

**STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH
BOARD OF LICENSURE OF
PHYSICIAN ASSISTANTS**

IN THE MATTER OF:

Michael J. Cobb, P.A.

License Number PA00255

Complaint Number C12-298

CONSENT ORDER

Michael J. Cobb, P.A. (hereinafter "Respondent") is licensed as a physician assistant in Rhode Island. After review of the above-referenced complaint, the Board of Licensure of Physician Assistants (hereinafter the "Board") made the following:

FINDINGS OF FACT

1. Respondent is licensed as a physician assistant who has been licensed in Rhode Island since August 2000. He graduated from D'Youville College in August 2000.
2. Between 2001 and 2011, Respondent worked as a physician assistant for two surgeons. Respondent's duties permitted him to choose which type of post-surgical bone stimulator he would prescribe for patients. Respondent was investigated and pleaded guilty to a felony criminal charge and was convicted under the Anti-Kickback Act, 42 U.S.C. § 1320A-7(b)(1)(B) for receiving money, directly or indirectly, in return for purchasing, leasing, ordering, 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, shall be guilty of a felony and upon conviction thereof, shall be fined not more than \$25,000 or imprisoned for not more than five years, or both.

This conviction was based on Respondent's receiving kickbacks from one manufacturer of bone stimulators from 2004 to 2011.

3. This conduct constituted unprofessional conduct pursuant to Rhode Island General Laws § 5-54-2(11)(vi).
4. Respondent's Rhode Island license as a physician assistant was suspended for a six month period as of May 25, 2012, including any period of incarceration and subject to Respondent's completion of the PROBE course and evaluation for professional ethics.
5. Respondent completed a sentence of six months on February 19, 2013, and completed the PROBE course on May 19, 2013.

Based on the foregoing, the parties agree as follows:

1. The period of suspension is completed, and Respondent's license as a physician assistant is hereby reinstated in full, subject to the conditions herein.
2. Respondent admits to the jurisdiction of the Board.
3. Respondent has reviewed this Consent Order and understands that it is subject to

final approval of the Board; and this Consent Order is not binding on Respondent until final ratification by the Board.

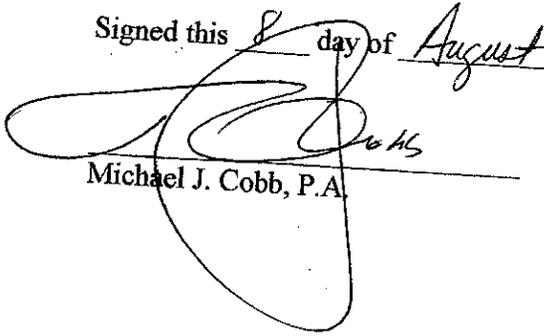
4. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence on his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for those specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order; and
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.
3. Respondent agrees to submit to the Board as an administrative fee a check for \$1000.00 made payable to the Rhode Island General Treasury, which is based on the cost of reviewing the complaint by board staff.
4. Respondent agrees that there shall be an active Supervision Agreement between his supervising physician(s) and him. Factors that will determine reasonable supervision include: the acuity of patients, the complexity of patients, the number

of other physician assistant's to be supervised, the experience of physician assistant, the volume of patients, time allowed per patient, and whether the supervisory physician is co-located with physician assistant.

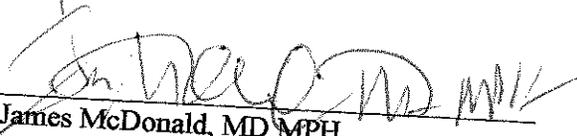
5. The Supervision Agreement shall include: Clear delineation regarding practice sites physician assistant is authorized to work, hours of employment, availability of both supervising physician and physician assistant for after hour's coverage, clear delineation of who is supervisory physician and appropriate alternates when primary supervisor physician is not available, clear delineation of the supervisory physician's specialty and scope of practice, the physician assistant's scope of practice and the expectations regarding appropriate prescribing of controlled substances.
6. The agreement shall be reviewed annually with evidence of review by appropriate parties.
7. The Board shall report this Consent Order to the National Practitioner Data Bank as a Revision to Action. This Consent Order is a final public action and shall be reported to the Rhode Island Department of Health webpage for disciplinary actions of physician assistants.

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Signed this 8 day of August, 2013.


Michael J. Cobb, P.A.

Ratified by the Board of Licensure of Physician Assistants on the 15 day of August, 2013.


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