed to Patient 1 more than 3,000 controlled substance doses, averaging at least 15 doses per day.

26. The narcotic prescription history for Patient 1 from September 2014 through April 2015 revealed an average morphine milligram equivalent ("MME") of 682.4 mg/day.

27. Licensee's medical records for Patient 1 were often illegible and did not always state a basis for prescribing such large amounts of controlled substances.

## PATIENT 2

28. From at least August 2009 through at least April [REDACTED] 2015, Licensee provided care and treatment to Patient 2, a female, largely for back pain.

29. In December 2013, Licensee prescribed to Patient 2 Oxycodone 30mg, 760 tablets; Xanax 1mg, 504 tablets; and Morphine Sulfate ER 100 mg, 60 tablets, totaling 1,324 tablets.

30. From January 1, 2014 through January 13, 2014, Licensee had prescribed to Patient 2 Oxycodone 30mg, 400 tablets; Xanax 2mg, 40 tablets; and Xanax 1mg, 180 tablets; Morphine ER 100 mg, 30 tablets; and Soma 350 mg, 120 tablets, totaling 770 tablets.

31. On January 24, 2014, Patient 2 presented to the Emergency Department ("ED") at [REDACTED].

32. Patient 2 reported to the ED staff that she had been prescribed Xanax 180 tablets on [REDACTED], 2014, and she had taken the last tablet on [REDACTED] 2014, and that she had no more Xanax at home.

33. The physician assistant in the ED determined Patient 2's [REDACTED]  
[REDACTED]

34. Patient 2 was discharged and was to follow up with Licensee on [REDACTED], 2014.

35. On [REDACTED] 2014, Licensee examined Patient 2 in the office. Licensee documented Patient 2 "fibbed to ER Doc" and had not actually taken all of the Xanax tablets. Further, Licensee documented that Patient 2's Xanax tablets had been stolen.

36. At that visit, Licensee prescribed to Patient 2 Xanax 1mg, 240 tablets; Morphine Sulfate 200mg, 60 tablets; and Oxycodone 30mg, 240 tablets, totaling 540 tablets.

37. On [REDACTED] 2014, Licensee created a pain management plan for Patient 2. In addition, Licensee prescribed Oxycodone 15mg, 360 tablets; Oxycodone 20mg, 360 tablets; Oxycodone 30mg, 100 tablets; and Morphine ER 100mg, 90 tablets, totaling 910 tablets.

38. On [REDACTED] 2014, [REDACTED] 2014, and [REDACTED] 2014, Licensee treated Patient 2. Licensee prescribed Oxycodone 20mg, 488 tablets; OxyContin 80mg, 60 tablets; Morphine ER 200mg, 60 tablets; Oxycodone 30mg, 180 tablets; Xanax 1mg, 300 tablets; and Xanax 2mg 150 tablets, totaling 1,238 tablets.

39. Licensee referred Patient 2 for shoulder pain, and a subsequent MRI demonstrated a partial thickness tear of the left supraspinatus tendon.

40. On [REDACTED], 2014, Patient 2 received Xanax 1mg 300 tablets.

41. On [REDACTED] 2014, Patient 2 received Xanax 2mg 150 tablets.

42. On [REDACTED] 2014, Licensee documented, "Can't have 1mg + 2mg concurrently." Further, Licensee prescribed Patient 2 Valium 10mg, 60 tablets.

43. On [REDACTED] 2014, Licensee prescribed Patient 2 Xanax 1mg, 300 tablets.

44. On [REDACTED] 2014, Patient 2 was again seen in the ED for benzodiazepine withdrawal seizures.

45. On [REDACTED] 2014, Licensee wrote prescriptions for Xanax 2 mg, 100 tablets; and for Oxycodone 30 mg, 180 tablets, totaling 280 tablets.

46. On [REDACTED], 2014, Licensee wrote a prescription for Valium 10 mg, 60 tablets; and for Oxycodone 15 mg, 360 tablets, totaling 420 tablets.

47. On [REDACTED] 2014, Licensee wrote a prescription for Ativan 2 mg, 120 tablets.

48. On [REDACTED], 2015, Patient 2 was admitted to [REDACTED] with a possible drug overdose, and she required intubation with this hospitalization.

49. Since January 2015 to her March 2015 hospitalization, Patient 2 had filled Oxycodone 1,130 tablets; OxyContin 80 tablets; Hydrocodone ER 60 tablets; Methadone 200 tablets; Xanax 300 tablets; and Valium 120 tablets, totaling 1,890 tablets.

