

FILED

**BEFORE THE
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

JUL 22 2013

**OSTEOPATHIC MEDICAL BOARD
OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 16-2011-3335

**ALEXANDER WILLIAM THERMOS, D.O.
27758 Santa Margarita Pkwy #536
Mission Viejo, CA 92691**

**Osteopathic Physician's and Surgeon's
Certificate No. 20A11028**

Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby
adopted by the Osteopathic Medical Board of California, Department of Consumer Affairs,
as its Decision in this matter.

This Decision shall become effective on August 5, 2013

It is so ORDERED July 22, 2013



FOR THE OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
DAVID CONNETT, D.O., PRESIDENT

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 State Bar No. 71375
California Department of Justice
4 300 South Spring Street, Suite 1702
Los Angeles, California 90013
5 Telephone: (213) 897-2543
Facsimile: (213) 897-9395
6 *Attorneys for Complainant*

7 **BEFORE THE**
OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **ALEXANDER WILLIAM THERMOS, D.O.**

12 27758 Santa Margarita Pkwy #536
Mission Viejo, CA 92691

13 Osteopathic Physician's and Surgeon's
14 Certificate No. 20A11028,

15 Respondent.

Case No. 16-2011-3335

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 In the interest of a prompt and speedy settlement of this matter, consistent with the public
17 interest and the responsibility of the Osteopathic Medical Board of California of the Department
18 of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
19 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
20 disposition of the Accusation.

21 **PARTIES**

22 1. Angelina M. Burton (Complainant) is the Executive Director of the Osteopathic
23 Medical Board of California (Board). She brought this action solely in her official capacity and is
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by E.
25 A. Jones III, Supervising Deputy Attorney General.

26 2. Respondent Alexander William Thermos, D.O. (Respondent) is represented in this
27 proceeding by attorney David W. Seal, 6789 Quail Hill Pkwy, #410, Irvine, CA 92603.

28 3. On or about November 9, 2009, the Board issued Osteopathic Physician's and

1 Surgeon's Certificate No. 20A11028 to Alexander William Thermos, D.O. (Respondent). The Osteopathic
2 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges
3 brought in Accusation No. 16-2011-3335 and will expire on August 31, 2014, unless renewed.

4 JURISDICTION

5 4. Accusation No. 16-2011-3335 was filed before the Osteopathic Medical Board of California
6 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
7 and all other statutorily required documents were properly served on Respondent on March 9, 2012.
8 Respondent timely filed his Notice of Defense contesting the Accusation.

9 5. A copy of Accusation No. 16-2011-3335 is attached as exhibit A and incorporated herein by
10 reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 16-2011-3335. Respondent has also carefully read,
14 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
15 Disciplinary Order.

16 7. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
18 his own expense; the right to confront and cross-examine the witnesses against him; the right to
19 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
20 the attendance of witnesses and the production of documents; the right to reconsideration and
21 court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 9. Respondent admits the truth of each and every charge and allegation in Accusation No. 16-
27 2011-3335.

28 10. Respondent agrees that his Osteopathic Physician's and Surgeon's Certificate is subject to

1 subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in
2 the Disciplinary Order below.

3 CIRCUMSTANCES IN MITIGATION

4 11. Respondent Alexander William Thermos, D.O. has never been the subject of any
5 disciplinary action by the Board. He is admitting responsibility at an early stage in the
6 proceedings.

7 RESERVATION

8 12. The admissions made by Respondent herein are only for the purposes of this
9 proceeding, or any other proceedings in which the Osteopathic Medical Board of California or
10 other professional licensing agency is involved, and shall not be admissible in any other criminal
11 or civil proceeding.

12 CONTINGENCY

13 13. This stipulation shall be subject to approval by the Osteopathic Medical Board of
14 California. Respondent understands and agrees that counsel for Complainant and the staff of the
15 Osteopathic Medical Board of California may communicate directly with the Board regarding this
16 stipulation and settlement, without notice to or participation by Respondent or his counsel. By
17 signing the stipulation, Respondent understands and agrees that he may not withdraw his
18 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it.
19 If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and
20 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible
21 in any legal action between the parties, and the Board shall not be disqualified from further action
22 by having considered this matter.

23 14. The parties understand and agree that facsimile copies of this Stipulated Settlement
24 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
25 effect as the originals.

26 15. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Board may, without further notice or formal proceeding, issue and enter the following
28 Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED THAT Osteopathic Physician's and Surgeon's Certificate No. 20A11028 issued to Respondent Alexander William Thermos, D.O. is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders.

2. **Quarterly Reports.** Respondent shall submit to the Board quarterly declaration under penalty of perjury on the Quarterly Report of Compliance Form, OMB 10 (5/97) which is hereby incorporated by reference, stating whether there has been compliance with all the conditions of probation.

3. **Probation Surveillance Program.** Respondent shall comply with the Board's probation surveillance program. Respondent shall, at all times, keep the Board informed of his addresses of business and residence which shall both serve as addresses of record. Changes of such addresses shall be immediately communicated in writing to the Board. Under no circumstances shall a post office box serve as an address of record.

Respondent shall also immediately inform the Board, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

4. **Interviews with Medical Consultants.** Respondent shall appear in person for interviews with the Board's medical consultants upon request at various intervals and with reasonable notice.

5. **Cost Recovery.** The Respondent is hereby ordered to reimburse the Board the amount of \$4,016.00 within 120 days from the effective date of this decision for its investigative and prosecution costs. Failure to reimburse the Board's cost of its investigation and prosecution shall constitute a violation of the probation order, unless the Board agrees in writing to payment by an installment plan because of financial hardship.

1 **6. License Surrender.** Following the effective date of this decision, if Respondent
2 ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and
3 conditions of probation, Respondent may voluntarily tender his certificate to the Board. The
4 Board reserves the right to evaluate the Respondent's request and to exercise its discretion
5 whether to grant the request, or to take any other action deemed appropriate and reasonable under
6 the circumstances. Upon formal acceptance of the tendered license, Respondent will no longer be
7 subject to the terms and conditions of probation.

8 **7. Tolling for Out-of-State Practice or Residence, or In-State Non-Practice**
9 **(Inactive License).** In the event Respondent should leave California to reside or to practice
10 outside the State or for any reason should Respondent stop practicing medicine in California,
11 Respondent shall notify the board or its designee in writing within ten days of the dates of
12 departure and return or the dates of non-practice within California. Non-practice is defined as
13 any period of time exceeding thirty days in which Respondent is not engaging in any activities
14 defined in Section 2051 and/or 2052 of the Business and Professions Code. All time spent in an
15 intensive training program approved by the Board or its designee in or out of state shall be
16 considered as time spent in the practice of medicine. Periods of temporary or permanent
17 residence or practice outside California or of non-practice within California, as defined in this
18 condition, will not apply to the reduction of the probationary period.

19 **8. Probation Violation/Completion of Probation.** If Respondent violates probation in
20 any respect, the Board may revoke probation and carry out the disciplinary order that was stayed
21 after giving Respondent notice and the opportunity to be heard. If an Accusation and/or Petition
22 to revoke is filed against Respondent during probation, the Board shall have continuing
23 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
24 is final. Upon successful completion of probation, Respondent's certificate will be fully restored.

25 **9. Controlled Drugs - Maintain Record.** Respondent shall maintain a record of all
26 controlled substances prescribed, dispensed or administered by Respondent during probation,
27 showing all the following: (1) the name and address of the patient, (2) the date, (3) the character
28 and quantity of controlled substances involved and (4) the pathology and purpose for which the

1 controlled substance was furnished.

2 Respondent shall keep these records in a separate file or ledger, in chronological order, and
3 shall make them available for inspection and copying by the Board or its designee, upon request.

4 **10. Pharmacology Course.** Within 60 days of the effective date of this decision,
5 Respondent shall enroll in a course in Pharmacology course, approved in advance by the Board or
6 its designee, and shall successfully complete the course during the first year of probation.

7 A pharmacology course taken after the acts that gave rise to the charges in the Accusation,
8 but prior to the effective date of the Decision may, in the sole discretion of the Board or its
9 designee, be accepted towards the fulfillment of this condition if the course would have been
10 approved by the Board or its designee had the course been taken after the effective date of this
11 Decision.

12 **11. Medical Ethics Course.** Within 60 days of the effective date of this decision,
13 Respondent shall submit to the Board for its prior approval a course in medical ethics which
14 Respondent shall successfully complete during the first year of probation.

15 **12. Clinical Training Program.** Within 90 days of the effective date of this decision,
16 Respondent shall submit to the Board for its prior approval, an intensive clinical training
17 program. The exact number of hours and the specific content of the program shall be determined
18 by the Board or its designee and shall be related to the violations charged in the accusation.
19 Respondent shall successfully complete the training program and may be required to pass an
20 examination administered by the Board or its designee related to the program's contents.

21 **13. Professional Enhancement Program.** Within 60 days after Respondent has
22 successfully completed the clinical training program, Respondent shall participate in a
23 professional enhancement program equivalent to the one offered by the Physician Assessment
24 and Clinical Education Program at the University of California, San Diego School of Medicine,
25 which shall include quarterly chart review, semi-annual practice assessment, and semi-annual
26 review of professional growth and education. Respondent shall participate in the professional
27 enhancement program at Respondent's expense during the first year of probation after completion
28 of the clinical training program.

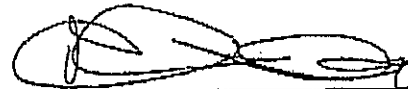
1 of the clinical training program.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney, David W. Seal. I understand the stipulation and the effect it will
6 have on my Osteopathic Physician's and Surgeon's Certificate. I enter into this Stipulated
7 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
8 bound by the Decision and Order of the Osteopathic Medical Board of California.

11 DATED:

15 MAY 2013

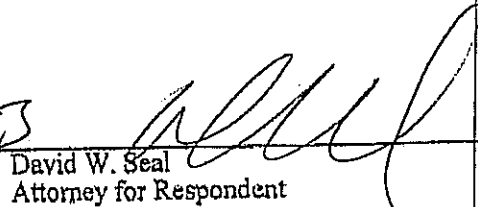


ALEXANDER WILLIAM THERMOS, D.O.
Respondent

14 I have read and fully discussed with Respondent Alexander William Thermos, D.O. the
15 terms and conditions and other matters contained in the above Stipulated Settlement and
16 Disciplinary Order. I approve its form and content.

20 DATED:

15 May 2013



David W. Seal
Attorney for Respondent

26 ENDORSEMENT

27 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
28 submitted for consideration by the Osteopathic Medical Board of California of the Department of

1 Consumer Affairs.

2 Dated: 5/15/13

3 Respectfully submitted,

4 KAMALA D. HARRIS
Attorney General of California

5 
6 E. A. JONES III
7 Supervising Deputy Attorney General
8 *Attorneys for Complainant*

9
10 SA2012104435
11 61004062.doc
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

Accusation No. 16-2011-3335

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 MIA PEREZ-CASTILLE
Deputy Attorney General
4 State Bar No. 203178
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-0762
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

FILED

MAR 09 2012

OSTEOPATHIC MEDICAL BOARD
OF CALIFORNIA

8 **BEFORE THE**
9 **OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 16-2011-3335

12 **ALEXANDER WILLIAM THERMOS, D.O.**
21326 Bishop
13 Mission Viejo, CA 92692

A C C U S A T I O N

14 Osteopathic Physician's and Surgeon's
Certificate No. 20A11028

15
16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Donald J. Krpan, D.O. (Complainant) brings this Accusation solely in his official
20 capacity as the Executive Director of the Osteopathic Medical Board of California.

21 2. On or about November 9, 2009, Osteopathic Medical Board of California issued
22 Osteopathic Physician's and Surgeon's Certificate Number 20A11028 to Alexander William
23 Thermos, D.O. (Respondent). The Osteopathic Physician's and Surgeon's Certificate was in full
24 force and effect at all times relevant to the charges brought herein and will expire on August 31,
25 2012, unless renewed.

