

STATE OF FLORIDA
DEPARTMENT OF HEALTH

JUL 3 1 2002

DEPARTMENT OF HEALTH,)
)
 PETITIONER,)
)
 v.)
)
BRIAN W. COBB, M.D.,)
)
 RESPONDENT.)
_____)

CASE NO. 2001-01364

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Brian W. Cobb, M.D., hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

2. Respondent is and has been at all times material hereto a licensed physician in the state of Florida, having been issued license number ME 0052902 on February 15, 1988. Respondent's last known address is 2604 3rd Street, Matlacha,

Florida 33993, although this address is not the address on file with the Board of Medicine.

3. Respondent is board-certified in Internal Medicine.
4. Pursuant to Rule 64B8-13.005, Florida Administrative Code, Physicians licensed under Chapter 458, Florida Statutes, shall be required to complete 40 hours of continuing medical education (CME) courses approved by the Florida Board of Medicine (hereinafter "Board") in the 24 months preceding each biennial licensure renewal period.
5. Under Chapter 456, Florida Statutes, at least 2 hours of the CME requirements shall include 1 hour of Domestic Violence training and 1 hour of HIV/AIDS or end of life and palliative health care training.
6. On or about January 21, 2000, Respondent renewed his Florida medical license.
7. As part of his licensure renewal, Respondent affirmed that he had complied with the CME requirements during the 1998-2000 biennium.
8. On or about September 29, 2000, the Board notified Respondent that his license had been randomly selected for an audit to confirm compliance with CME credits for the 1998-2000 biennium.
9. The Board notified Respondent that he should submit verification of compliance with CME requirements within sixty (60) days.
10. Respondent failed to document proof of completion of any of the CME requirements for the 1998-2000 biennium.

11. The Respondent also failed to notify the Board of his change in address as required by Section 456.035, Florida Statutes (2000).

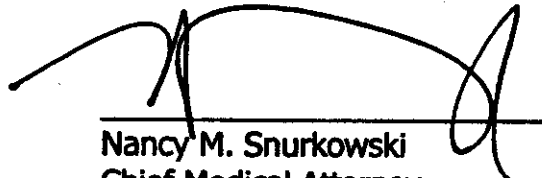
12. Based upon the foregoing, the Respondent has violated Section 458.331(1)(g), Florida Statutes, (2000), by failing to perform any statutory or legal obligation placed upon a licensed physician, in that Respondent failed to document completion of the required CME credits for the 1998-2000 biennium and failed to notify the Board of his change in address.

WHEREFORE, based upon the foregoing, the Petitioner requests that the Board of Medicine enter an order imposing one or more of the following penalties, in addition to the assessment of the costs related to the investigation and prosecution of this case as provided for in Section 456.072(4), Florida Statutes (2001):

- (A) Revocation of Respondent's license;
- (B) Suspension of Respondent's license for an appropriate period of time;
- (C) Restriction of the Respondent's practice;
- (D) Imposition of an administrative fine;
- (E) Issuance of a reprimand;
- (F) Placement of the Respondent on probation;
- (G) Administrative costs, and/or any other relief as the Board deems appropriate.

SIGNED this 31st day of July, 2002.

John O. Agwunobi, M.D., M.B.A.
Secretary, Department of Health



Nancy M. Snurkowski
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Richard J. Shoop, Senior Attorney
Florida Bar # 0389234
Department of Health
Bureau of Health Care Practitioner Regulation – Legal
4052 Bald Cypress Way, Bin C-65
RJS/rs
PCP: July 19, 2002
PCP Members:
Georges El-Bahri, M.D. - chairperson
Rafael Miguel, M.D.
Monique Long

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Vicki R. Kenon*
DATE 7/31/02

STATE OF FLORIDA
DEPARTMENT OF HEALTH

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PETITIONER,)

v.)

BRIAN COBB, M.D.,)

RESPONDENT.)

CASE NO. 2001-01364

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VOLUNTARY RELINQUISHMENT OF LICENSE

To avoid the necessity of further administrative proceedings in this case, the Respondent herein files this Voluntary Relinquishment of his license to practice as a physician in the State of Florida, with the provision that the Respondent agrees never again to apply for licensure as a physician in the State of Florida. The licensee shall turn in his license to the appropriate Board within three (3) business days after the Final Order is issued by the Board accepting the relinquishment.


When relinquishments are offered to the Board of Medicine to avoid further administrative prosecution, this is considered to be disciplinary action against the Respondent's license to practice medicine in the State of Florida. As such, any and all disciplinary actions taken by the Board of Medicine are reported to the Federation of State Medical Boards and the National Practitioner Data Bank. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

Upon the Board's adoption of this Relinquishment, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Relinquishment and the Final Order of the Board incorporating said Relinquishment.

Upon the Board's adoption of this Relinquishment, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Agency in connection with this matter.

This Relinquishment is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board of Medicine to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Relinquishment. Furthermore, should this Relinquishment not be accepted by the Board, it is agreed that presentation to and consideration of this Relinquishment and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

DATED this 16th day of January
2007



Brian Cobb, M.D.

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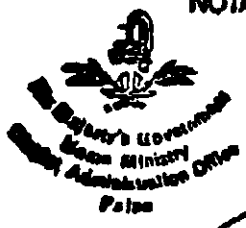
STATE OF: Park
COUNTY OF: Tanien
COUNTRY OF: Nepal

Before me, personally appeared Priscilla W. Cobb, whose identity is known to me by D.F. RESIDENT (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 16th day of March, 2002.

NOTARY PUBLIC/ Consul of the United States

My Commission Expires:



Edmund Nepal
16-1-2003
Chief District Officer

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STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-03-0184-S-MOA
FILED DATE - 2/26/03
Department of Health

By: Victor R. Kavan
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH Case No.: 2001-01364
License No.: ME0052902

BRIAN W. COBB, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on February 7, 2003, in Orlando, Florida, for the purpose of considering Respondent's offer to voluntarily relinquish his license to practice medicine in the State of Florida. (Attached hereto as Exhibit A.) Said written offer of relinquishment specifically provides that Respondent agrees never again to apply for licensure as a physician in the State of Florida.

Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

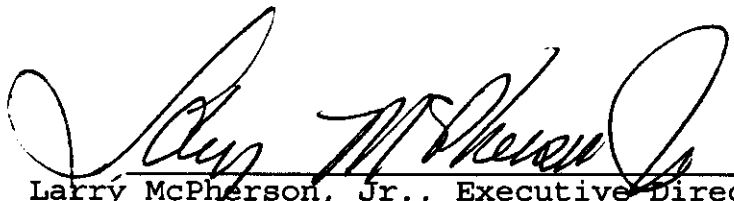
IT IS HEREBY ORDERED that Respondent's Voluntary Relinquishment of his license to practice medicine in the State of Florida is hereby ACCEPTED.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 25 day of FEBRUARY,

2003.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
for Raghavendra Vijayanagar, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to BRIAN W. COBB, M.D., 2604 3rd Street, Matlacha, Florida 33993; and by interoffice delivery to Ephraim Livingston and Pamela Page, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 26th day of February, 2003.