50. Upon discharge, Patient 2 was instructed to stop taking Xanax, Soma, Valium, Oxycodone 15mg, and Oxycodone 30mg.

51. On [REDACTED], 2015, Licensee prescribed Oxycodone 10mg, 90 tablets.

52. On [REDACTED], 2015, Licensee prescribed Oxycodone 5mg, 100 tablets; and OxyContin 40mg, 30 tablets.

53. On [REDACTED] 2015, Licensee prescribed Oxycodone 20mg, 24 tablets.

54. On [REDACTED], 2015, Licensee prescribed OxyContin 40 mg, 32 tablets; and Oxycodone 15 mg, 150 tablets.

55. From September 2014 to April 2015, Licensee prescribed to Patient 2 more than 3,000 controlled substance doses, averaging at least 15 doses per day.

56. The narcotic prescription history for Patient 2 from September 2014 through April 2015 revealed an average MME of 798.8 mg/day.

57. Licensee's medical records for Patient 2 were often illegible and did not always state a basis for prescribing such large amounts of controlled substances.

## **XPC HORSE FEED**

58. On or about March 28, 2014, the Board was informed that Licensee purchased XPC horse feed, divided it into 1-pound bags, and gave it to his patients to cure certain illness.

59. On or about December 9, 2014, the Board received a response from Licensee regarding the allegations that he was administering horse feed to his patients. In his response, Licensee admitted he provided XPC horse feed to his patients. Specifically, Licensee stated:

XPC costs \$90 for a 50# bag. The XPC dose is based on the consumer's body weight...I share the 50-pound bags of XPC with my patients and friends selling it to them personally at a cost for the XPC, the bags and the shipping to me...I share a bag with the community for everyone's convenience. The community shares the whole bag with me in less than 3 months.

60. Licensee documented in his patients' medical records the prescriptions, recommendation, and/or administration of XPC horse feed including but not limited to, Patient 1 and Patient 2.

61. 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.

62. All the materials in KSBHA Investigative Case Number Nos. 14-00560, 14-00736 and 15-00355 regarding Licensee, were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 30 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

63. 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 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.*

64. 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.

65. 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.

66. 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.

67. 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.

68. 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.

69. 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.

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

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

72. 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.

73. 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.

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

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

76. 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.

#### **LIMITATION: CHRONIC PAIN TREATMENT**

77. For the purposes of this Consent Order, a chronic pain management patient is a patient who is treated for pain with controlled substances for three months or longer, or past the time of normal tissue healing.

78. No later than **August 30, 2019**, Licensee will cease providing care and treatment for chronic pain management.

79. Any patient Licensee is treating for chronic pain management must be referred to a chronic pain specialist prior to **August 30, 2019**.

80. Licensee shall not resume chronic pain management for any patients.

81. This does not prohibit Licensee from treating those patients for other ailments.

82. On or before **August 30, 2019**, Licensee will verify in writing with the Board that he has no chronic pain management patients by providing a list of all chronic pain management patients who have been referred to other providers.

83. Upon treating a patient for pain with controlled substances for a period of three months, or past the time of normal tissue healing, Licensee will refer and transfer the patient to a chronic pain specialist for further care and treatment.

84. Licensee shall provide a copy of the above materials to the Compliance Coordinator at the following address:

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

**LIMITATION: SUPPLEMENTS NOT APPROVED FOR HUMAN CONSUMPTION**

85. Licensee shall not recommend, prescribe, administer or distribute XPC Horse Feed or any other vitamin, supplement, or substance that is not commercially available, recommended, approved, or sold for human consumption.

**EDUCATION: PRESCRIBING CONTROLLED SUBSTANCES**

86. Licensee shall attend and successfully complete at least eight hours of Board approved continuing education course(s) with an emphasis on proper prescribing of controlled substances. Such hours must be completed in-person.

87. On or before **August 1, 2019**, Licensee shall submit his proposed course(s) that will be reviewed and subject to approval by the Disciplinary Panel's appointed member prior to taking the course(s).

88. On or before **September 1, 2019**, Licensee shall notify the Compliance Coordinator in writing that Licensee has registered to attend the approved course(s).

89. Licensee shall attend and successfully complete the course(s) by no later than **October 15, 2019**, unless otherwise approved by the Board.

90. Licensee shall submit proof of successful completion of the approved course(s) to the Compliance Coordinator no later than 10 days after completion of the course(s).

91. All costs associated with the course(s) shall be at Licensee's expense and include, but are not limited to, the cost of the course(s), the cost of travel to and from the course(s), and the cost of accommodations while attending the course(s).

92. These hours shall be in addition to those continuing education hours required for renewal of licensure.

93. Proof of successful completion of the approved course(s) shall be submitted by sending the same to:

Kansas Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, Kansas 66612  
[KSBHA\\_compliancecoordinator@ks.gov](mailto:KSBHA_compliancecoordinator@ks.gov)

## **EDUCATION: MEDICAL RECORD DOCUMENTATION**

94. Licensee shall attend and successfully complete, in person or on-line, at least eight hours of Board approved continuing education course(s) with an emphasis on proper medical record documentation.

95. On or before **August 1, 2019**, Licensee shall propose a course(s) that will be reviewed and subject to approval by the Disciplinary Panel's appointed member prior to taking the course(s).

96. On or before **September 1, 2019**, Licensee shall notify the Compliance Coordinator in writing that Licensee has registered to attend the approved course(s).

97. Licensee shall attend and successfully complete the course(s) by no later than **October 15, 2019**, unless otherwise approved by the Board.

98. All costs associated with the course(s) shall be at Licensee's expense and include, but are not limited to, the cost of the course(s), the cost of travel to and from the course(s), and the cost of accommodations while attending the course(s).

99. These hours shall be in addition to those continuing education hours required for renewal of licensure.

100. Proof of successful completion of the approved course(s) requirements shall be submitted by sending the same to:

Kansas Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, Kansas 66612  
[KSBHA\\_compliancecoordinator@ks.gov](mailto:KSBHA_compliancecoordinator@ks.gov)

## **EDUCATION: PROPER PHYSICIAN-PATIENT COMMUNICATION**

101. Licensee shall attend and successfully complete, in person or on-line at least eight hours of Board approved continuing education course(s) with an emphasis on proper physician-patient communication.

102. On or before **August 1, 2019**, Licensee shall propose a course(s) that will be reviewed and subject to approval by the Disciplinary Panel's appointed member prior to taking the course(s).

103. On or before **September 1, 2019**, Licensee shall notify the Compliance Coordinator in writing that Licensee has registered to attend the approved course(s).

104. Licensee shall attend and successfully complete the course(s) by no later than **October 15, 2019**, unless otherwise approved by the Board.

105. All costs associated with the course(s) shall be at Licensee's expense and include, but are not limited to, the cost of the course(s), the cost of travel to and from the course(s), and the cost of accommodations while attending the course(s).

106. These hours shall be in addition to those continuing education hours required for renewal of licensure.

107. Proof of successful completion of the approved course(s) requirements shall be submitted by sending the same to:

Kansas Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, Kansas 66612  
[KSBHA\\_compliancecoordinator@ks.gov](mailto:KSBHA_compliancecoordinator@ks.gov)

## **MONITORING: EDUCATIONAL PRECEPTOR**

108. Licensee shall have an educational preceptor for his clinical practice. The Board designates the Disciplinary Panel's Appointed Member to approve the educational preceptor.

109. Licensee shall submit the initial request for approval of his educational preceptor by **August 1, 2019**, to be approved by the Board. Further, Licensee shall submit each subsequent request for approval of a new substitute educational preceptor prior to the departure previously Board-approved educational preceptor.

110. Licensee shall submit the following information with each request for approval:

- a. A current curriculum vitae of the proposed educational preceptor;
- b. Signed agreement or memorandum of understanding between Licensee and the proposed educational preceptor acknowledging:
  - i. Licensee provided a copy of the Consent Order to the proposed educational preceptor; and
  - ii. The proposed educational preceptor understands his/her duties and responsibilities.

111. The proposed educational preceptor shall be:

- a. A Kansas-licensed doctor of medicine and surgery;
- b. Board-approved prior to fulfilling the duties and responsibilities of a preceptor.

112. Once the educational preceptor is approved by the Board, the educational preceptor shall:

- a. Review at least 10 patient charts each month;
- b. Meet in person with Licensee at least one time each month to discuss the patient charts that were reviewed. Such discussion should encompass what Licensee is doing well, and what needs improvement;
- c. Submit quarterly reports to the Board on a form provided by Board Staff. Such report shall include the number of patient charts reviewed, a brief summary of Licensee's services rendered during each month, whether Licensee is appropriately documenting the medical record, and how Licensee is implementing the recommendations of the CPEP Report. The educational preceptor must immediately notify Board staff if he/she believes Licensee's services fall outside the standard of care.