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before Osteopathic Medical Board of California (Board), under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3600 of the Code states that the law governing licentiates of the Osteopathic Medical Board of California is found in the Osteopathic Act and in Chapter 5 of Division 2, relating to medicine.

5. Section 3600-2 of the Code states:

"The Osteopathic Medical Board of California shall enforce those portions of the Medical Practice Act identified as Article 12 (commencing with Section 2220), of Chapter 5 of Division 2 of the Business and Professions Code, as now existing or hereafter amended, as to persons who hold certificates subject to the jurisdiction of the Osteopathic Medical Board of California, however, persons who elect to practice using the term or suffix "M.D." as provided in Section 2275 of the Business and Professions Code, as now existing or hereafter amended, shall not be subject to this section, and the Medical Board of California shall enforce the provisions of the article as to persons who make the election. After making the election, each person so electing shall apply for renewal of his or her certificate to the Medical Board of California, and the Medical Board of California shall issue renewal certificates in the same manner as other renewal certificates are issued by it."

6. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

7. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under

1 this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action
2 for unprofessional conduct against the licensee in this state."

3 8. Section 141 of the Code states:

4 "(a) For any licensee holding a license issued by a board under the jurisdiction of the
5 department, a disciplinary action taken by another state, by any agency of the federal government,
6 or by another country for any act substantially related to the practice regulated by the California
7 license, may be a ground for disciplinary action by the respective state licensing board. A
8 certified copy of the record of the disciplinary action taken against the licensee by another state,
9 an agency of the federal government, or another country shall be conclusive evidence of the
10 events related therein.

11 "(b) Nothing in this section shall preclude a board from applying a specific statutory
12 provision in the licensing act administered by that board that provides for discipline based upon a
13 disciplinary action taken against the licensee by another state, an agency of the federal
14 government, or another country."

15 CAUSE FOR DISCIPLINE
16 (Discipline Imposed By Another State)
17 (Bus. & Prof. Code §§141, 2227, and 2305)

18 9. Respondent is subject to disciplinary action under section 141 of the Code, and/or
19 unprofessional conduct under section 2305, and to discipline by the Board under section 2227, in
20 that on or about November 16, 2011, the Colorado Medical Board (hereinafter "Colorado Board")
21 adopted a Stipulation and Final Agency Order (hereinafter "Order") in Case No. 2010-002092-A,
22 imposing discipline upon Respondent's license No. 38341. The circumstances are as follows:

23 A. Respondent was licensed to practice medicine in the State of Colorado on November
24 19, 1999, and was issued license number 38341. The Colorado Board received a
25 complaint alleging that Respondent committed unprofessional conduct in his care and
26 treatment of a patient's abdominal pain by overprescribing multiple narcotics in
27 progressively increasing doses. On November 26, 2011, Respondent and the Colorado
28 Board entered into a Stipulation as the final disposition of the matter with the

disciplinary order for relinquishment of Respondent's license.

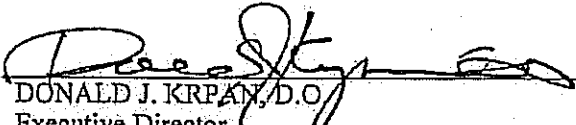
10. Respondent's relinquishment of his Colorado medicine license is a disciplinary action reportable to all data bases consistent with state and federal law. The aforementioned conduct of Respondent constitutes cause for discipline under section 141 and/or unprofessional conduct under section 2305, and Respondent is subject to discipline by the Board under section 2227 of the Code.

P R A Y E R

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Osteopathic Physician's and Surgeon's Certificate Number 20A11028, issued to Alexander William Thermos, D.O.;
2. Revoking, suspending or denying approval of Alexander William Thermos, D.O.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;
3. Ordering Alexander William Thermos, D.O. if placed on probation, to pay the Osteopathic Medical Board of California the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: 3/9/12


DONALD J. KRPAN, D.O.
Executive Director
Osteopathic Medical Board of California
State of California
Complainant

SA2012104435
10847118.docx