

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **JOEL D. THOMPSON, M.D.**

4 Holder of License No. 29611  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

Case No. MD-14-1290A

**ORDER FOR LETTER OF  
REPRIMAND AND PROBATION;  
AND CONSENT TO THE SAME**

7 Joel D. Thompson, M.D. ("Respondent"), elects to permanently waive any right to a  
8 hearing and appeal with respect to this Order for a Letter of Reprimand and Probation;  
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of  
10 this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of  
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 29611 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-14-1290A after receiving a complaint  
17 from patient DW alleging that she had sexual interactions with Respondent from April of  
18 2013 through May of 2014 while Respondent was treating DW for left shoulder pain. DW  
19 also alleged that Respondent failed to diagnose a large tear in her left rotator cuff.

20 4. Respondent admitted to having a sexual affair with DW while she was his  
21 patient. At the time of his initial response, Respondent also reported that he was actively  
22 seeking treatment through counseling and training regarding maintenance of professional  
23 boundaries.

24 5. Respondent attended the professional boundaries course offered by  
25 Professional Boundaries, Inc. at University of California, Irvine.



1           a. **Practice Restriction**

2           Respondent shall have a female chaperone present while examining or  
3 treating all female patients in all settings, including but not limited to office, hospital, and  
4 clinic. The female chaperone must be an Arizona licensed healthcare provider (i.e.  
5 registered nurse, licensed practical nurse or physician assistant) employed by the  
6 Respondent, hospital or clinic and may not be a representative or relative who  
7 accompanied the patient. Respondent shall instruct the female chaperone to document her  
8 presence by signing, dating, and legibly printing her name on each patient's chart at the  
9 time of the examination. Respondent shall instruct the female chaperone to immediately  
10 report any inappropriate behavior to Respondent and the Board.

11           Respondent shall also implement the recommendations made by BMI in its  
12 report regarding the use of forms including Principals of Practice, Staff Surveillance Forms  
13 and Patient Satisfaction Forms.

14           b. **Cognitive Behavioral Therapist**

15           Respondent shall enter treatment with one of the cognitive behavioral  
16 therapists recommended by BMI and approved by Board staff, and shall comply with any  
17 and all treatment recommendations.<sup>1</sup> Respondent shall instruct the treating cognitive  
18 behavioral therapist to submit written reports to Board staff regarding diagnosis, prognosis,  
19 current medications, recommendation for continuing care and treatment, and ability to  
20 safely practice medicine. The reports shall be submitted quarterly to Board staff for the two  
21 years and then biannually thereafter, commencing as of September 16, 2015.  
22 Respondent shall pay the expenses of treatment and is responsible for paying for the  
23 preparation of the periodic reports. Respondent shall authorize the cognitive behavioral  
24 \_\_\_\_\_

25 <sup>1</sup> On September 29, 2015, Respondent's Board-approved cognitive behavioral therapist sent a letter to Board staff affirming that the therapist has reviewed the information in the case, including the records from BMI, that Respondent has "engaged" in therapy as identified in the BMI report and that Respondent has agreed to the terms of treatment as recommended by the therapist and BMI as of September 16, 2015.

1 therapist to communicate with Board staff regarding Respondent's compliance with  
2 treatment, and if at any time the cognitive behavioral therapist finds evidence that  
3 Respondent is a safety threat to patients.

4 Respondent may submit a written request to Board staff requesting  
5 termination of the requirement that Respondent remain in treatment with the cognitive  
6 behavioral therapist. The request must be accompanied by a final report from the cognitive  
7 behavioral therapist affirming that Respondent has completed treatment and is safe to  
8 practice. The Board has the sole discretion to determine whether it is appropriate to  
9 release Respondent from this requirement.

10 c. **Chart Reviews**

11 Board Staff or its agents shall conduct periodic chart reviews. Based upon  
12 the chart review, the Board retains jurisdiction to take additional disciplinary or remedial  
13 action. The periodic chart reviews shall commence after Respondent's successful  
14 completion of the CME, and shall involve current patients' charts for a period of three  
15 years. Respondent shall bear all costs associated with the chart reviews. The Board shall  
16 have the sole discretion to determine whether Respondent met the terms of the probation.

17 d. **Obey All Laws**

18 Respondent shall obey all state, federal and local laws, all rules governing  
19 the practice of medicine in Arizona, and remain in full compliance with any court ordered  
20 criminal probation, payments and other orders.

