



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

PUBLIC

August 11, 1999

Mr. Robert Bentley, Director
Division of Professional Licensing Services
New York State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

RE: Kennard C. Kobrin, M.D.
NYS License No. 118937

Dear Mr. Bentley:

Please be advised the Massachusetts Board has lifted the summary suspension of Dr. Kobrin's license. In light of that determination, the predicate for New York's parallel summary suspension no longer exists. The summary order against Dr. Kobrin has lapsed by operation of law.

Sincerely,

Anne F. Saile
Director
Office of Professional Medical Conduct

cc: Daniel Kelleher

STATE OF NEW YORK - DEPARTMENT OF HEALTH

INTEROFFICE MEMORANDUM

TO: Henry Greenberg, General Counsel, Division of Legal Affairs
Dennis Whalen, Executive Deputy Commissioner
Wayne Osten, Director, Office of Health Systems Management
Robert McConnell, Assistant Director, Division of Health Care
Standards & Surveillance
James Giglio, Director, Bureau of Controlled Substances
Fred Heigel, Director, Bureau of Hospital Services
Robert Tengeler, Office of Medicaid Management
Kris Smith, Public Affairs Group

FROM: Anne F. Saile, Director
Office of Professional Medical Conduct *Anne Saile*

DATE: April 19, 1999

SUBJECT: Summary Suspension - Kennard C. Kobrin, M.D.
NYS License No. 118937

Attached is a copy of a Commissioner's Order and Notice of Hearing which summarily suspends Dr. Kennard C. Kobrin's right to practice medicine in the State of New York. This Order was issued on April 16, 1999 and shall remain in effect until further notice.

Attachment

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : COMMISSIONER'S
OF : SUMMARY
KENNARD C. KOBRIN, M.D. : ORDER

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TO: KENNARD C. KOBRIN, M.D.
67 North Lake Drive
Barrington, Rhode Island 02086-2811

The undersigned, DENNIS P. WHALEN, Executive Deputy Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Facts Supporting Summary Order of Suspension attached hereto and made a part hereof, has determined that the duly authorized professional disciplinary agency of another jurisdiction [the Commonwealth of Massachusetts Board of Registration in Medicine], has made a finding substantially equivalent to a finding that the practice of medicine in that jurisdiction by KENNARD C. KOBRIN, M.D., the Respondent, constitutes an imminent danger to the health of its people.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law Section 230(12)(b), that effective immediately, Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct and shall commence within thirty(30) days after the disciplinary proceedings against Respondent in Massachusetts are finally concluded [N.Y. Pub. Health. L. section 230(12)(b)].

The date and location of this hearing will be set forth in a written Notice of Summary Hearing and Statement of Charges to be provided to Respondent at a later date. The written Notice may be provided in person, by mail or other means.

If Respondent wishes to be provided this written Notice at an address other than the one noted above, he shall notify both the attorney whose name is set forth in this Order and the Director of the Bureau of Adjudication, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180 (518-402-0748).

THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO PRACTICE
MEDICINE IN NEW YORK STATE BE REVOKED OR
SUSPENDED, AND/OR THAT YOU BE FINED OR
SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW
YORK PUBLIC HEALTH LAW SECTION 230-a. YOU
ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT

YOU IN THIS MATTER.

DATED: April 16, 1999.
Albany, New York



DENNIS P. WHALEN
Executive Deputy Commissioner

Inquiries should be directed to:

DANIEL R. BURKE
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2509
Empire State Plaza
Albany, New York 12237-0032
(518) 473-4282

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER	:	STATEMENT OF FACTS
OF	:	SUPPORTING SUMMARY
KENNARD C. KOBRIN, M.D.	:	ORDER OF SUSPENSION

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KENNARD C. KOBRIN, M.D., the Respondent, was authorized to practice medicine in New York State on February 19, 1974, by the issuance of license number 118937 by the New York State Education Department.

FACTUAL ALLEGATIONS

Upon a Motion for Summary Suspension and Memorandum in Support of Motion for Summary Suspension dated March 24, 1999, by the Complaint Counsel for the Commonwealth of Massachusetts Board of Registration in Medicine ("the Board"), an Order of Suspension dated March 24, 1999, was made by the Chair of the Board ordering that:

the certificate of registration to practice medicine in the Commonwealth of Kennard C. Kobrin, M.D. (Respondent) is SUSPENDED effective March March 24, 1999 and he is directed to surrender his wall certificate and wallet card to the Board immediately;

and determining that:

the Respondent represents an immediate and serious threat to the public health, safety and welfare, necessitating said suspension.

Upon information and belief, Respondent is a board-certified

psychiatrist who was practicing in Fall River, Massachusetts. The Board has reason to believe that the Respondent has been illegally and pervasively prescribing benzodiazepines to Medicaid patients, some of whom have either past or active substance abuse problems, thereby exposing them to a risk of potentially fatal polysubstance overdoses without genuine clinical justification.

Upon information and belief, Respondent was engaged in a practice known as "churning" through prescribing practices that encouraged addicted patients to return for office visits at frequent intervals for more drugs to generate additional revenue by rendering unnecessary services under the less rigorous Medicaid program.

It is alleged, for example, that in the third quarter of 1993, Respondent was the highest prescriber of Medicaid reimbursable controlled substances in Massachusetts, issuing 1,827 prescriptions for that three month period. In the fourth quarter of 1994, reports show that only four Boston area hospitals prescribed more Medicaid reimbursable controlled substances than the Respondent.

Reportedly, an unusual number of Respondent's patients have died of either polysubstance overdoses or accidental deaths or suicides.

An expert for the Commonwealth of Massachusetts has given his opinion that "the volume of benzodiazepine prescriptions consistently issued by Dr. Kobrin over a course of years is so great as to be incompatible with the delivery of psychiatric services in keeping with the standard of care applicable to him".

Additionally, it is alleged that the Respondent was engaged

in a kick-back arrangement with four psychologists and another psychiatrist who rented office space from the Respondent at inordinate rates of between \$2,000 and \$3,000 monthly, depending on the level of Medicaid income generated. The renters only worked part-time at Respondent's offices. In exchange, the Respondent guaranteed the renters a certain amount of patients, testing and/or income.

The Massachusetts Board was also provided information that Respondent had sexual relations with two patients and an office employee addicted to a benzodiazepine drug.

After a lengthy investigation by Massachusetts authorities, the Respondent was indicted on or about December 21, 1998, and charged with various crimes associated with the allegations set forth above. He is presently awaiting a trial on the criminal charges and further proceedings by the Board.

DATED: April 16, 1999.
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct