BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

:

DANIEL LEE THOMPSON, M.D. :

ENTRY OF ORDER

On August 15, 2000, Daniel Lee Thompson, M.D. executed a Voluntary Surrender of his Certificate to practice medicine and surgery in the State of Ohio with a consent to revocation, which document is attached hereto and fully incorporated herein.

In consideration of the foregoing and of Dr. Thompson's express waiver of the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board members vote to revoke said certificate, it is hereby ORDERED that Certificate No. 35049547 authorizing Daniel Lee Thompson, M.D., to practice medicine be permanently REVOKED, effective August 15, 2000.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 15th day of August, 2000, and the original thereof shall be kept with said Journal.

Anand G. Garg, M.D.
Secretary

(seal)

09/11/00
Date

STATE OF OHIO
THE STATE MEDICAL BOARD

PERMANENT SURRENDER OF CERTIFICATE TO PRACTICE MEDICINE AND SURGERY

I, DANIEL LEE THOMPSON, M.D., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein, after being fully advised by legal counsel.

I, DANIEL LEE THOMPSON, M.D., do hereby voluntarily, knowingly, intelligently, and permanently surrender my certificate to practice medicine and surgery, No. 35-049547, to the State Medical Board of Ohio, thereby permanently relinquishing all rights to practice medicine and surgery in Ohio. This surrender shall be effective as of midnight, August 15, 2000.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-049547 or issuance of any other certificate pursuant to Chapters 4730. or 4731., Ohio Revised Code, on or after the date of signing of this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order revoking my certificate to practice medicine and surgery, No. 35-049547, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.

I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings in accordance with R.C. Chapter 119 and R.C. 4731.22 for the matters described in the Notice of Opportunity for Hearing dated January 12, 2000. I further stipulate and admit the allegations in said Notice, which is attached hereto in Exhibit A and incorporated herein by this reference.

I, DANIEL LEE THOMPSON, M.D., hereby release the State Medical Board of Ohio, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

Signed this 15th day of August, 2000.

DANIEL LEE THOMPSON, M.D.

Sworn to and subscribed in my presence, this 15 day of August, 2000.

NOTARY PUBLIC
MY COMMISSION HAS NO
EXPIRATION DATE

Accepted by the State Medical Board of Ohio:

ANAND G. GARG, M.D.
Secretary
8/24/00
DATE

RAYMOND J. ALBERT
Supervising Member
8/24/00
DATE

Thompson/surrender.doc

State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

January 12, 2000

Daniel Lee Thompson, M.D.
2074 F Parkrun Drive
Columbus, Ohio 43220

Dear Doctor Thompson:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

(1) In the routine course of your practice, you undertook the care of Patients 1, 4, 11, 15, 16, and 22. Prior to initiating treatment for weight loss utilizing controlled substance anorectics, you failed to determine that these patients had made a substantial good-faith effort to lose weight in a treatment program utilizing a regimen of weight reduction based on caloric restriction, nutritional counseling, behavior modification, and exercise, without the utilization of controlled substances, and that said treatment had been ineffective. Further, you failed to obtain a thorough history and perform a physical examination of the patients prior to initiating treatment. In addition, you failed to meet face-to-face with the patients each time controlled substances were utilized and record in the patients' records information demonstrating the patients' continuing efforts to lose weight and the presence or absence of contraindications, adverse effects, and indicators of possible substance abuse.

(a) Your providing of phentermine hydrochloride to Patient 1 was inappropriate because you failed to determine that the patient had a BMI (body mass index) of at least 30 or at least 27 with comorbid factors. In fact, Patient 1 reported a BMI of 25. In addition, your providing of 90 phentermine tablets (a 3 month supply) on or about February 3, 1999, was inappropriate in that you would be unable to weigh Patient 1 every 30 days to determine if Patient 1 had lost weight, and/or you would be unable to discontinue use of phentermine hydrochloride if Patient 1 failed to lose weight.

Mailed 1/13/00

(b) Your providing of phentermine hydrochloride to Patient 4 was inappropriate because you failed to determine that the patient had a BMI of at least 30 or at least 27 with comorbid factors. In fact, Patient 4 reported a BMI of 29 without comorbid factors. In addition, your providing of 90 phentermine tablets on or about January 29, 1999, was inappropriate in that you would be unable to weigh Patient 4 every 30 days to determine if Patient 4 had lost weight, and/or you would be unable to discontinue use of phentermine hydrochloride if Patient 4 failed to lose weight.

(c) Your providing of phentermine hydrochloride to Patient 11 was inappropriate because you failed to determine that the patient had a BMI of at least 30 or at least 27 with comorbid factors. In fact, Patient 11 reported a BMI of 27 without comorbid factors. In addition, your providing of 300 phentermine tablets from December 28, 1998, to February 16, 1999, was inappropriate in that you failed to weigh Patient 11 after 30 days to determine if Patient 11 had lost weight. Further, the amount of phentermine that you provided exceeded the recommended dosage amounts set forth in the FDA labeling for the product. Further, you provided 30 phentermine tablets to Patient 11 on or about February 7, 1999, after Patient 11 reported her weight as 179 pounds. On or about February 9, 1999, Patient 11 reported her weight as 192 pounds. Despite this apparent weight gain, you provided an additional 30 phentermine tablets to Patient 11.

(d) Your providing of Meridia to Patient 15 was inappropriate because you failed to determine whether this treatment was Patient 15's initial treatment for weight loss with controlled substances and, if so, that the patient had a BMI of at least 30 or at least 27 with comorbid factors. In fact, Patient 15 reported a BMI of 26. If this was not Patient 15's initial treatment, you failed to determine whether Patient 15 was an appropriate candidate to receive Meridia based on the requirements of 4731-11-04(C)(10), Ohio Administrative Code.

(e) Your providing of phentermine hydrochloride to Patient 16 was inappropriate because you failed to determine that the patient had a BMI of at least 30 or at least 27 with comorbid factors. You provided 30 phentermine tablets to Patient 16 on or about December 16, 1998. In addition, you provided 30 phentermine tablets to Patient 16 on or about January 5, 1999. Further, you provided 30 phentermine tablets to Patient 16 on or about January 28, 1999. Such provision was inappropriate in that you failed to weigh Patient 16 after 30 days to determine if Patient 16 had lost weight.

(f) Your providing of phentermine hydrochloride to Patient 22 was inappropriate because you failed to determine that the patient had a BMI of at least 30 or at least 27 with comorbid factors. In fact, Patient 22 reported a BMI of 27 without comorbid factors. In addition, your providing of 90 phentermine tablets on or about February 10, 1999, was inappropriate in that you would be unable to weigh Patient 22 every 30 days to determine if Patient 22 had lost weight, and/or you would be unable to discontinue use of phentermine hydrochloride if Patient 22 failed to lose weight.

(2) In the routine course of your practice, you undertook the care of Patient 21. You failed to meet face-to-face with Patient 21 each time controlled substances were utilized in his treatment for weight loss, and you failed to record in the patient record information demonstrating the patient's continuing efforts to lose weight and the presence or absence of contraindications, adverse effects, and indicators of possible substance abuse. In addition, your providing of 90 phentermine tablets on or about January 29, 1999, was inappropriate in that you would be unable to weigh Patient 21 every 30 days to determine if Patient 21 had lost weight, and/or you would be unable to discontinue use of phentermine hydrochloride if Patient 21 failed to lose weight.

(3) In the routine course of your practice, you undertook the care of Patients 2, 3, 5, 7, 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 24, 25, and 26. You provided Viagra to these patients, which was inappropriate in that you failed to conduct physical examinations of these patients, and you failed to evaluate these patients' conditions prior to providing the medication. Further, you failed to conduct follow-up evaluations of the patients.

(4) In the routine course of your practice, you undertook the care of Patient 6. You provided Zyban to Patient 6, which was inappropriate in that you failed to conduct a physical examination of Patient 6 prior to providing the medication.

(5) In the routine course of your practice, you undertook the care of Patient 15. You provided Propecia to Patient 15, which was inappropriate in that you failed to conduct a physical examination of Patient 15 prior to providing the medication.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) - (5) above, individually and/or collectively, constitute "[f]ailure to use reasonable care discrimination in the administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease," as those clauses are used in Section 4731.22(B)(2), Ohio Revised Code, as in effect prior to March 9, 1999.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) - (5) above, individually and/or collectively, constitute "[a] departure from, or the failure to conform to,

minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.03, Ohio Revised Code, Trafficking in drugs.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) - (5) above, individually and/or collectively, constitute "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 4729.51(C), Ohio Revised Code, Sale of dangerous drugs.

Further, your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: 4731-11-04, Ohio Administrative Code. Pursuant to Rule 4731-11-04(E), Ohio Administrative Code, violation of Rule 4731-11-04, Ohio Administrative Code, also violates Sections 4731.22(B)(2), (3) and (6), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Anand G. Garg, M.D.
Secretary

AGG/bjs
Enclosures

CERTIFIED MAIL #Z 395 591 211
RETURN RECEIPT REQUESTED

cc: Max Kravitz, Esq.
CERTIFIED MAIL #Z 395 591 213
RETURN RECEIPT REQUESTED