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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION
JEFFREY J. BROOK, JR., M.D., : AND ORDER
RESPONDENT. :

The parties to this action for the purposes of Wis. Stats. sec. 227.16 are:

Jeffrey J. Brook, Jr., M.D.
108 South 10th Avenue
Sturgeon Bay, Wisconsin

Wisconsin Medical Examining Board
P.O. Box 8936
Madison, Wisconsin 53708-8936

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8936
Madison, Wisconsin 53708-8936

A party aggrieved by this decision may petition the Board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The petition in this instance would be captioned with Jeffrey J. Brook, Jr., M.D. as the respondent.

A party aggrieved by this decision who is a resident of this state may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the Wisconsin Medical Examining Board.

The parties in this matter agree to the terms and conditions of the attached stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached stipulation and makes the following:

FINDINGS OF FACT

1. JEFFREY J. BROOK, JR., M.D., Respondent herein is a physician licensed to practice medicine and surgery in the State of Wisconsin;

that his license which bears # 11087 was granted August 15, 1951; that his current place of practice is 108 S. 10th Avenue Sturgeon Bay, Wisconsin 54235.

2. That Preludin is a brand of phenmetrazine hydrochloride, a sympathomimetic amine, which is a Schedule II controlled substance as defined by Wis. Stats. sec. 161.16(5)(c).

3. That since November 1, 1977 Wis. Adm. Code sec. Med 10.02(2)(s) has defined "unprofessional conduct" to include the prescribing of any amphetamine, sympathomimetic amine drug or compound, designated as a Schedule II controlled substance pursuant to the provisions of ch. 161, Stats., to or for any person except for the treatment of narcolepsy, or the treatment of hyperkinesia, or for drug induced brain dysfunction, or for the treatment of epilepsy, or for the differential diagnostic psychiatric evaluation of depression, or for the treatment of depression shown to be refractory to other therapeutic modalities, or for the clinical investigation of the effects of such drugs or compounds, in which case an investigative protocol therefore shall have been submitted to and reviewed and approved by the Board before such investigation has begun.

4. That Respondent began treating Patient A in his professional medical practice in 1956 when she was 14 years of age. That Respondent continued to treat Patient A and prescribed amphetamines to her for weight control in 1965 and again in 1972, prior to the enactment of the "amphetamine rule," Wis. Adm. Code section Med 10.02(2)(s).

5. That subsequent to the enactment of the "amphetamine rule" Respondent issued prescriptions for Preludin 75 mg to Patient A for the purpose of weight control, with directions to take 1 per day for weight control, as follows:

- (a) 11/24/78, 30 units;
- (b) Six months later, 6/1/79, 30 units;
- (c) 86 days later, 8/16/79, 30 units;
- (d) 67 days later, 10/22/79, 30 units;
- (e) 82 days later, 1/12/80, 30 units;
- (f) 75 days later, 3/28/80, 30 units;
- (g) 85 days later, 6/11/80, 30 units;
- (h) 75 days later, 8/25/80, 30 units;
- (i) 77 days later, 11/10/80, 20 units;
- (j) 37 days later, 12/12/80, 30 units;
- (k) 76 days later, 3/3/81, 30 units;

- (l) 85 days later, 5/27/81, 30 units;
- (m) 91 days later, 8/26/81, 30 units;
- (n) 75 days later, 11/9/81, 30 units;
- (o) 73 days later, 1/21/82, 40 units;
- (p) 76 days later, 4/6/82, 30 units;
- (q) 107 days later, 7/22/82, 30 units;
- (r) 74 days later, 10/4/82, 30 units;
- (s) 70 days later, 12/13/82, 30 units.

6. That there is no evidence that Patient A abused the Preludin or used it for purposes other than weight control. There is no evidence that Patient A suffered any ill effects from the Preludin, during the time she was taking it.

7. That Respondent discontinued the prescribing of Preludin to Patient A in December, 1982, which was prior to the time he became aware of the Department of Regulation and Licensing, Division of Enforcement's investigation of his prescribing to this patient. There is no evidence that Patient A suffered any ill effects from the discontinuance of the Preludin.

8. That Respondent has not issued prescriptions for Preludin or other schedule II amphetamines, for the purpose of weight control, to any other patients since the enactment of the "amphetamine rule."

CONCLUSIONS OF LAW

1. That the Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to section 448.02(3), Wis. Stats.

2. That the acts of Respondent in issuing prescriptions for Preludin to Patient A for the purpose of weight control constitute unprofessional conduct within the meaning of Wis. Stats. sec. 448.02(3) and Wis. Adm. Code sec. Med 10.02(2)(s).

3. That there is insufficient evidence in the record to prove that Respondent has been guilty of unprofessional conduct as alleged in Counts II, III, and IV.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached stipulation is accepted.

IT IS FURTHER ORDERED that Counts II, III, and IV are hereby dismissed.

IT IS FURTHER ORDERED that Jeffrey J. Brook, Jr., M.D., Respondent, be and hereby is Reprimanded for his having prescribed a sympathomimetic amine (Preludin), which is also a Schedule II controlled substance, to a patient for weight control.

IT IS FURTHER ORDERED that the license of Jeffrey J. Brook, Jr., M.D., to practice medicine and surgery in the state of Wisconsin shall be limited in the following manner for five years, beginning the date of this Final Decision and Order:

1. That with the following exceptions Respondent shall not prescribe, dispense, or administer any Schedule II amphetamine or Schedule II sympathomimetic amine drug or compound, to any patient to whom Dr. Brook is not currently prescribing the substance, for any purpose:

(a) Respondent may prescribe such substances for treatment of narcolepsy, if the condition has first been diagnosed in writing by a neurologist;

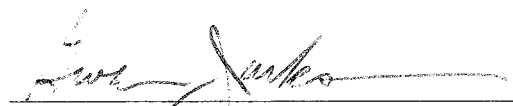
(b) Respondent may prescribe the substances for the treatment of depression shown to be refractory to other therapeutic modalities, but only following a consultation with a psychiatrist. The consultation may consist of a telephone conversation between Respondent and the psychiatrist, if the content of the conversation is immediately charted in the patient's record by Respondent.

(c) Respondent may prescribe the substances for the treatment of hyperkinesis.

2. That Jeffrey J. Brook, Jr., M.D., Respondent, shall refrain from engaging in unprofessional conduct; shall appear before the Board or its officers or agents at such times and places as may be designed by the Board from time to time; shall fully disclose to the Board or its officers or agents the nature of his practice and conduct; and shall cooperate with the Board during the entire period of limitation. (Section 448.02(3)(a), Wis. Stats.)

3. That if at the end of the five year limitation upon Respondent's license, Respondent appears before the Board and provides the Board with evidence satisfactory to the Board that he has suitable knowledge regarding the prescribing of Schedule II amphetamines and sympathomimetic amines, then these limitations shall be removed from Respondent's license to practice medicine and surgery in the state of Wisconsin.

Dated at Madison, Wisconsin this 18th day of April, 1985.


Gwen Jackson, Secretary
Wisconsin Medical Examining Board