

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE OPTOMETRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARK F. COOK, O.D.,  
RESPONDENT.

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FINAL DECISION AND ORDER

**ORDER 0007398**

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Division of Legal Services and Compliance Case No. 18 OPT 004

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

Mark F. Cook, O.D.  
Waukesha, WI 53188

Wisconsin Optometry 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 Optometry 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 F. Cook, O.D., (DOB xx/xx/1963) is licensed in the state of Wisconsin to practice optometry, having license number 2358-35, first issued on August 4, 1990, and current through December 14, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is located in Waukesha, Wisconsin.

2. Prior to October 2017, Respondent held a United States Drug Enforcement Administration (DEA) registration to prescribe controlled substances. Respondent let his DEA registration expire in October 2017 and states he has no intention of renewing it.

3. Between 2012-2014, Respondent provided care to Patient A, a male born in 1959, who was a social and work acquaintance of Respondent.

4. Patient A suffered from numerous medical conditions requiring regular medical care. Patient A complained to Respondent that his medical care was financially burdensome and Respondent agreed to treat Patient A informally under a bartering system.

5. Using mobile medical equipment, Respondent performed eye examinations on Patient A and prescribed antibiotics and pain medications for Patient A's reported chronic eye pain.

6. Between 2013-2014, Respondent wrote at least five prescriptions for Norco 10-325mg #180 tablets to Patient A, most with multiple refills per prescription.

7. Respondent did not maintain documentation of his care of and prescribing to Patient A, did not conduct sufficient examinations to support his prescribing to Patient A, and did not employ safeguards to prevent diversion or abuse of the controlled substances he prescribed to Patient A, who claims he developed an addiction to pain medication as a result of Respondent's prescribing.

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 Optometry Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 449.07(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, Mark F. Cook, O.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § OPT 5.10(1)<sup>1</sup>, by failing to record and include in each patient's record all of the following information:

- a.) Name and date of birth of patient.
- b.) Date of examination and examination findings, including a clear and legible record of the tests performed, the results obtained, the prescription ordered and the patient's far and near visual acuity obtained with the prescription ordered
- c.) Date of the prescription.
- d.) Lens verification of lenses dispensed, including the date of verification and identification of the person verifying the lenses.
- e.) Name, signature and license number of the examining optometrist.

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<sup>1</sup> All references to Wisconsin Administrative Code are to the version in effect at the time of the conduct at issue.

3. By the conduct described in the Findings of Fact, Mark F. Cook, O.D., violated Wis. Admin. Code § OPT 5.15(1), by engaging in any practice which constitutes a danger to health, welfare, or safety of a patient or the public.

4. As a result of the above violation, Mark F. Cook, O.D., is subject to disciplinary action pursuant to Wis. Stat. § 449.07(1)(f).

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Mark F. Cook, O.D., is REPRIMANDED.

3. The optometry license issued to Mark F. Cook, O.D., (license number 2358-35) and his privilege to practice in Wisconsin, are LIMITED as follows:

- a. Within 90 days of the date of this Order, Respondent shall, at his own expense, successfully complete four credit hours of continuing education on the topic of record-keeping, including taking and passing any exam offered for the course(s).
- b. 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.
- c. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or the Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
- d. The Board's monitoring liaison may change the number of credit hours in response to a request from Respondent. The monitoring liaison may consider the hours of education when determining if a change to the ordered education should occur.
- e. This limitation shall be removed and Respondent will be granted a full, unrestricted license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.

3. Within 120 days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,700.

4. Requests for course approval, 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 the DSPS Monitoring Case Management System: <https://dspsmonitoring.wi.gov>

5. In the event Respondent violates any term of this Order, Respondent's license (license number 2358-35), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board 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.

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

WISCONSIN OPTOMETRY EXAMINING BOARD

By:   
A Member of the Board

27 May 2021  
Date

STATE OF WISCONSIN  
BEFORE THE OPTOMETRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARK F. COOK, O.D.,  
RESPONDENT.

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STIPULATION

**ORDER 0007398**

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Division of Legal Services and Compliance Case No. 18 OPT 004

Respondent Mark F. Cook, O.D., 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. Respondent  
is represented by Attorney Patrick Knight.


4. Respondent agrees to the adoption of the attached Final Decision and Order by  
the Wisconsin Optometry 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.

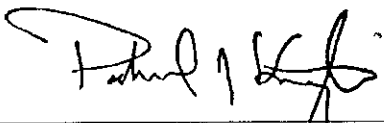
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, 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.

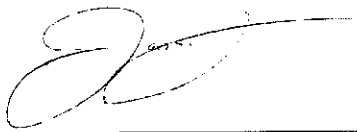
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Mark F. Cook, O.D., Respondent  
Waukesha, WI 53188  
License No. 2358-35

5-17-2021  
Date

  
Patrick Knight, Attorney for Respondent  
Gimbel, Reilly, Guerin, Brown, LLP  
330 E. Kilbourn Ave., Suite 1170  
Milwaukee, WI 53202

05-17-2021  
Date

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

5/17/21  
Date