

BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF COLORADO

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE APPLICATION FOR A LICENSE TO PRACTICE
MEDICINE IN THE STATE OF COLORADO OF ALEXANDER W. THERMOS, D.O.,
Applicant.

IT IS HEREBY STIPULATED and agreed by and between the Colorado State Board of Medical Examiners ("Board") and Alexander W. Thermos, D.O. ("Applicant") as follows:

JURISDICTION AND CASE HISTORY

1. On August 20, 1999, Panel B of the Board ("Panel"), acting as Licensing Subcommittee as set out in § 12-36-104(3), C.R.S., considered Applicant's application to practice medicine in Colorado. At that meeting the Subcommittee considered information from the Health and Human Services System of the state of Nebraska. The Nebraska information indicated that Applicant had been disciplined in that state for prescribing controlled substances on an expired Nebraska controlled substances permit. At that meeting, the Subcommittee also considered a report regarding Applicant from the Colorado Physician Health Program ("CPHP"). The report indicated that Applicant has suffered from depression. At that meeting, the Subcommittee denied Applicant's application.

2. On September 23, 1999, the Subcommittee reconsidered Applicant's application. At that meeting the Subcommittee determined to license Applicant subject to the terms of probation set out below.

3. On October 21, 1999, the Subcommittee granted Applicant a license subject to terms of probation identical to those set out in this agreement. Unfortunately, that agreement referred to Applicant as a "M.D." rather than a "D.O."

4. By virtue of this application, the Board has jurisdiction over Applicant and over the subject matter of this proceeding.

5. It is the intent of the parties and the purpose of this stipulation and Final Agency Order (hereinafter, "the Order") to provide for a settlement of all facts disclosed in Applicant's application without the necessity of holding a formal disciplinary hearing. It is further the intent of the parties to have this agreement replace the October 21 agreement. This Order constitutes the entire agreement between parties, there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.

6. Applicant understands that:
 - a. Applicant has the right to be represented by an attorney of the Applicant's choice;
 - b. Applicant has the right to a formal hearing pursuant to §§ 12-36-116 and 24-4-104(9), C.R.S.;
 - c. By entering into this Order, Applicant is knowingly and voluntarily giving up the right to a hearing and admits the facts contained in this Order; and
 - d. Applicant is knowingly and voluntarily giving up the right to present oral and documentary evidence, and to cross-examine witnesses who would testify on behalf of the Board.
7. Applicant admits that his depression as described above constitutes a mental condition as defined in § 12-36-117(1)(o), C.R.S.
8. Based upon the above, the Board is authorized by § 12-36-118(5)(g)(III), C.R.S. to order probation and such conditions upon Applicant's practice which it deems appropriate.
9. Upon approval of this Order by Panel B acting as Licensing Subcommittee, this case shall be monitored by Panel B acting as Licensing Subcommittee.

PROBATIONARY TERMS

10. Applicant's license issued October 21, 1999 is hereby subject to an indefinite period of probation. During the probationary period, Applicant agrees to be bound by the terms and restrictions set forth in the paragraphs below. Applicant may not perform any act authorized by a license issued by the Board until such time as Applicant has completed a release as set forth below.

TREATMENT MONITORING

11. Applicant shall receive such medical treatment as determined to be appropriate by CPHP. Such treatment may include, but shall not be limited to: psychiatric care (including management of medicine), psychotherapy and marital therapy. All treatment recommendations by CPHP shall constitute terms of this Order. CPHP shall also function as the "treatment monitor" as that term is used in this Order and CPHP shall monitor Applicant's compliance with this Order.
12. CPHP shall submit quarterly written reports to the Panel. The reports shall briefly describe Applicant's treatment with CPHP. The reports shall also state whether Applicant is in compliance with this Order. If at any time CPHP has reasonable cause to believe that Applicant has violated the terms of this Order, is unable to practice with skill and

with safety to patients or has committed unprofessional conduct as defined in § 12-36-117(1), CPHP shall immediately inform the Panel.

