

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

In re: Lee Brauer, M.D.

Petition No. 2009-20091349

CONSENT ORDER

WHEREAS, Lee Brauer of West Hartford, Connecticut (hereinafter "respondent") has been issued license number 013129 to practice as a physician by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. Respondent initially evaluated patient A in June 1999 and noted in the record a complex psychiatric history and reports of drug addiction. Subsequently between approximately April 2007 to October 2009, respondent's care for patient A failed to meet the standard of care in one or more of the following ways:
 - a. he inappropriately prescribed excessive doses of Ritalin 20mg tablets;
 - b. he failed to appropriately prescribe non-psychiatric medications, including Oxycodone and Fiorinal; and/or
 - c. he failed to adequately treat the patient's drug dependence in a timely manner and/or in an appropriate setting.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §20-13c, including, but not limited to, §20-13c(4).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, 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, 19a-14 and 20-13c of the General Statutes of Connecticut.

WHEREAS, respondent has successfully completed a course in the clinical assessment, treatment, and evaluation of the dual diagnosed client, preapproved by the Department. See, Attachment "A."

NOW THEREFORE, pursuant to §§19a-10, 19a-14 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 013129 to practice as a physician shall be placed on probation for a period of one (1) year under the following terms and conditions:
 - a. Respondent shall obtain at his own expense, the services of a psychiatrist, pre-approved by the Department (hereinafter "practice monitor"), to conduct a monthly random review of 20 percent (20 %) of respondent's patient records for the first three months and quarterly thereafter. In the event respondent has twenty (20) or fewer patients, the practice monitor shall review all of respondent's patient records.
 - (1) Respondent shall provide a copy of this Consent Order to his practice monitor. Respondent's practice monitor shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
 - (2) Respondent's practice monitor shall conduct such review and meet with him not less than once every month for the first three months of his probationary period and quarterly for the remainder of the probationary period.
 - (3) The practice monitor shall have the right to monitor respondent's practice by any other reasonable means which he or she deems appropriate. Respondent shall fully cooperate with the practice monitor in providing such monitoring.
 - (4) Respondent shall be responsible for providing written practice monitor reports directly to the Department monthly for the first three months of the probationary period and quarterly thereafter for the remainder of the probationary period. Such practice monitor's reports shall include documentation of dates and duration of meetings with respondent, number and a general description of the patient records and patient medication orders and prescriptions reviewed, additional monitoring techniques utilized, and a statement that respondent is practicing with reasonable skill and safety.
 - b. Within the first six (6) months of the probationary period, respondent shall attend and successfully complete a course, pre-approved by the Department, in prescribing practices. Within thirty (30) days of the completion of such coursework, respondent shall provide the Department with proof, to the Department's satisfaction, of the successful completion of such courses.
3. All correspondence and reports are to be addressed to:

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

4. 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.
5. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
6. Respondent shall pay all costs necessary to comply with this Consent Order.
7. 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 7a 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.
8. In the event respondent is not employed as a physician for periods of thirty (30) consecutive days or longer, respondent shall notify the Department in writing. Such periods of times shall not be counted in reducing the probationary period covered by this Consent Order and such terms shall be held in abeyance. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order. In the event respondent resumes the practice of psychiatry, respondent shall provide the Department with thirty (30) days prior written notice. Respondent shall not return to the practice of a physician without written pre-approval from the Department. Respondent agrees that the Department, in its complete discretion, may require additional documentation from respondent and/or require respondent to satisfy other conditions or

- terms as a condition precedent to respondent's return to practice. Respondent understands that any return to the practice of a physician without pre-approval from the Department shall constitute a violation of this Consent Order and may subject the respondent to further disciplinary action.
9. If, during the period of probation, respondent practices as a physician outside Connecticut, he shall provide written notice to the Department concerning such employment. During such time period, respondent shall not be responsible for complying with the terms of probation of this Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. In the event respondent intends to return to the practice of a physician in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 2 above.
 10. 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.
 11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
 12. 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.
 13. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent 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 any discipline imposed by this Consent Order shall 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.
 14. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a physician, 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, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. 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 be considered by the Board and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-

- 17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.
15. 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.
 16. 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. Respondent understands that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. 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.
 17. 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.
 18. 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.
 19. Respondent has the right to consult with an attorney prior to signing this document.
 20. 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. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
 21. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

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I, Lee Brauer, 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.

Lee Brauer
Lee Brauer

Subscribed and sworn to before me this 21st day of November 2010.

Mary Alice Moore Leonhardt
Notary Public or person authorized
by law to administer an oath or affirmation
COMMISSIONER OF THE SUPERIOR COURT

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 16th day of December 2010, it is hereby accepted.

Wendy H. Furniss *Wendy H. Furniss*
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 Connecticut Medical Examining Board on the 21 day of December 2010, it is hereby ordered and accepted.

Ann C. Doremi
Connecticut Medical Examining Board



Harvard Medical School

Department of Continuing Education

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Attachment A



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

January 3, 2012

Lee Brauer, MD
65 Memorial Road
Suite #440
West Hartford, CT 06107-4221

Re: Consent Order
Petition No. 2009-20091349
License No. 013129

Dear Dr. Brauer:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective January 1, 2012.

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 a copy of this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process, and good luck to you in the future.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant
Practitioner Licensing and Investigations Section

cc: J. Filippone
J. Kardys



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