

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
FLOYD A. BROOKS, RCP	:	
RESPONDENT.	:	ORDER 0000590

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Division of Enforcement Case No. 10 MED 217

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Floyd A. Brooks, RCP  
**Respondent**  
1340 Geneva Road, Apt. 6  
Menasha, WI 54952

Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

Medical Examining Board  
Department of Regulation & Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Floyd A. Brooks, RCP, date of birth November 27, 1968, is certified by the Wisconsin Medical Examining Board as a respiratory care practitioner in the state of Wisconsin pursuant to certificate number 2739-28, which was first granted April 26, 2001.
2. Respondent's last address reported to the Department of Regulation and Licensing is 1340 Geneva Road, Apt. 6, Menasha, WI 54952
3. Respondent was employed with Affinity Health System and St. Elisabeth Hospital as a Respiratory Therapist. In April 2009, Respondent had a rash which he felt his primary care physician was not treating appropriately. Respondent stole a prescription pad from a

nurses' station and from April 30, 2009 to April 27, 2010 forged 19 prescriptions for himself which he took to and had filled at a pharmacy. Seventeen of the prescriptions were for tetracycline and two were for clobetasol propionate. Both are drugs that can only be dispensed pursuant to the prescription of a practitioner. The prescriptions were purportedly written by four licensed physicians none of whom had ever treated Respondent.

4. On June 7, 2010, the forgeries were discovered. Respondent was confronted and admitted taking the prescription pad without permission and forging the prescriptions. On June 10, 2010, Respondent's employer terminated his employment.

5. Respondent violated the following laws which substantially relate to the circumstances of practice as a respiratory care practitioner: Wis. Stat. § 943.20, theft; § 943.38, forgery; and § 450.11(7), obtaining a prescription drug by fraud.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by violating a law the circumstances of which substantially relate to the circumstances of practice as a respiratory care practitioner has committed unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(z), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

#### SUSPENSION

1. The license of Floyd A. Brooks, RCP as a respiratory care practitioner in the State of Wisconsin is hereby **SUSPENDED** for a period of thirty (30) days, effective immediately.

2. Respondent shall, within 180 days, pay to the Department of Regulation and Licensing the costs of this proceeding in the amount of \$450.00 pursuant to Wis. Stat. § 440.22(2).

3. Payment shall be mailed or delivered to:  
Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

4. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Skailaf  
A Member of ~~the~~ Board

12/15/10  
Date

T:/MAAB/Zwiegl/MED/Brooks, MD