

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC
DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BEFORE THE STATE MEDICAL BOARD

In the Matter of:)
)
 Robert G. Thompson, M.D.)
)
Respondent)

- Case No. 2800-07-007
- Case No. 2800-07-009
- Case No. 2800-07-010
- Case No. 2800-07-008
- Case No. 2800-08-004
- Case No. 2800-05-012
- Case No. 2800-09-009

CONSENT AGREEMENT

IT IS HEREBY AGREED by the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing (Division) and Robert G. Thompson, M.D. (Respondent) as follows:

1. **Licensure.** Respondent is currently licensed as a physician in the State of Alaska, and holds License No. S 2047. This license was first issued on 02/29/1984 and will expire unless renewed by 12/31/2010. Respondent's medical specialty is in obstetrics and gynecology.

2. **Admission/Jurisdiction.** Respondent admits and agrees that the Medical Board (Board) has jurisdiction over the subject matter of his license in Alaska and over this Consent Agreement.

3. **Admission/Facts.** Respondent admits to the following facts:

a. On 05/01/2006, Respondent saw ML as a patient seeking dermatologic care for spider veins on her face. Respondent treated ML with an IPL treatment to her face which resulted in pain and scarring on her face as a result of Respondent's treatment. ML

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 Initials

State of Alaska
 Department of Commerce, Community and Economic Development
 Division of Corporations, Business and Professional Licensing
 550 West 7th Avenue, Suite 1500
 Anchorage, Alaska 99501-3567
 Telephone 907-269-8160 Fax 907-269-8195

1 filed a complaint with this Division on 01/16/2007, Case No. 2800-07-007. This case was
2 reviewed by a board certified expert in the area of dermatology and it was determined
3 Respondent's medical records and medical care were below the standard of care.
4 Respondent is in violation of AS 08.64.326(a)(8)(A) and 12 AAC 40.940 and 12 AAC
5 40.967(9).

6 b. On 06/01/2006, Respondent saw VP as a patient seeking dermatologic
7 care for spider veins on her face. Respondent treated VP with an IPL treatment to her face
8 and failed to provide eye protection. VP suffered severe burns to her face and her left eye
9 was swollen shut for several days. VP has a permanent scar on her face as a result of
10 Respondent's treatment. VP filed a complaint with this Division on 08/26/2006, Case No.
11 2800-07-009. This case was reviewed by a board certified expert in the area of dermatology
12 and it was determined Respondent's medical care was below the standard of care.
13 Respondent is in violation of AS 08.64.326(a)(8)(A).

14 c. On 06/14/2005, Respondent saw GS's infant, KS, as a patient in need of
15 dermatologic care for a skin rash. GS took KS to Respondent after seeing his
16 advertisement under Dermatology in a local phone book. Respondent's recommended
17 treatment did not alleviate KS's skin rash. GS filed a complaint with this Division on
18 03/04/2006, Case No. 2800-07-010. This case was reviewed by a board certified expert in
19 the area of dermatology and it was determined Respondent's medical care was below the
20 standard of care and his advertisement was misleading. Respondent is in violation of AS
21 08.64.326(a)(8)(A) and AS 08.64.326(a)(3).

22 d. On 08/18/2005, Respondent saw SK as a patient in need of dermatologic
23 care for redness, bumps and swelling on her face. Respondent treated SK with an IPL
24 treatment to her face that resulted in excessive pain and suffering lasting many weeks.
25 Respondent's treatment did not resolve SK's dermatologic issue. SK filed a complaint with
26 this Division on 09/22/2006, Case No. 2800-07-008. This case was reviewed by a board
27 certified expert in the area of dermatology and it was determined Respondent's medical
28 records and medical care were below the standard of care. Respondent is in violation of AS
29 08.64.326(a)(8)(A) and 12 AAC 40.940 and 12 AAC 40.967(9).


