

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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
	:	
BRIAN FOX, M.D.,	:	
RESPONDENT.	:	ORDER 0001364

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Division of Enforcement Case No. 10MED313

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

Brian Fox, M.D.  
Respondent  
1995 Errecart Blvd., #103  
Elko, NV 89801

Division of Enforcement  
Department of Safety and Professional Services  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Medical Examining Board  
Department of Safety and Professional Services  
1400 East Washington Avenue  
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 in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Brian Fox, M.D., Respondent (DOB: May 4, 1951), is licensed by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 27626-20, which was first granted July 1, 1986.

2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 1995 Errecart Blvd, #103, Elko, NV 89801.

3. On October 16, 2007, the Investigative Committee of the Nevada State Board of Medical Examiners filed a Complaint alleging Respondent failed to properly interpret the fetal heart-tracing tests; timely initiate a c/section procedure; and to use the reasonable knowledge, skill and expertise ordinarily used in similar treatments.

4. On March 28, 2008, the Nevada State Board of Medical Examiners and Respondent entered into a Settlement, Waiver and Consent Agreement. Respondent agreed to the following:

- a. Public Reprimand;
- b. Fined in the amount of \$5,000.00;
- c. Attend twenty (20) hours of CME regarding pre-natal care, within one year from the date of the Agreement;
- d. Reimburse the Board \$1,749.66 for the costs and expenses incurred for the investigation and prosecution of this case within sixty (60) days from the date of the Agreement.

5. On August 26, 2008, the State of Michigan, Bureau of Health Professions filed an Administrative Complaint against the Respondent for the disciplinary action in the state of Nevada and for failing to notify the Michigan Department of Community Health since Respondent holds a lapsed controlled substance license.

6. On January 28, 2009, the Michigan Board of Medicine and Respondent entered into a Consent Order and Stipulation. The Respondent was fined in the amount of \$1,000.00 which was to be paid within sixty (60) days from the Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by having been subject to discipline by the Nevada State Board of Medical Examiners and the Michigan Board of Medicine, has committed unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h)(q) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. Brian Fox, M.D., Respondent is hereby REPRIMANDED for the above conduct.

IT IS FURTHER ORDERED that:

2. The Board recognizes the successful completion of all terms of the Final Orders imposed by the Nevada State Board of Medical Examiners and the Michigan Board of Medicine and does not feel additional disciplinary action is required.

3. Respondent shall, within sixty (60) days from the date of this Order, pay costs of this proceeding in the amount of fifty-two (\$52.00) dollars. Payment shall be made payable to the Wisconsin Department of Safety and Professional Services, and mailed to:

Department Monitor  
Division of Enforcement  
Department of Safety and Professional Services  
P. O. Box 8935  
Madison, WI 53708-8935  
FAX (608) 266-2264

4. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as set forth above, the Respondent's license (No. 27686-20) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

5. This Order shall become effective on the date of its signing.

MEDICAL EXAMINING BOARD

By

A Member of the Board

Date

2/15/12

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