New York State Board for Professional Medical Conduct
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

Kendrick A. Sears, M.D.
Chairman

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

Public

November 15, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jeffrey J. Brooks, M.D.
114 Weed Street
New Canaan, CT 06840

Re: License No. Resident

Dear Dr. Brooks:

Enclosed is a copy of Order #BPMC 05-260 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect November 22, 2005.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure
cc: Wilfred T. Friedman, Esq.
36 West 44th St., Suite 816
New York, NY 10036

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF JEFFREY J. BROOKS, M.D.	CONSENT ORDER BPMC No. #05-260

Upon the application of (Respondent) JEFFREY J. BROOKS, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 11-11-05

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF JEFFREY J. BROOKS, M.D.	CONSENT AGREEMENT AND ORDER

JEFFREY J. BROOKS, M.D., representing that all of the following statements are true, deposes and says:

That I have been a "licensee," as that term is defined in N.Y. Public Health Law §230(7), at all times in or after my hand fellowship at St. Lukes-Roosevelt Medical Center, New York, N.Y., in 2003-2004, and hereafter I will be referred to as "licensee" although I do not hold and have not held a license to practice medicine in New York State issued by the New York State Education Department. I am currently not licensed as a physician in any jurisdiction outside of New York State, with the exception of: (list the jurisdictions and license numbers or write "NONE")

Connecticut – license number 042397

_____.

My current address is Orthopedic Surgery and Sports Medicine Center, 1290 Summer St., Suite 4400, Stamford, CT 06905, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the First Specification, Fraudulent Practice, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to §230-a(1) of the Public Health Law, I shall be subject to a Censure and Reprimand.

I further agree that the Consent Order shall impose the following conditions:

That should Respondent become licensed during the effective period of this Order, Respondent shall maintain active registration of Respondent's license with the New York State Education, Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters

concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue indefinitely.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted.

I stipulate that the proposed sanction and Order are authorized by Public Health Law Sections 230 and 230-a and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 10/18/05

JEFFREY J. BROOKS, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 10/2/05

WILFRED T. FRIEDMAN, ESQ.
Attorney for Respondent

DATE: Nov. 2, 2005

MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: November 10 2005

DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

EXHIBIT "A"

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF JEFFREY J. BROOKS, M.D.	STATEMENT OF CHARGES

JEFFREY J. BROOKS, M.D., the Respondent, was a "licensee," as that term is defined in N.Y. Public Health Law §230(7), at all times in or after a hand fellowship at St. Lukes-Roosevelt Medical Center, New York, N.Y., in 2003-2004. He does not hold and has not held a license to practice medicine in New York State issued by the New York State Education Department.

FACTUAL ALLEGATIONS

A. In or about 2003-2004, on repeated occasions, Respondent knowingly, and with intent to mislead, obtained prescriptions inappropriately from other physicians for Vicodin for his own use.

SPECIFICATION OF CHARGES

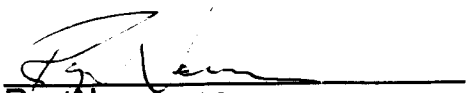
FIRST SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of:

1. Paragraph A.

DATED: ~~September~~ Nov 3, 2005
New York, New York



Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct