

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
MARK KOBIN, R.PH., :
RESPONDENT. :

ORDER 0007110

Division of Legal Services and Compliance Case No. 19 PHM 073

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

Mark Kobin, R.Ph.
Appleton, WI 54913

Wisconsin Pharmacy Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Pharmacy Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Mark Kobin, R.Ph. (dob xx-xx-1953) is licensed in the state of Wisconsin to practice pharmacy, having license number 9216-40, first issued on June 29, 1977 and current through May 31, 2022. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Appleton, Wisconsin 54913.

2. On April 20, 1998, the Board issued Order No. LS9804141PHM, which reprimanded Respondent for exceeding the pharmacist to auxiliary personnel ratio, for permitting non-pharmacists to receive prescription orders via telephone from non-prescribing staff, for improperly storing hardcopies of controlled substance prescription orders without stamping each with a red "C", and for failing to notify the Board of a change in the managing pharmacist.

3. At all times relevant to the Department's Division of Legal Services and Compliance (DLSC) Case No. 19 PHM 073, Respondent was employed as a pharmacist at a retail pharmacy (Facility), located in Grand Chute, Wisconsin.

4. Between March 20, 2017 and December 20, 2018, ten prescriptions of desmopressin, a noncontrolled substance, were issued to Respondent's immediate family member under Provider A's name.

5. Provider A has not treated Respondent's immediate family member since June 18, 2007.

6. Respondent admitted to Facility and law enforcement personnel that on several occasions he signed Provider A's name, without Provider A's knowledge or permission, on old, faxed prescription orders from Provider A for desmopressin. Respondent altered Provider A's faxed prescription orders by adding refills to the order.

7. Respondent was terminated by the Facility.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 450.10(1), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § Phar 10.03(1), by administering, dispensing, supplying or obtaining a drug other than in legitimate practice, or as prohibited by law.

3. As a result of the above violations, Mark Kobin, R.Ph. is subject to discipline pursuant to Wis. Stat. § 450.10(1)(b).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Mark Kobin, R.Ph. is REPRIMANDED.

3. The license to practice pharmacy issued to Mark Kobin, R.Ph. (license number 9216-40) is LIMITED as follows:

- a. Within ninety (90) days from the date of this Order, Respondent shall successfully complete twenty-two (22) hours of education on the topic of pharmacy ethics and professionalism.

- b. The course offered by Professional Boundaries, Inc., Education entitled *Pharmacy Ethics and Professionalism (PE-22)* has been preapproved as meeting the above ordered educational requirement.
- c. Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- d. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- e. This limitation shall be removed from Respondent's license and respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within ninety (90) days from the date of this Order, Mark Kobin, R.Ph., shall pay COSTS of this matter in the amount of \$968.00.

5. Request for approval of courses, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online via DSPPS' Monitoring Case Management System, here: <https://dspsmonitoring.wi.gov/>

6. In the event that Respondent violates any term of this Order, Respondent's license (no. 9216-40) to practice pharmacy in the state of Wisconsin may, in the discretion of the Section or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Section may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

7. This Order is effective on the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

by: Philip Trapkin c.p.
A Member of the Board

12/3/2020
Date

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARK KOBIN, R.PH.,
RESPONDENT.

:
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:
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:
:

STIPULATION

ORDER 0007110

Division of Legal Services and Compliance Case No. 19 PHM 073

Respondent Mark Kobin, R.Ph. and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

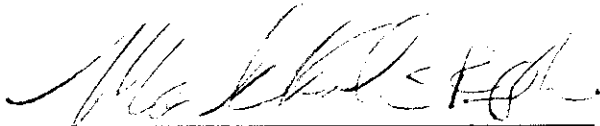
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Mark Kobin, R.Ph., Respondent
Appleton, WI 54913
License no. 9216-40

11/17/2020
Date



Colleen Meloy, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

11/18/2020
Date