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1 e. On 11/30/2007, Respondent saw ID as a patient in need of a dermatologic
2 opinion and possible treatment for what she referred to as a suspicious mole on her face. ID
3 found Respondent's name under Dermatology in a local phone book. Respondent allegedly
4 misdiagnosed ID's skin condition as an early squamous cell carcinoma, did not investigate
5 this cancer with a biopsy, and then treated ID by directing her to purchase and use a non-
6 standard topical product available only on the Internet. ID obtained a second opinion by a
7 board certified dermatologist and was diagnosed with a wart which was later removed. ID
8 filed a complaint with this Division on 01/20/2008, Case No. 2800-08-004. This case was
9 reviewed by a board certified expert in the area of dermatology and it was determined
10 Respondent's medical care fell below the standard of care and his advertisement was
11 misleading. Respondent is in violation of AS 08.64.326(a)(8)(A) and 08.64.326(a)(3).

12 f. On 08/06/2004, Respondent saw DS as a patient with a hormonal complaint.
13 Respondent completed a "Certificate of Medical Necessity" indicating avascular necrosis of
14 the hip and osteoporosis. Respondent ordered hyperbaric treatment at a hyperbaric clinic.
15 He also ordered a hair tissue mineral analysis. Respondent recommended a regimen of
16 several nutritional supplements sold in his office. DS filed a complaint with the Division on
17 12/22/2004, Case No. 2800-05-012. This case was reviewed by a board certified expert in
18 the area of obstetrics and gynecology and it was determined Respondent's medical care fell
19 below the standard of care: describing avascular necrosis of the hip without establishing the
20 diagnosis fell below the standard of care; prescribing Actonel without
21 documentation/acknowledgement with regard to DS's esophageal condition(s) fell below
22 the standard of care; referring DS for hyperbaric treatment for osteoporosis fell below the
23 standard of care. Respondent is in violation of 08.64.326(a)(8)(A).

24 g. On 12/03/2008, Respondent saw MAR as a patient with a complaint of
25 severe menstrual cramps. Respondent did not evaluate MAR for her initial complaint but he
26 did diagnose MAR with markedly high blood pressure, obesity, and hypothyroid based on
27 blood pressure measurements, weight and clinical symptoms of hypothyroidism without
28 laboratory confirmation. Respondent recommended a regimen of several nutritional
29 supplements sold in his office with the expressed expectation they would effectively lower
30 her blood pressure within weeks. Respondent also recommended MAR purchase a book

1 from his office in which he recently authored, The Calcium Lie. MAR filed a complaint
2 with the Division on 12/29/2008, Case No. 2800-09-009. This case was reviewed by a
3 board certified expert in the area of obstetrics and gynecology and it was determined
4 Respondent's medical care fell below the standard of care. Respondent is in violation of AS
5 08.64.326(a)(8)(A).

6 Respondent admits that as a result of the above facts, grounds exist for possible
7 suspension, revocation, or other disciplinary sanctions of his license pursuant to AS
8 08.01.075 and AS 08.64.331.

9 **4. Formal Hearing Process.** It is the intent of the parties to this Consent
10 Agreement to provide for the compromise and settlement of all issues which could be raised
11 by an Accusation to revoke, suspend, or impose disciplinary sanctions against Respondent's
12 license through a formal hearing process.

13 **5. Waiver of Rights.** Respondent understands he has the right to consult
14 with an attorney of his own choosing and has a right to an administrative hearing on the
15 facts in this case. Respondent understands and agrees that by signing this Consent
16 Agreement, Respondent is waiving his right to a hearing. Further, Respondent understands
17 and agrees that he is relieving the Division of any burden it has of proving the facts
18 admitted above. Respondent further understands and agrees that by signing this Consent
19 Agreement he is voluntarily and knowingly giving up his right to present oral and
20 documentary evidence, to present rebuttal evidence, to cross-examine witnesses against
21 Respondent, and to appeal the Board's decision to Superior Court.