113. Licensee is responsible for ensuring the educational preceptor's timely submission of the quarterly report.

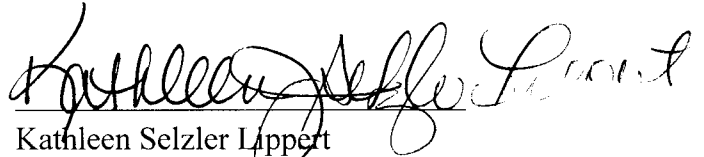
114. All costs associated with the educational preceptorship shall be at Licensee's own expense.

115. Licensee may seek to terminate this requirement after six (6) months.

**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 21 day of June, 2019.

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



Kathleen Selzler Lippert  
Executive Director

6/21/19

Date

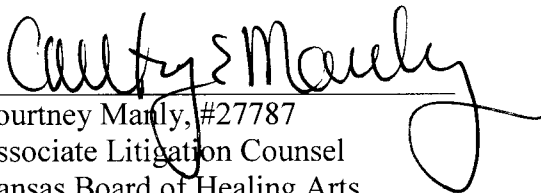


David B. Jones,  
Licensee

5/06/2019

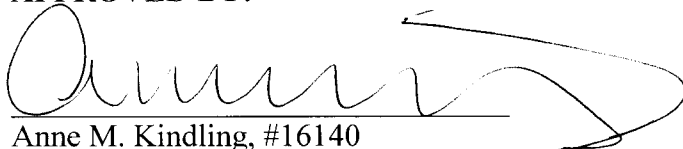
Date

**PREPARED AND APPROVED BY:**



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234-3610 (fax)  
akindling@josephhollander.com

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**Consent Order**

**David B. Jones, M.D.**

**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 21<sup>st</sup> day of June 2019, to the following:

David B. Jones, M.D.

[REDACTED]  
[REDACTED]  
[REDACTED]

Anne M. Kindling  
Attorney for Licensee  
JOSEPH HOLLANDER & CRAFT LLC  
1508 SW Topeka  
Blvd. Topeka, KS  
66612

Kathleen Selzler Lippert  
Executive Director  
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Courtney E. Manly  
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800 SW Jackson Ave, Lower Level  
Ste A Topeka, Kansas 66612

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

*Juanita  
2019-06-21*

FILED *AMC*  
JUN 21 2019

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

KS State Board of Healing Arts

<b>In the Matter of</b>	)	
	)	<b>KSBHA Docket No. 19-HA00028</b>
<b>DAVID B. JONES, M.D.</b>	)	<b>OAH No. 19HA0001 BHA</b>
<b>Kansas License No. 04-21765</b>	)	

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**CONSENT ORDER**

**COMES NOW**, Petitioner, the Kansas State Board of Healing Arts (“Board”), by and through Courtney E. Manly, Associate Litigation Counsel, and David B. Jones, M.D. (“Licensee”), by and through counsel Anne M. Kindling of Joseph Hollander & Craft LLC, 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: [REDACTED]

2. Licensee is or has been entitled to engage in the practice of medicine and surgery in Kansas, having been issued License No. 04-21765 on approximately June 19, 1987. Licensee’s license is Active.

3. 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.

4. 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.

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**Consent Order**  
**David B. Jones, M.D.**

5. 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.

6. 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.

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 42 CFR Part II, K.S.A. 65-2836(i), K.S.A. 65-4915, K.S.A. 65-2898a, and K.S.A. 65-4925.

9. The Board has received information and investigated the same, and has reason to believe there may be grounds under K.S.A. 65-2836(b), K.S.A. 65-2837(a)(2), K.S.A. 2837(a)(3), K.S.A. 65-2837(b)(12), K.S.A. 65-2837(b)(23), and K.S.A. 65-2837(b)(25), to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

10. While admitting no wrongdoing, Licensee acknowledges that if proven, the allegations would be violations of the Kansas Healing Arts Act.

11. In the four-year period from July 2010 to August 2014, Licensee wrote 8,025 prescriptions for controlled substances, totaling 751,615 dispensed doses to 253 distinct patients.

