

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
HEALTHCARE SYSTEMS BRANCH**

In re: Harry J. Brown, M.D.

Petition No. 2005-0916-001-231

**CONSENT ORDER**

WHEREAS, Harry J. Brown of Weston, CT (hereinafter "respondent") has been issued license number 014958 to practice medicine and surgery by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. He wrote prescriptions for J.T. even though he was not respondent's patient.
2. He failed to maintain medical records of J.T.'s visits.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-13c.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Connecticut Medical Examining Board (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10 and 19a-14 and 20-13c of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14 and 19a-17 and 20-13c of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 014958 to practice as a physician and surgeon in the State of Connecticut is hereby reprimanded.
3. Respondent's license shall be placed on probation for a period of six months Subject to the following terms and conditions:
  - a. Respondent shall successfully complete a course in documentation standards and prescribing practices, pre-approved by the Department. Within one month of the completion of such coursework, and prior to the end of probation, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such course.
  - b. During the period of probation Respondent's controlled substance prescribing, ordering, and dispensing practice shall be monitored by a licensed physician pre-approved by the Department. (hereinafter "Supervisor") During this period of monitoring respondent shall:
    - (1) Maintain a log of all controlled substances dispensed to patients as well as all prescriptions for controlled substances, both written and authorized by phone.
    - (2) Maintain copies of all orders placed to wholesalers for controlled substances, as well as records of receipts.
    - (3) Respondent's supervisor shall conduct monthly random reviews of twenty percent (20%) or twenty of respondent's patient records, whichever is the larger number. In the event respondent has fewer patients, the supervisor shall review all of respondent's patient records. As part of such review, the supervisor shall review and compare respondent's patient records, office dispensing records, controlled

substance log, and controlled substance purchase and receipt records to ensure that controlled substances have been appropriately ordered and maintained. The supervisor may monitor respondent's practice by any other reasonable means which he or she deems appropriate, and respondent shall fully cooperate with the supervisor in such additional monitoring.

- (4) Respondent shall be responsible for the supervisor providing written reports to the Department within two weeks of each monthly review. Such reports shall include: documentation of the dates and duration of meetings with respondent; the number and a general description of the patient records reviewed; a statement regarding respondent's controlled substance purchasing, prescribing, and dispensing practices; any additional monitoring techniques utilized; and, a statement that respondent is practicing with reasonable skill and safety.

5. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant  
Department of Public Health  
Practitioner Licensing and Investigations  
410 Capitol Avenue, MS #12HSR  
P.O. Box 340308  
Hartford, CT 06134-0308

6. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
7. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
8. Respondent shall pay all costs necessary to comply with this Consent Order.
9. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:

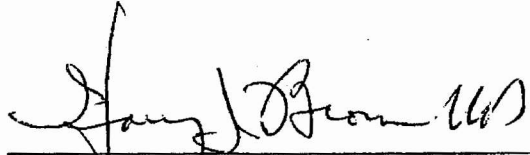
- a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
  - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
  - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
  - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
  - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
10. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a physician and surgeon, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall

constitute an admission that [his/her] conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, sections 4-182(c) and 19a-17(c).

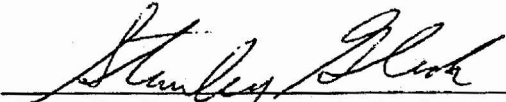
11. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
12. In the event respondent is not employed as a physician and surgeon for periods of thirty (30) consecutive days or longer, or is employed as a physician and surgeon less than twenty (20) hours per week, or is employed outside of the State of Connecticut, respondent shall notify the Department in writing. Such periods of time shall not be counted in reducing the probationary period covered by this Consent Order.
13. Legal notice shall be sufficient if sent to respondent's last known address of record reported to Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
14. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
15. Respondent understands this Consent Order may be considered as a public document and evidence of the above admitted violations in any proceeding before the Board in which his compliance with this Consent Order or with §20-13c of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that all discipline imposed by this Consent Order, except for civil penalties, will be reported to the National Practitioner Data Bank, and that all disciplinary actions will appear on his physician profile pursuant to Connecticut General Statutes 20-13j.
16. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.

17. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
18. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
19. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted.
20. Respondent has the right to consult with an attorney prior to signing this document.
21. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.


I, Harry J. Brown, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
\_\_\_\_\_  
Harry J. Brown, M.D.

Subscribed and sworn to before me this 1<sup>st</sup> day of FEBRUARY 2006

  
\_\_\_\_\_  
Notary Public ~~or person authorized~~  
~~by law to administer an oath or affirmation~~  
COMMISSION EXPIRES 11/30/10

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 9<sup>th</sup> day of February 2006, it is hereby accepted.

  
\_\_\_\_\_  
Jennifer Filippone, Section Chief  
Practitioner Licensing and Investigations  
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the \_\_\_\_\_ on the 21<sup>st</sup> day of March 2005, it is hereby ordered and accepted.

  
\_\_\_\_\_  
Connecticut Medical Examining Board

**STATE OF CONNECTICUT**

DEPARTMENT OF PUBLIC HEALTH

October 5, 2006

Harry Brown, MD  
23 White Birch Road  
Weston, CT 06883

Re: Consent Order  
Petition No. 2005-0916-001-231  
License No. 014958

Dear Dr. Brown:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective October 1, 2006.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Consent Order.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant  
Office of Practitioner Licensing and Investigations

cc: J. Filippone



Phone: (860) 509-7400  
Telephone Device for the Deaf (860) 509-7191  
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P.O. Box 340308 Hartford, CT 06134  
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