22 **6. Effect of Nonacceptance of Consent Agreement.** Respondent and the
23 Division agree that this Consent Agreement is subject to the approval of the Board. They
24 agree that, if the Board rejects this Consent Agreement, it will be void, and an Accusation
25 may be filed. If this Consent Agreement is rejected by the Board it will not constitute a
26 waiver of Respondent's right to a hearing on the matters alleged in an Accusation and the
27 admissions contained herein will have no effect. Respondent agrees that, if the Board
28 rejects this Consent Agreement, the Board may decide the matter after a hearing, and its
29 consideration of this Consent Agreement shall not alone be grounds for claiming that the

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1 Board is biased against Respondent, that it cannot fairly decide the case, or that it has
2 received ex parte communication.

3 7. **Consent Agreement, Decision and Order.** Respondent agrees that the
4 Board has the authority to enter into this Consent Agreement and to issue the following
5 Decision and Order.

6
7 **PROPOSED DECISION AND ORDER**

8
9 IT IS HEREBY ORDERED that the license issued to Respondent shall be subject to the
10 following terms and conditions:

11
12 **A. Duration of Probation**

13 Respondent's license shall be on probation for five (5) years from the effective
14 date of this Order. If Respondent fully complies with all of the terms and conditions of this
15 license probation, the probationary period will end as conditioned under this Order. The
16 five (5) year probationary period will not be reduced by the following periods of time:

- 17 1) any absence from the state in excess of thirty (30) continuous days.
18 2) any absence from the state in excess of sixty (60) total days in a single year.
19 3) any period during which Respondent is not a resident of the State of Alaska.
20 4) any period in which Respondent does not hold an active license in Alaska.

21 It will be Respondent 's duty to inform the Board's agent in writing in advance of
22 any long term absence from Alaska and/or any temporary or permanent move from Alaska
23 to another licensing jurisdiction.

24
25 **B. Violation of Agreement**

26 If Respondent fails to comply with any term or condition of this Consent
27 Agreement, his license may be automatically suspended.

28 If Respondent's license is suspended under this paragraph, he will be entitled to a
29 hearing regarding the issue of the suspension. If Respondent's license is suspended, he will
30 continue to be responsible for all license requirements pursuant to AS 08.64.

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C. Practice of Dermatology

Respondent shall cease practicing any and/or all dermatology of any form indefinitely, ~~with the exception of sclerotherapy and ambulatory phlebectomy which will be permitted.~~ Respondent agrees to refer dermatologic cases to a board certified dermatologist.

D. Advertising Dermatology

Respondent shall immediately cease advertising under dermatology in any phone book, online resource or any other advertising entity. Respondent shall immediately cease referring to himself as a specialist in the area of cosmetic dermatology.

All costs are the responsibility of the Respondent.

E. Additional Education

1. In addition to the Continued Medical Education (CME) requirements under Alaska statutes for his license, Respondent shall attend in person and satisfactorily complete one ethics course at either of the following Board approved programs within one year of the adoption of this Consent Agreement:

A) PRIME Program at the University of Medicine and Dentistry of New Jersey, Robert Wood Johnson Medical School,

OR

B) PROBE Program at the Center for Professionalized Education for Physicians (CPEP) in Denver, CO.

2. Respondent shall attend a category one, fully accredited, Continued Medical Education (CME) course for a minimum of 12 hours focusing on ambulatory gynecology. This course shall be completed within one year of the adoption of this Consent Agreement. This course may be used to satisfy CME requirements under Alaska statutes for his license.

All costs are the responsibility of the Respondent.

INITIALS


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1 **F. Restriction on Remote Employment**

2 While under license probation, Respondent shall work only in communities that will
3 allow Respondent to comply with the requirements set forth in this Consent Agreement.
4 Respondent shall give the Board prior written notice of each change of employment or
5 residence.

6
7 **G. Hospital Privileges**

8 Respondent shall notify the Chief of Staff and Administrator of any hospital in
9 which Respondent holds clinical privileges of the terms of his probation and provide them a
10 copy of this Consent Agreement.

11 All costs are the responsibility of the Respondent.

12
13 **H. Civil Fine**

14 Respondent shall pay a fine of fifty-two thousand five hundred dollars (\$52,500.00)
15 with seventeen thousand dollars (\$17,000) suspended in cash, certified check, money order
16 or credit card payable to the "State of Alaska" within one year after this Consent
17 Agreement is adopted by the Board. The concluding fine amount of thirty-five thousand
18 dollars (\$35,000) is based on a fine of seventy-five hundred dollars (\$7500) per case with
19 twenty-five hundred dollars (\$2500) suspended per case.

20 All payments required by this Consent Agreement shall be addressed to:

21 Brian Howes, Chief Investigator
22 Division of Corporations, Business and Professional Licensing
23 550 West 7th Avenue, Suite 1500
24 Anchorage, Alaska 99501-3567
25

26 **I. Reprimand**

27 The following reprimand shall be placed in Respondent's license file in the form of
28 this Consent Agreement:

29 The Board hereby reprimands you, Robert G. Thompson, MD. The
30 medical profession has long subscribed to a body of ethical statements
31 developed primarily for the benefit of the patient. As a member of this

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profession, a physician must recognize responsibility to patients first and foremost, as well as to society, to other health professionals, and to self. The Principles adopted by the American Medical Association are not laws, but standards of conduct which define the essentials of honorable behavior for the physician.

The Board demands that you, Robert G. Thompson, MD, realize and appreciate the following four (4) principles adopted by the American Medical Association:

I. A physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights.

II. A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to appropriate entities.

V. A physician shall continue to study, apply and advance scientific knowledge, maintain a commitment to medical education, make relevant information available to patients, colleagues, and the public, obtain consultation, and use the talents of other health professionals when indicated.

VIII. A physician shall, while caring for the patient, regard responsibility to the patient as paramount.

J. Periodic Interview With the Board

While under license probation and upon the request of the Board or Board's agent, Respondent shall report in person to the Board or Board's agent to allow a review of his compliance with this probation. Respondent shall be excused from attending any interview only at the discretion of the person requesting the interview.

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K. Compliance with Laws

Respondent will obey all laws pertaining to his license in this state or any other state.

L. Authorization

Respondent will sign all authorizations necessary for the release of the information required by the Consent Agreement to the Board's agent.

M. Noncooperation by Reporting Persons

If any of the persons required by this Order to report to the Board, fails or refuses to do so, and after adequate notice to Respondent to correct the problem, the Board may terminate probation and invoke other sanctions as it determines appropriate.

All costs are the responsibility of the Respondent.

N. Good Faith.

All parties agree to act in good faith in carrying out the stated intentions of this Consent Agreement.

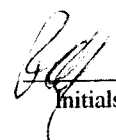
O. Address of the Board

All required reports or other communication concerning compliance with this Consent Agreement shall be addressed to:

Division of Corporations, Business and Professional Licensing
Colleen Nelson, Investigator
550 West 7th Avenue, Suite 1500
Anchorage, Alaska 99501-3567
Phone 907-269-8184 / Fax 907-269-8195

It is the responsibility of Respondent to keep the Board's agent advised in writing at all times of his current mailing address, physical address, telephone number, current employment, and any change in employment. Failure to do so will constitute grounds for suspension of his medical license in accordance with paragraph 'B' above.

ORIGINAL


Initials

State of Alaska
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing
550 West 7th Avenue, Suite 1500
Anchorage, Alaska 99501-3567
Telephone 907-269-8160 Fax 907-269-8195

1 IT IS HEREBY FURTHER ORDERED that this Adopted Decision and Order shall
2 take effect immediately upon its adoption by the State Medical Board and is a public record
3 of the Medical Board and the State of Alaska. The State may provide a copy of it to any
4 person or entity, professional licensing board, federal, state, or local government, or other
5 entity making a relevant inquiry. The action taken by the Alaska State Medical Board in
6 this Consent Agreement will be reported to the Federation of State Medical Boards, the
7 National Practitioner Data Bank, and other entities as required by law.