12. In the seven-month period from September 2014 to April 2015, Licensee wrote 1,073 prescriptions for controlled substances, totaling 116,931 dispensed doses to 95 distinct patients. 12 patients each received more than 3,000 dispensed doses, which, if taken as prescribed, was at least 15 doses per day. Two of those patients were Patient 1 and Patient 2, both described in more detail, below.

### PATIENT 1

13. From December 2013 through at least April 2015, Licensee provided care and treatment to Patient 1, a [REDACTED] year-old male, who initially presented complaining of tooth pain.

14. From December 2013 to the end of January 2014, Licensee prescribed Patient 1 Oxycodone 10mg, Oxycodone 5mg, Oxycodone 15mg, OxyContin 20mg, Morphine Sulfate ER 20mg, and Oxycodone 30mg, for a total of 820 tablets.

15. On [REDACTED], 2014, Licensee prescribed to Patient 1 Morphine Sulfate ER 30mg.

16. On [REDACTED], 2014, Patient 1 reported that Morphine Sulfate ER made him very drowsy. Licensee prescribed Oxycodone 20mg #240 and scheduled an MRI on [REDACTED] 2014.

17. On [REDACTED] 2014, Patient 1 reported increased back pain from lifting something heavy and requested an increase in Oxycodone. Patient 1 had not gotten the MRI. Licensee rescheduled the MRI, discussed medication tolerance and noted Patient 1 was developing tolerance rather quickly.

18. On [REDACTED], 2014, Patient 1 reported he was taking extra OxyContin due to the weak 30mg Oxycodone and requested OxyContin. Licensee wrote a new prescription for OxyContin 40mg and Oxycodone 15mg.

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**Consent Order**

**David B. Jones, M.D.**

19. On March 24, 2014, Patient 1 reported having left his OxyContin 40mg and Oxycodone 15mg in [REDACTED], so he had been using 20mgs. Patient 1 also requested medication for his [REDACTED]. Licensee prescribed Patient 1 Adderall 20mg and Oxycodone 30mg.

20. On March 27, 2014, Patient 1 reported injuring his back [REDACTED] and needed more medication. Licensee prescribed OxyContin 20mg.

21. On [REDACTED], 2014, Patient 1 reported injury to his hip when [REDACTED] Licensee, frustrated with weak generic Oxycodone, prescribed Percocet 10mg with a limit of 10 per day.

22. In April 2014, in addition to adding Percocet, Licensee increased Patient 1's OxyContin to 80mg, added Morphine ER 100mg, and prescribed OxyContin 40mg, Oxycodone 15mg, Oxycodone 30mg, and Oxycodone 20mg.

23. In May 2014, Licensee added Hydromorphone 8mg to Patient 1's list of prescriptions.

24. In June 2014, Licensee added Fentanyl 100mcg patches to Patient 1's list of prescriptions.

25. From September 2014 to April 2015, Licensee prescribed to Patient 1 more than 3,000 controlled substance doses, averaging at least 15 doses per day.

26. The narcotic prescription history for Patient 1 from September 2014 through April 2015 revealed an average morphine milligram equivalent ("MME") of 682.4 mg/day.

27. Licensee's medical records for Patient 1 were often illegible and did not always state a basis for prescribing such large amounts of controlled substances.

## PATIENT 2

28. From at least August 2009 through at least April [REDACTED] 2015, Licensee provided care and treatment to Patient 2, a female, largely for back pain.

29. In December 2013, Licensee prescribed to Patient 2 Oxycodone 30mg, 760 tablets; Xanax 1mg, 504 tablets; and Morphine Sulfate ER 100 mg, 60 tablets, totaling 1,324 tablets.

30. From January 1, 2014 through January 13, 2014, Licensee had prescribed to Patient 2 Oxycodone 30mg, 400 tablets; Xanax 2mg, 40 tablets; and Xanax 1mg, 180 tablets; Morphine ER 100 mg, 30 tablets; and Soma 350 mg, 120 tablets, totaling 770 tablets.

31. On January 24, 2014, Patient 2 presented to the Emergency Department ("ED") at [REDACTED].

32. Patient 2 reported to the ED staff that she had been prescribed Xanax 180 tablets on [REDACTED], 2014, and she had taken the last tablet on [REDACTED] 2014, and that she had no more Xanax at home.

33. The physician assistant in the ED determined Patient 2's [REDACTED]  
[REDACTED]

34. Patient 2 was discharged and was to follow up with Licensee on [REDACTED], 2014.

35. On [REDACTED] 2014, Licensee examined Patient 2 in the office. Licensee documented Patient 2 "fibbed to ER Doc" and had not actually taken all of the Xanax tablets. Further, Licensee documented that Patient 2's Xanax tablets had been stolen.