21 e. **Tolling**

22 In the event Respondent should leave Arizona to reside or practice outside  
23 the State or for any reason should Respondent stop practicing medicine in Arizona,  
24 Respondent shall notify the Executive Director in writing within ten days of departure and  
25 return or the dates of non-practice within Arizona. Non-practice is defined as any period of  
time exceeding thirty days during which Respondent is not engaging in the practice of

1 medicine. Periods of temporary or permanent residence or practice outside Arizona or of  
2 non-practice within Arizona, will not apply to the reduction of the probationary period.

3 f. **Probation Termination**

4 Respondent may request termination of the probation after five years. Prior  
5 to the termination of Probation, Respondent must submit a written request to the Board for  
6 release from the terms of this Order. Respondent's request for release will be placed on  
7 the next pending Board agenda, provided a complete submission is received by Board  
8 staff no less than 14 days prior to the Board meeting. Respondent's request for release  
9 must provide the Board with evidence establishing that he has successfully satisfied all of  
10 the terms and conditions of this Order. The Board has the sole discretion to determine  
11 whether all of the terms and conditions of this Order have been met or whether to take any  
12 other action that is consistent with its statutory and regulatory authority.

13  
14 3. This Order supersedes any and all Consent Agreements previously entered  
15 into by Respondent and the Board regarding this matter.

16 4. The Board retains jurisdiction and may initiate new action against  
17 Respondent based upon any violation of this Order.

18 DATED AND EFFECTIVE this 3<sup>rd</sup> day of December, 2015.

19  
20 ARIZONA MEDICAL BOARD

21 By Patricia E. McSorley  
22 Patricia E. McSorley  
23 Executive Director  
24  
25

**CONSENT TO ENTRY OF ORDER**

1  
2           1.     Respondent has read and understands this Consent Agreement and the  
3 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent  
4 acknowledges he has the right to consult with legal counsel regarding this matter.

5           2.     Respondent acknowledges and agrees that this Order is entered into freely  
6 and voluntarily and that no promise was made or coercion used to induce such entry.

7           3.     By consenting to this Order, Respondent voluntarily relinquishes any rights to  
8 a hearing or judicial review in state or federal court on the matters alleged, or to challenge  
9 this Order in its entirety as issued by the Board, and waives any other cause of action  
10 related thereto or arising from said Order.

11          4.     The Order is not effective until approved by the Board and signed by its  
12 Executive Director.

13          5.     All admissions made by Respondent are solely for final disposition of this  
14 matter and any subsequent related administrative proceedings or civil litigation involving  
15 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
16 or made for any other use, such as in the context of another state or federal government  
17 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
18 any other state or federal court.

19          6.     Upon signing this agreement, and returning this document (or a copy thereof)  
20 to the Board's Executive Director, Respondent may not revoke the consent to the entry of  
21 the Order. Respondent may not make any modifications to the document. Any  
22 modifications to this original document are ineffective and void unless mutually approved  
23 by the parties.

24          7.     This Order is a public record that will be publicly disseminated as a formal  
25 disciplinary action of the Board and will be reported to the National Practitioner's Data  
Bank and on the Board's web site as a disciplinary action.

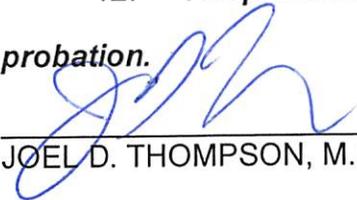
1 8. If any part of the Order is later declared void or otherwise unenforceable, the  
2 remainder of the Order in its entirety shall remain in force and effect.

3 9. If the Board does not adopt this Order, Respondent will not assert as a  
4 defense that the Board's consideration of the Order constitutes bias, prejudice,  
5 prejudgment or other similar defense.

6 10. Any violation of this Order constitutes unprofessional conduct and may result  
7 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,  
8 consent agreement or stipulation issued or entered into by the board or its executive  
9 director under this chapter.") and 32-1451.

10 11. Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16), he  
11 cannot act as a supervising physician for a physician assistant while his license is on  
12 probation.

13 12. *Respondent has read and understands the terms and conditions of*  
14 *probation.*

15   
16 \_\_\_\_\_  
JOEL D. THOMPSON, M.D.

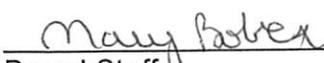
DATED: 10/14/15

17 EXECUTED COPY of the foregoing mailed  
18 this 3<sup>rd</sup> day of December, 2015 to:

19 Barry A. MacBan  
20 MacBan Law Offices  
21 1795 East Skyline Drive Suite 155  
22 Tucson, Arizona 85718  
23 Attorney for Respondent

24 ORIGINAL of the foregoing filed  
25 this 3<sup>rd</sup> day of December 2015 with:

26 Arizona Medical Board  
27 9545 E. Doubletree Ranch Road  
28 Scottsdale, AZ 85258

29   
30 \_\_\_\_\_  
Board Staff