

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

IN RE:)
)
Daniel Bobker, M.D.) ORDER OF IMMEDIATE SUSPENSION
)
AD18-172)

On August 14, 2018, the Maine Board of Licensure in Medicine (“the Board”) met and reviewed materials regarding Daniel Bobker, M.D., license number MD13940 (“Dr. Bobker”). On the basis of its review of these materials, the Board concludes that the continued ability of Dr. Bobker to hold an active license to practice medicine in the State of Maine constitutes an immediate jeopardy to the health and safety of a person or the public who might receive his medical services, and that it is necessary to immediately suspend his license pending a hearing in order to adequately respond to this risk.

This suspension is issued pursuant to 5 M.R.S. § 10004(3). Dr. Bobker’s Maine medical license shall be suspended effective immediately upon issuance of this Order for a thirty (30) day period ending on September 13, 2018, at 11:59 p.m., pending further Board action at an adjudicatory hearing, which shall be scheduled shortly. A formal notice of hearing shall be transmitted, which will outline the issues and procedures for the hearing.

PRELIMINARY FINDINGS

Specifically, the Board preliminarily finds for purposes of this Order and pursuant to the materials received and reviewed as follows:

1. Dr. Bobker was first licensed to practice medicine in Maine on February 15, 1995. His current license to practice medicine in Maine expires on May 31, 2019. Dr. Bobker’s reported specialty is neurology.
2. On August 1, 2018, Board staff received a report by a pharmacist made pursuant to 24 M.R.S. § 2505, reporting that over several months, Dr. Bobker phoned in prescription orders for [REDACTED] 20 mg for a patient that the pharmacy assumed was under his direct care but which later was discovered to be his girlfriend/wife. The pharmacist confirmed with the girlfriend/wife’s health care providers that she was not prescribed [REDACTED] by those providers. The pharmacist also reported early refills by Dr. Bobker of prescriptions for [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. The pharmacist reported that Dr. Bobker also had prescriptions for [REDACTED] and [REDACTED]. The pharmacist reported that one of Dr. Bobker’s treating providers confirmed on December 13, 2017 that Dr. Bobker admitted that he was “fraudulently phoning in orders under his” girlfriend/wife’s name. Records reflected that Dr. Bobker prescribed [REDACTED] to his girlfriend/wife which prescriptions were filled eight (8) times between June 21, 2017 and December 12, 2017. The pharmacist subsequently reported an attempted prescription for [REDACTED] on August 1, 2018,

that was rejected because the prescription had already been filled at another pharmacy.

3. [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] are all medications that can cause drowsiness, are sedating, and have the potential or have been reported to be misused or abused.
4. Dr. Bobker has a prior disciplinary history with the Board for substance misuse issues. On June 13, 2007, Dr. Bobker's medical license was immediately suspended following a report that he had been "abusing benzodiazepines and sedatives", that his judgment and cognitive functioning was impaired, and he had left treatment against medical advice. On January 23, 2008, Dr. Bobker entered into a Consent Agreement (2008 Consent Agreement") with the Board for unprofessional conduct and substance abuse which imposed conditions, monitoring, and treatment requirements upon his license to practice medicine in Maine. In accordance with the 2008 Consent Agreement, Dr. Bobker's license was immediately suspended on June 25, 2008 based on his non-compliance with paragraph 8(a) which prohibited his use of any prohibited substance following a report that Dr. Bobker had tested positive for hydrocodone and his admission that that drug was not prescribed to him. On January 27, 2010, Dr. Bobker entered into a Second Consent Agreement for unprofessional conduct and substance abuse (2010 Consent Agreement) which imposed conditions, monitoring, and treatment requirements upon his license to practice medicine in Maine. The 2010 Consent Agreement was amended several times based upon positive reports regarding Dr. Bobker's compliance with the conditions of the 2010 Consent Agreement. On April 7, 2014, following review of information regarding compliance and letters in support, and the understanding that Dr. Bobker would voluntarily continue his treatment and attendance at self-help meetings, the Board granted Dr. Bobker's request to terminate the 2010 Consent Agreement.

For the purposes of this Order of Immediate Suspension and subject to holding the aforementioned full adjudicatory hearing on this matter to determine if any violations have actually occurred, the Board finds that the information regarding Dr. Bobker constitutes immediate jeopardy to the health and safety of a person or the public who may receive medical care from Dr. Bobker and that delaying imposition of a suspension until holding a hearing would fail to adequately respond to this known risk.

Accordingly and based upon the foregoing preliminary findings of fact, Board action to summarily suspend Dr. Bobker's license to practice as a physician in the State of Maine is based upon violations of the following provisions:

- A. 32 M.R.S. § 3282-A(2)(A) by engaging in the practice of fraud, deceit or misrepresentation in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;
- B. 32 M.R.S. § 3282-A(2)(E)(1) by engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public;

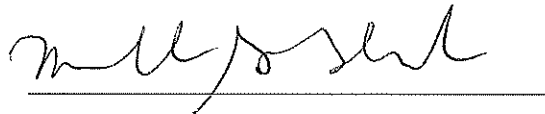
- C. 32 M.R.S. § 3282-A(2)(F) by engaging in unprofessional conduct by violating a standard of professional behavior that has been established in the practice of medicine;
- D. 32 M.R.S. § 3282-A(2)(H) by violating Board rules; and
- E. 32 M.R.S. § 3282-A(2)(J) by prescribing narcotic or hypnotic or other drugs listed as controlled substances by the Drug Enforcement Administration for other than accepted therapeutic purposes.

ORDER OF IMMEDIATE SUSPENSION

The Board ORDERS as follows:

1. Dr. Bobker's Maine medical license is suspended effective immediately upon issuance of this Order on August 14, 2018, for a thirty (30) day period ending on September 13, 2018, at 11:59 p.m., pending further Board action at an adjudicatory hearing, which shall be scheduled shortly.
2. Dr. Bobker may not practice medicine in the State of Maine during this suspension.

Dated: August 14, 2018



Maroulla S. Gleaton, M.D., Chair