36. At that visit, Licensee prescribed to Patient 2 Xanax 1mg, 240 tablets; Morphine Sulfate 200mg, 60 tablets; and Oxycodone 30mg, 240 tablets, totaling 540 tablets.

37. On [REDACTED] 2014, Licensee created a pain management plan for Patient 2. In addition, Licensee prescribed Oxycodone 15mg, 360 tablets; Oxycodone 20mg, 360 tablets; Oxycodone 30mg, 100 tablets; and Morphine ER 100mg, 90 tablets, totaling 910 tablets.

38. On [REDACTED] 2014, [REDACTED] 2014, and [REDACTED] 2014, Licensee treated Patient 2. Licensee prescribed Oxycodone 20mg, 488 tablets; OxyContin 80mg, 60 tablets; Morphine ER 200mg, 60 tablets; Oxycodone 30mg, 180 tablets; Xanax 1mg, 300 tablets; and Xanax 2mg 150 tablets, totaling 1,238 tablets.

39. Licensee referred Patient 2 for shoulder pain, and a subsequent MRI demonstrated a partial thickness tear of the left supraspinatus tendon.

40. On [REDACTED], 2014, Patient 2 received Xanax 1mg 300 tablets.

41. On [REDACTED] 2014, Patient 2 received Xanax 2mg 150 tablets.

42. On [REDACTED] 2014, Licensee documented, "Can't have 1mg + 2mg concurrently." Further, Licensee prescribed Patient 2 Valium 10mg, 60 tablets.

43. On [REDACTED] 2014, Licensee prescribed Patient 2 Xanax 1mg, 300 tablets.

44. On [REDACTED] 2014, Patient 2 was again seen in the ED for benzodiazepine withdrawal seizures.

45. On [REDACTED] 2014, Licensee wrote prescriptions for Xanax 2 mg, 100 tablets; and for Oxycodone 30 mg, 180 tablets, totaling 280 tablets.

46. On [REDACTED], 2014, Licensee wrote a prescription for Valium 10 mg, 60 tablets; and for Oxycodone 15 mg, 360 tablets, totaling 420 tablets.

47. On [REDACTED] 2014, Licensee wrote a prescription for Ativan 2 mg, 120 tablets.

48. On [REDACTED], 2015, Patient 2 was admitted to [REDACTED] with a possible drug overdose, and she required intubation with this hospitalization.

49. Since January 2015 to her March 2015 hospitalization, Patient 2 had filled Oxycodone 1,130 tablets; OxyContin 80 tablets; Hydrocodone ER 60 tablets; Methadone 200 tablets; Xanax 300 tablets; and Valium 120 tablets, totaling 1,890 tablets.

50. Upon discharge, Patient 2 was instructed to stop taking Xanax, Soma, Valium, Oxycodone 15mg, and Oxycodone 30mg.

51. On [REDACTED], 2015, Licensee prescribed Oxycodone 10mg, 90 tablets.

52. On [REDACTED], 2015, Licensee prescribed Oxycodone 5mg, 100 tablets; and OxyContin 40mg, 30 tablets.

53. On [REDACTED] 2015, Licensee prescribed Oxycodone 20mg, 24 tablets.

54. On [REDACTED], 2015, Licensee prescribed OxyContin 40 mg, 32 tablets; and Oxycodone 15 mg, 150 tablets.

55. From September 2014 to April 2015, Licensee prescribed to Patient 2 more than 3,000 controlled substance doses, averaging at least 15 doses per day.

56. The narcotic prescription history for Patient 2 from September 2014 through April 2015 revealed an average MME of 798.8 mg/day.

57. Licensee's medical records for Patient 2 were often illegible and did not always state a basis for prescribing such large amounts of controlled substances.

## **XPC HORSE FEED**

58. On or about March 28, 2014, the Board was informed that Licensee purchased XPC horse feed, divided it into 1-pound bags, and gave it to his patients to cure certain illness.

59. On or about December 9, 2014, the Board received a response from Licensee regarding the allegations that he was administering horse feed to his patients. In his response, Licensee admitted he provided XPC horse feed to his patients. Specifically, Licensee stated:

XPC costs \$90 for a 50# bag. The XPC dose is based on the consumer's body weight...I share the 50-pound bags of XPC with my patients and friends selling it to them personally at a cost for the XPC, the bags and the shipping to me...I share a bag with the community for everyone's convenience. The community shares the whole bag with me in less than 3 months.

60. Licensee documented in his patients' medical records the prescriptions, recommendation, and/or administration of XPC horse feed including but not limited to, Patient 1 and Patient 2.

61. 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.

62. All the materials in KSBHA Investigative Case Number Nos. 14-00560, 14-00736 and 15-00355 regarding Licensee, were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 30 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

63. 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 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.*

64. 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.

65. 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.

66. 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.

67. 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.

68. 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.

69. 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.

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

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

72. 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.

73. 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.

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

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

76. 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.

#### **LIMITATION: CHRONIC PAIN TREATMENT**

77. For the purposes of this Consent Order, a chronic pain management patient is a patient who is treated for pain with controlled substances for three months or longer, or past the time of normal tissue healing.

78. No later than **August 30, 2019**, Licensee will cease providing care and treatment for chronic pain management.

79. Any patient Licensee is treating for chronic pain management must be referred to a chronic pain specialist prior to **August 30, 2019**.

80. Licensee shall not resume chronic pain management for any patients.

81. This does not prohibit Licensee from treating those patients for other ailments.

82. On or before **August 30, 2019**, Licensee will verify in writing with the Board that he has no chronic pain management patients by providing a list of all chronic pain management patients who have been referred to other providers.

83. Upon treating a patient for pain with controlled substances for a period of three months, or past the time of normal tissue healing, Licensee will refer and transfer the patient to a chronic pain specialist for further care and treatment.

84. Licensee shall provide a copy of the above materials to the Compliance Coordinator at the following address:

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

**LIMITATION: SUPPLEMENTS NOT APPROVED FOR HUMAN CONSUMPTION**

85. Licensee shall not recommend, prescribe, administer or distribute XPC Horse Feed or any other vitamin, supplement, or substance that is not commercially available, recommended, approved, or sold for human consumption.

**EDUCATION: PRESCRIBING CONTROLLED SUBSTANCES**

86. Licensee shall attend and successfully complete at least eight hours of Board approved continuing education course(s) with an emphasis on proper prescribing of controlled substances. Such hours must be completed in-person.

87. On or before **August 1, 2019**, Licensee shall submit his proposed course(s) that will be reviewed and subject to approval by the Disciplinary Panel's appointed member prior to taking the course(s).

88. On or before **September 1, 2019**, Licensee shall notify the Compliance Coordinator in writing that Licensee has registered to attend the approved course(s).

89. Licensee shall attend and successfully complete the course(s) by no later than **October 15, 2019**, unless otherwise approved by the Board.

90. Licensee shall submit proof of successful completion of the approved course(s) to the Compliance Coordinator no later than 10 days after completion of the course(s).

91. All costs associated with the course(s) shall be at Licensee's expense and include, but are not limited to, the cost of the course(s), the cost of travel to and from the course(s), and the cost of accommodations while attending the course(s).

92. These hours shall be in addition to those continuing education hours required for renewal of licensure.

93. Proof of successful completion of the approved course(s) shall be submitted by sending the same to:

Kansas Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, Kansas 66612  
[KSBHA\\_compliancecoordinator@ks.gov](mailto:KSBHA_compliancecoordinator@ks.gov)

## **EDUCATION: MEDICAL RECORD DOCUMENTATION**

94. Licensee shall attend and successfully complete, in person or on-line, at least eight hours of Board approved continuing education course(s) with an emphasis on proper medical record documentation.

95. On or before **August 1, 2019**, Licensee shall propose a course(s) that will be reviewed and subject to approval by the Disciplinary Panel's appointed member prior to taking the course(s).

96. On or before **September 1, 2019**, Licensee shall notify the Compliance Coordinator in writing that Licensee has registered to attend the approved course(s).

97. Licensee shall attend and successfully complete the course(s) by no later than **October 15, 2019**, unless otherwise approved by the Board.

98. All costs associated with the course(s) shall be at Licensee's expense and include, but are not limited to, the cost of the course(s), the cost of travel to and from the course(s), and the cost of accommodations while attending the course(s).

99. These hours shall be in addition to those continuing education hours required for renewal of licensure.

100. Proof of successful completion of the approved course(s) requirements shall be submitted by sending the same to:

Kansas Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, Kansas 66612  
[KSBHA\\_compliancecoordinator@ks.gov](mailto:KSBHA_compliancecoordinator@ks.gov)

## **EDUCATION: PROPER PHYSICIAN-PATIENT COMMUNICATION**

101. Licensee shall attend and successfully complete, in person or on-line at least eight hours of Board approved continuing education course(s) with an emphasis on proper physician-patient communication.

102. On or before **August 1, 2019**, Licensee shall propose a course(s) that will be reviewed and subject to approval by the Disciplinary Panel's appointed member prior to taking the course(s).

103. On or before **September 1, 2019**, Licensee shall notify the Compliance Coordinator in writing that Licensee has registered to attend the approved course(s).

104. Licensee shall attend and successfully complete the course(s) by no later than **October 15, 2019**, unless otherwise approved by the Board.

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Attn: Compliance Coordinator  
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Topeka, Kansas 66612  
[KSBHA\\_compliancecoordinator@ks.gov](mailto:KSBHA_compliancecoordinator@ks.gov)

## **MONITORING: EDUCATIONAL PRECEPTOR**

108. Licensee shall have an educational preceptor for his clinical practice. The Board designates the Disciplinary Panel's Appointed Member to approve the educational preceptor.

109. Licensee shall submit the initial request for approval of his educational preceptor by **August 1, 2019**, to be approved by the Board. Further, Licensee shall submit each subsequent request for approval of a new substitute educational preceptor prior to the departure previously Board-approved educational preceptor.

110. Licensee shall submit the following information with each request for approval:

- a. A current curriculum vitae of the proposed educational preceptor;
- b. Signed agreement or memorandum of understanding between Licensee and the proposed educational preceptor acknowledging:
  - i. Licensee provided a copy of the Consent Order to the proposed educational preceptor; and
  - ii. The proposed educational preceptor understands his/her duties and responsibilities.

111. The proposed educational preceptor shall be:

- a. A Kansas-licensed doctor of medicine and surgery;
- b. Board-approved prior to fulfilling the duties and responsibilities of a preceptor.

112. Once the educational preceptor is approved by the Board, the educational preceptor shall:

- a. Review at least 10 patient charts each month;
- b. Meet in person with Licensee at least one time each month to discuss the patient charts that were reviewed. Such discussion should encompass what Licensee is doing well, and what needs improvement;
- c. Submit quarterly reports to the Board on a form provided by Board Staff. Such report shall include the number of patient charts reviewed, a brief summary of Licensee's services rendered during each month, whether Licensee is appropriately documenting the medical record, and how Licensee is implementing the recommendations of the CPEP Report. The educational preceptor must immediately notify Board staff if he/she believes Licensee's services fall outside the standard of care.

113. Licensee is responsible for ensuring the educational preceptor's timely submission of the quarterly report.

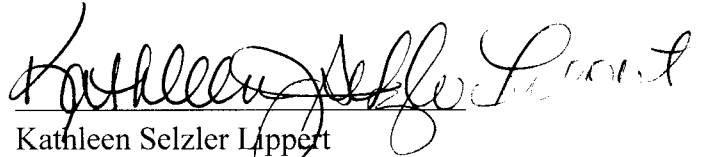
114. All costs associated with the educational preceptorship shall be at Licensee's own expense.

115. Licensee may seek to terminate this requirement after six (6) months.

**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 21 day of June, 2019.

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



Kathleen Selzler Lippert  
Executive Director

6/21/19

Date

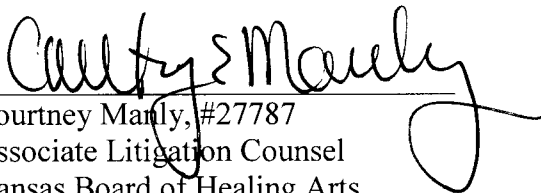


David B. Jones,  
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5/06/2019

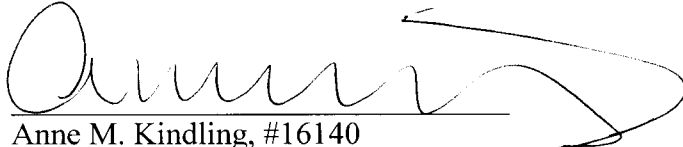
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**PREPARED AND APPROVED BY:**



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**Consent Order**

**David B. Jones, M.D.**

**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 21<sup>st</sup> day of June 2019, to the following:

David B. Jones, M.D.

[REDACTED]  
[REDACTED]  
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*Juanita  
2019 June 21*