In the Matter of the Accusation Against:

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

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

Respondent

Case No. 16-2011-3335

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

In the Matter of the Accusation Against:
ALEXANDER WILLIAM THERMOS, D.O.
27758 Santa Margarita Pkwy #536
Mission Viejo, CA 92691
Osteopathic Physician's and Surgeon's
Certificate No. 20A11028,
Respondent.

Case No. 16-2011-3335

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

PARTIES

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

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

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

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

**JURISDICTION**

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

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

**ADVICEMENT AND WAIVERS**

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

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

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

**CULPABILITY**

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

10. Respondent agrees that his Osteopathic Physician's and Surgeon's Certificate is subject to
subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in
the Disciplinary Order below.

CIRCUMSTANCES IN MITIGATION

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

RESERVATION

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

CONTINGENCY

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

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

15. In consideration of the foregoing admissions and stipulations, the parties agree that
the Board may, without further notice or formal proceeding, issue and enter the following
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.
6. **License Surrender.** Following the effective date of this decision, if Respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, Respondent may voluntarily tender his certificate to the Board. The Board reserves the right to evaluate the Respondent’s request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, Respondent will no longer be subject to the terms and conditions of probation.

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

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

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

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

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

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

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

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

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

ACCEPTANCE

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

DATED: 14 May 2013
ALEXANDER WILLIAM THERMOS, D.O.
Respondent

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

DATED: 15 May 2013
David W. Seal
Attorney for Respondent

ENDORSEMENT

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

Dated: 5/15/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California

E. A. JONES III
Supervising Deputy Attorney General
Attorneys for Complainant
Exhibit A

Accusation No. 16-2011-3335
In the Matter of the Accusation Against: ALEXANDER WILLIAM THERMOS, D.O. 21326 Bishop Mission Viejo, CA 92692 Osteopathic Physician's and Surgeon's Certificate No. 20A11028

Respondent.

Complainant alleges:

PARTIES

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

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

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

8. Section 141 of the Code states:

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

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

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

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

A. Respondent was licensed to practice medicine in the State of Colorado on November 19, 1999, and was issued license number 38341. The Colorado Board received a complaint alleging that Respondent committed unprofessional conduct in his care and treatment of a patient's abdominal pain by overprescribing multiple narcotics in progressively increasing doses. On November 26, 2011, Respondent and the Colorado 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.

PRAYER

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. KRPAK, M.D.
Executive Director
Osteopathic Medical Board of California
State of California
Complainant

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