13. Applicant shall complete a release permitting CPHP to disclose to the Panel all privileged information concerning Applicant in its possession, including information generated by other sources. Any revocation of such release by Applicant shall constitute a violation of this Order.

OUT OF STATE PRACTICE

14. Following licensure, Applicant may wish to leave Colorado and practice medicine in another state. At any time, whether to practice out of state, or for any other reason, Applicant may request that the Board place Applicant's license on inactive status as set forth in § 12-36-137, C.R.S. Upon the approval of such request, Applicant may cease to comply with the treatment monitoring terms of this Order. Failure to comply with treatment monitoring while inactive shall not constitute a violation of this Order. Unless Applicant's license is inactive, however, Applicant must comply with treatment monitoring irrespective of Applicant's location.

15. After placing his license in inactive status, Applicant may apply to resume the active practice of medicine, subject to treatment monitoring, at any time as set forth in § 12-36-137(5), C.R.S.

OTHER TERMS

16. The terms of this Order were mutually negotiated and determined.

17. Both parties acknowledge that they understand the legal consequences of this Order; both parties enter into this Order voluntarily; and both parties agree that no term or condition of this Order is unconscionable.

18. All costs and expenses incurred by Applicant to comply with this Order shall be the sole responsibility of Applicant, and shall in no way be the obligation of the Board or Panel.

19. Applicant shall obey all state and federal laws during the probationary period.

20. This Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to § 12-36-118(5)(g)(III), C.R.S. Failure to comply with the terms of this Order may be sanctioned by Panel B as set forth in § 12-36-118(5)(g)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of § 12-36-117(1)(u), C.R.S.

21. This Order shall be admissible as evidence at any future hearing before the Board.

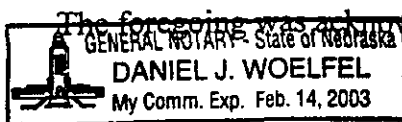
22. During the pendency of any action arising out of this Order, the obligations of the parties shall be deemed to be in full force and effect and shall not be tolled.

23. Invalidation of any portion of this Order by judgment or court order shall in no way affect any other provision, which provision shall remain in full force and effect.

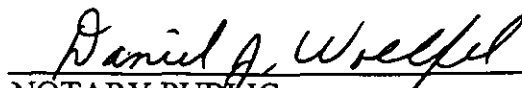
24. This Order shall be effective upon approval by the Panel and signature by a Panel member. Applicant acknowledges that the Panel may choose not to accept the terms of this Order and that if the Order is not approved by the Panel and signed by a Panel member, it is void.

25. Upon becoming effective, this Order shall be open to public inspection and shall be reported as required by law.


ALEXANDER W. THERMOS, D.O.



acknowledged before me this 12th day of November, 1999

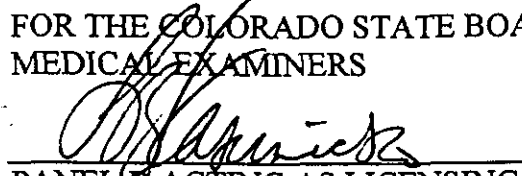

NOTARY PUBLIC

My Commission expires:

2/14/03

The foregoing Stipulation and Final Agency Order is approved this 12th day of November, 1999.

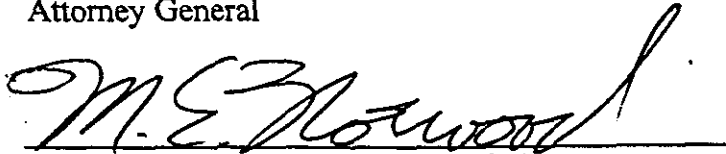
FOR THE COLORADO STATE BOARD OF
MEDICAL EXAMINERS


PANEL B ACTING AS LICENSING
SUBCOMMITTEE

APPROVED AS TO FORM:

FOR THE BOARD OF MEDICAL EXAMINERS

KEN SALAZAR
Attorney General

A handwritten signature in dark ink, appearing to read "M.E. Norwood", is written over a horizontal line.

MATTHEW E. NORWOOD, 15181*

First Assistant Attorney General
Business and Licensing Section

Attorneys for Board of Medical Examiners

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