8
9 DATED this 20TH day of NOVEMBER, 2009 at
10 ANCHORAGE, Alaska.

11 EMIL NOTTI, COMMISSIONER

12
13
14 By: [Signature]

15 BKH
16 BKH

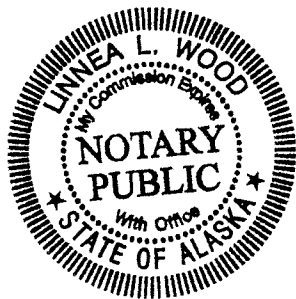
17 Brian Howes, Chief Investigator for
18 Lynne Smith, Director
19 Division of Corporations, Business and
20 Professional Licensing

21 I, Robert G. Thompson, M.D., have read the Consent Agreement, understand it, and
22 agree to be bound by its terms and conditions.

23 DATED: 11-17-09 [Signature]

24
25
26 SUBSCRIBED AND SWORN TO before me this 17 day of
27 November, 2009, at Anchorage, Alaska.

28 SEAL



29
30 [Signature]
31 Notary Public in and for Alaska.

32
33 Linnea L. Wood
34 Notary Printed Name

35 My commission expires: w/office

JANIDAO [Signature]
Initials

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
STATE MEDICAL BOARD

In the matter of:)
)
Robert G. Thompson, MD)
RESPONDENT)
)
)

Case No. 2800-05-012
Case No. 2800-07-007
Case No. 2800-07-008
Case No. 2800-07-009
Case No. 2800-07-010
Case No. 2800-08-004
Case No. 2800-09-009

ORDER

In regard to Case Nos. 2800-05-012, 2800-07-007, 2800-07-008, 2800-07-009, 2800-07-010, 2800-08-004, and 2800-09-009, the Alaska State Medical Board, hereby adopts and accepts ~~in~~ ^{AS AMENDED} ~~its~~ ^{entirety} the Consent Agreement signed by Robert G. Thompson, MD, License No. S-2047, dated November 17, 2009, in accordance with its inherent authority and pursuant to AS 08.01 and AS 08.64.

This action is a public action of the board and shall be reported to all entities as required by law.

This Consent Agreement takes effect immediately upon signature of this Order in accordance with the approval of the board at its meeting of January 22, 2010.

DATED this 22nd day of January, 2010, at Anchorage, Alaska.

STATE MEDICAL BOARD

BY Jean M. Tsigonis
Jean M. Tsigonis, MD, Chair
Alaska State Medical Board

State of Alaska
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing
550 West 7th Avenue, Suite 1500
Anchorage, Alaska 99501-3567
Telephone 907-269-8160 Fax 907-269-8195

JAN 22 2010

Robert G. Thompson, M.D., F.A.C.O.G.

188 W. MARYDALE AVENUE
SOLDOTNA, AK 99568
TELEPHONE: (907) 260-6914
FAX: (907) 260-6924

March 3, 2010

To Whom It May Concern:

Please be advised that I obviously have no choice but to accept the alteration of the terms of my settlement, page 6, section C, by the Alaska State Medical Board, or spend ridiculous amounts of money on a legal battle which obviates the reason why I chose to settle this matter in the first place.

I understand that I am agreeing to the addition of the exclusion of the surgical treatment of severe leg veins (ambulatory phlebectomy) and injection of these veins (sclerotherapy) to the previous agreement. There have been no complaints or concerns expressed over this matter as you know.

This matter remains a huge disappointment in the way Physicians are treated by our system and each other. Unfortunately this is not a surprise.

Robert G. Thompson, M.D. F.A.C.O.G.

