

APR 02 2012

1 THOMAS C. HORNE
2 Attorney General
(Firm State Bar No. 14000)

3 Montgomery Lee
4 Assistant Attorney General
5 State Bar No. 005658
1275 W. Washington, CIV/LES
6 Phoenix, Arizona 85007-2997
Tel: (602) 542-7980
Fax: (602) 364-3202

7 Attorneys for the Arizona State Board of Pharmacy

8
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

Board Case No. 12-0024-PHR

11 **KARL KOBE,**

**CONSENT AGREEMENT
FOR CIVIL PENALTY AND
CONTINUING EDUCATION**

12 Holder of License No. S008757
13 As a Pharmacist
In the State of Arizona

14
15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona State Board
17 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Karl Kobe ("Respondent"),
18 holder of Pharmacist License Number S008757 in the State of Arizona, and the Board
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
20 ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.

25 2. Respondent understands that he has a right to a public administrative
26 hearing concerning this matter at which hearing he could present evidence and cross

1 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
2 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
3 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
4 and/or judicial action, concerning the matters set forth herein.

5 3. Respondent affirmatively agrees that this Consent Agreement shall be
6 irrevocable.

7 4. Respondent understands that this Consent Agreement or any part of the
8 agreement may be considered in any future disciplinary action by the Board against him.

9 5. Respondent understands this Consent Agreement deals with Board
10 Complaint No. 4027 involving allegations of unprofessional conduct against Respondent.
11 The investigation into these allegations against Respondent shall be concluded upon the
12 Board's adoption of this Consent Agreement.

13 6. Respondent understands that this Consent Agreement does not constitute a
14 dismissal or resolution of any other matters currently pending before the Board, if any,
15 and does not constitute any waiver, express or implied, of the Board's statutory authority
16 or jurisdiction regarding any other pending or future investigation, action or proceeding.

17 7. Respondent also understands that acceptance of this Consent Agreement
18 does not preclude any other agency, subdivision, or officer of this State from instituting
19 any other civil or criminal proceedings with respect to the conduct that is the subject of
20 this Consent Agreement.

21 8. Respondent acknowledges and agrees that, upon signing this Consent
22 Agreement and returning this document to the Board's Executive Director, she may not
23 revoke his acceptance of the Consent Agreement or make any modifications to the
24 document regardless of whether the Consent Agreement has been signed by the
25 Executive Director. Any modification to this original document is ineffective and void
26 unless mutually agreed by the parties in writing.

1 9. This Consent Agreement is subject to the approval of the Board and is
2 effective only when accepted by the Board and signed by the Executive Director. In the
3 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
4 be of no evidentiary value and shall not be relied upon nor introduced in any action by
5 any party, except that the parties agree that should the Board reject this Consent
6 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
7 Board was prejudiced by its review and discussion of this document or any records
8 relating thereto.

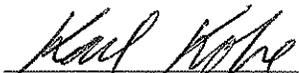
9 10. If a court of competent jurisdiction rules that any part of this Consent
10 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
11 shall remain in full force and effect.

12 11. Respondent understands that this Consent Agreement is a public record that
13 may be publicly disseminated as a formal action of the Board and may be reported as
14 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
15 Protection Data Bank.

16 12. Respondent understands that any violation of this Consent Agreement
17 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
18 1901.01(B)(20), -1927(A)(1).

19 13. Respondent agrees that the Board will adopt the following Findings of Fact,
20 Conclusions of Law and Order.

21 **ACCEPTED AND AGREED BY RESPONDENT**

22 
23 _____
Karl Kobe

Dated: 3-20-2012

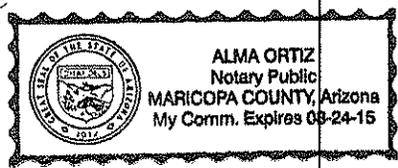
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26 ///

1 Subscribed and sworn to before me in the County of Maricopa, State of
2 Arizona, this 26 day of March, 2012, by Karl Kobe.

3 Alma Ortiz
4 NOTARY PUBLIC

5 My Commission expires: August 24, 2015



6 FINDINGS OF FACT

7 1. The Board is the duly constituted authority for licensing and regulating the
8 practice of pharmacy in the State of Arizona.

9 2. Respondent is the holder of license number S008757 to practice as a
10 pharmacist in the State of Arizona.

11 3. During all relevant times to these findings, Respondent worked a
12 pharmacist at Omnicare Pharmacy (the "Pharmacy") located at 6825 W. Galveston, #3,
13 Chandler, Arizona 85226.

14 4. On or about September 29, 2010 an eleven month old patient was
15 transferred from Los Ninos Hospital to Hacienda Skilled Nursing Facility. When this
16 patient was transferred between facilities the discharge nurse at Los Ninos Hospital
17 incorrectly transcribed a prescription for this patient for Lasix 9 mg, q 12 hours GT as
18 Lasix 90 mg., q 12 hours GT.
19

20 5. The admitting nurse at Hacienda Skilled Nursing Facility copied the
21 prescription as Lasix 90 mg. The prescription was filled by Respondent at the Pharmacy
22 with Lasix 90 mg. as written. Six doses of the medication were taken by the eleven
23 month old patient over a three day period prior to the patient's being admitted to St.
24
25
26

1 completed within 90 days of the effective date of this Order, must be pre-approved by
2 Board staff, and shall be in addition to the requirements of A.R.S. § 32-1936 and A.A.C.
3 R4-23-204; and

4 2. Respondent shall pay a civil penalty of \$1,000.00 within 90 days of the
5 effective date of this Order.

6 3. Respondent shall pay all costs associated with complying with this Consent
7 Agreement.

8 4. If Respondent violates this Order in any way or fails to fulfill the
9 requirements of this Order, the Board, after giving the Respondent notice and the
10 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
11 Respondent's license. The issue at such a hearing will be limited solely to whether this
12 Order has been violated.

13 DATED this 28 day of June, 2012.

14 ARIZONA STATE BOARD OF PHARMACY

15 (Seal)

16
17 By: 

18 HAL WAND, R.Ph.
Executive Director

19 ORIGINAL OF THE FOREGOING FILED
20 this 28 day of June, 2012 with:

21 Arizona State Board of Pharmacy
1616 W. Adams St.
Phoenix, Arizona 85007

22 EXECUTED COPY OF THE FOREGOING MAILED
23 BY CERTIFIED MAIL

24 this 28 day of June 2012 to:

25 Karl Kobe
1951 N. 64th Street, #13
Mesa, Arizona 85205

1 EXECUTED COPY OF THE FOREGOING MAILED
this 28 day of June, 2012 to:

2 Montgomery Lee
3 Assistant Attorney General
4 1275 W. Washington Street, CIV/LES
5 Phoenix, Arizona 85007
6 Attorney for the Board

7 _____
#2634417