

**BOARD OF LICENSURE OF PHYSICIAN
ASSISTANTS**

No. C12-298

**IN THE MATTER OF
Michael J. Cobb
License Number: PA00255**

Consent Order

This matter was before the Rhode Island Department of Health, Board of Licensure of Physician Assistants (hereinafter "Board") upon allegation that Michael J. Cobb (hereinafter "Respondent") engaged in unprofessional conduct as defined under R.I. General Laws §5-54-2(11), 1956, as amended, (2009 Reenactment) by violating Federal Anti-Kickback laws for receiving payment in exchange for recommending - that a certain brand of bone stimulators be prescribed by surgeons to patients in need of bone growth stimulators . This Consent Order constitutes a final disposition of this matter forming the basis for this Order and obviates the necessity of an administrative hearing. The following are findings of facts and conclusions of law:

FINDING OF FACTS AND CONCLUSIONS OF LAW

1. The Respondent is a physician assistant born in 1969 and has been licensed as a physician assistant in Rhode Island since 2001. He is a 2000 graduate of D'Youville College, Buffalo, NY.
2. Between 2001 and 2011, the Respondent worked as a physician assistant to two surgeons. The Respondent's duties permitted him to choose which type of post surgical bone stimulator would be prescribed for the patient. The Respondent was receiving kickbacks from one bone stimulator manufacturer from 2004 – 2011.

3. Respondent was investigated and plead guilty to a felony conviction under the Federal Anti-Kickback Act, 42 U.S.C. §1320A-7(b)(1)(B) for receiving money, directly and indirectly, in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any good, facility, service, or item for which payment may be made in whole or in part under a Federal health care program.
4. The Board has determined that the Respondent's actions constitute unprofessional conduct as defined under RIGL §5-54-2(11).

The Parties agree as follows:

Respondent admits to the jurisdiction of the Board:

(1) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of the terms of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

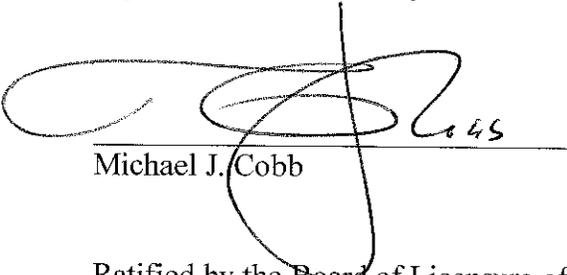
(2) Acceptance of this Consent Order constitutes an admission by the Respondent that the findings of fact were made by the Board.

- (3) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties.
- (4) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (5) Respondent hereby consents to the following Order:

ORDER

Respondent's license to practice as at Physician Assistant in Rhode Island is Suspended for 6 months in addition to any incarceration time that may be Ordered by the United State District Court. The Respondent shall also attend and complete an Ethics Program called Problem Based Ethics (ProBe) in Newark, NJ and he will be required to complete eight hours each year in medical ethics until further order of the board.

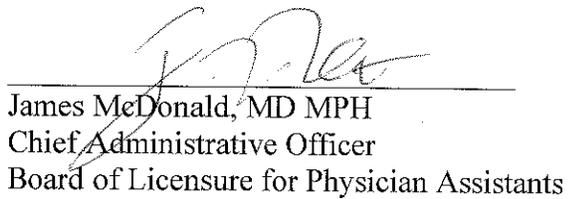
Signed this 25th day of May, 2012



Michael J. Cobb

Ratified by the Board of Licensure of Physician Assistants at a meeting held

29th on May, 2012



James McDonald, MD MPH
Chief Administrative Officer
Board of Licensure for Physician Assistants