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

In the Matter of the Second Amended Accusation Against:	)	
Donovan A. Thompson, M.D.	)	**Case No. 800-2018-050941**
Physician's and Surgeon's Certificate No. C 131391	)	
Respondent	)	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 6, 2019.

IT IS SO ORDERED August 7, 2019.

MEDICAL BOARD OF CALIFORNIA

By: _____
Kristina D. Lawson, J.D., Chair
Panel B

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
EMILY L. BRINKMAN
Deputy Attorney General
State Bar No. 219400
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3374
Facsimile: (415) 703-5843
E-mail: Emily.Brinkman@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Second Amended Accusation Against: **DONOVAN A. THOMPSON, M.D.** 4535 Dressler Rd NW Canton OH 44718-2545 **Physician's and Surgeon's Certificate No. C 131391** Respondent.	Case No. 800-2018-050941 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Emily L. Brinkman, Deputy Attorney General.

\\\

\\\

2. Respondent DONOVAN A. THOMPSON, M.D. (Respondent) is represented in this proceeding by attorney John Quincy Brown, III, whose address is: Hardy Erich Brown & Wilson, 455 Capitol Mall, Suite 200, Sacramento, CA 95814.

3. On or about June 27, 2014, the Board issued Physician's and Surgeon's Certificate No. C 131391 to DONOVAN A. THOMPSON, M.D. (Respondent). The Physician's and Surgeon's Certificate will expire on May 31, 2020, unless it is renewed.

JURISDICTION

4. Accusation No. 800-2018-050941 was filed before the Board. The Accusation and all other statutorily required documents were properly served on Respondent on February 22, 2019. Respondent timely filed his Notice of Defense contesting the Accusation.

5. First Amended Accusation No. 800-2018-050941 was filed before the Board. The Accusation and all other statutory documents were properly served on Respondent on March 27, 2019.

6. Second Amended Accusation No. 800-2018-050941 was filed before the Board and is currently pending before the Board. The Second Amended Accusation and all other statutory documents were properly served on Respondent on June 17, 2019.

7. A copy of the Second Amended Accusation No. 800-2018-050941 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

8. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the Second Amended Accusation No. 800-2018-050941. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

9. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Second Amended Accusation; 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.

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

CULPABILITY

11. Respondent admits the truth of each and every charge and allegation in the Second Amended Accusation No. 800-2018-050941.

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

CONTINGENCY

13. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the 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 Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and 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 Physician's and Surgeon's Certificate No. C 131391 issued to Respondent DONOVAN A. THOMPSON, M.D. is publicly reprimanded pursuant to California Business and Professions Code section 2227, subdivision (a)(4). This public reprimand is issued in connection with the discipline imposed by the Maryland Medical Board, as set forth in the Second Amended Accusation No. 800-2018-050941.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, John Quincy Brown, III. I understand the stipulation and the effect it will have on my 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 Medical Board of California.

DATED: 7/9/19

DONOVAN A. THOMPSON, M.D.
Respondent

I have read and fully discussed with Respondent DONOVAN A. THOMPSON, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 7/10/19

JOHN QUINCY BROWN, III
Attorney for Respondent

\\\

\\\

\\\

\\\

\\\

\\\

ENDORSEMENT

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

Dated: July 10, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

EMILY L. BRINKMAN
Deputy Attorney General
Attorneys for Complainant

SF2019200229
21423299_2.docx

Exhibit A

Second Amended Accusation No. 800-2018-050941

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
EMILY L. BRINKMAN
Deputy Attorney General
State Bar No. 219400
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3374
Facsimile: (415) 703-5843
E-mail: Emily.Brinkman@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Second Amended Accusation Against: **Donovan A. Thompson, M.D.** 4535 Dressler Rd NW Canton OH 44718-2545 **Physician's and Surgeon's Certificate No. C 131391,** Respondent.	Case No. 800-2018-050941 **SECOND AMENDED ACCUSATION**

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Second Amended Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about June 27, 2014, the Medical Board issued Physician's and Surgeon's Certificate Number C 131391 to Donovan A. Thompson, M.D. (Respondent). The Physician's and Surgeon's Certificate will expire on May 31, 2020, unless renewed.

\\\

JURISDICTION

3. This Second Amended Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. 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 Board deems proper.

5. 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."

6. 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, Restriction, or Limitation Imposed by Another Jurisdiction)

7. On February 25, 2019, the Maryland Board rescinded a Final Order of Revocation of Medical License and returned Respondent to active status (Order). Additionally, the Maryland Board and Respondent entered into a Consent Order (Consent Order) establishing Findings of Fact and Conclusions of Law that Respondent failed to submit a criminal history records check in compliance with state law. The Maryland Board reprimanded Respondent and ordered him to pay a civil fine of $500 within six months of the Consent Order. Respondent's failure to pay the fine could result in further disciplinary conduct.

8. Respondent's conduct and the action of the Maryland Board as set forth in paragraph 7, above, and within the actual Maryland Board documents attached as Exhibit A, constitutes unprofessional conduct within the meaning of section 2305 and conduct subject to disciplinary action within the meaning of section 141(a).

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 131391, issued to Donovan A. Thompson, M.D.;

2. Revoking, suspending or denying approval of Donovan A. Thompson, M.D.'s authority to supervise physician assistants and advanced practice nurses;

\\\

\\\

\\\

\\\

\\\

\\\

\\\

\\\

3. Ordering Donovan A. Thompson, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: June 17, 2019

Deputy Attorney General
Emily S. Brunh for
KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2019200229
21346784_3.docx

Exhibit A

Maryland Board of Physicians Documents

IN THE MATTER OF	*	BEFORE THE
DONOVAN AARON THOMPSON, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D79239	*	Case Number: 2218-0218B

* * * * * * * * * * * *

ORDER

It is, on the affirmative vote of a majority of the quorum of Disciplinary Panel B of the Maryland State Board of Physicians hereby

ORDERED that the Final Order of Revocation of Medical License, dated December 13, 2018, is **RESCINDED**; and it is further

ORDERED that the license of Donovan Aaron Thompson, license number D79238, be restored to an active status with the expiration date of September 30, 2019.

2/25/19
Date

Ellen Douglas Smith, Deputy Director
Maryland State Board of Physicians

IN THE MATTER OF	*	BEFORE THE
DONOVAN AARON THOMPSON, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D79239	*	Case Number: 2218-0218B

* * * * * * * * * * * *

CONSENT ORDER

On October 24, 2018, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") notified Donovan Aaron Thompson, M.D. (the "Respondent"), License Number D79239, of the Board's Intent to Revoke the Respondent's license to practice medicine in Maryland pursuant to the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. §§ 14-401 *et seq.*

The pertinent provisions of the Act provide:

Health Occ. § 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.

(a) *In general.* – Subject to the hearing provisions of § 14–405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

(3) Is guilty of:

(ii) Unprofessional conduct in the practice of medicine;

(33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel;

(36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine;

(42) Fails to submit to a criminal history records check under § 14–308.1 of this title[.]

Health Occ. § 14-308.1. Criminal history records check through Central Repository.

(a) In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) An applicant, a licensee, or a certificate holder shall apply to the Central Repository for a State and national criminal history records check.

(c) As part of the application required under subsection (b) of this section, an individual shall submit to the Central Repository:

(1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and

(3) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

The Respondent, to settle the charges against him, agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

I. FINDINGS OF FACT

Panel B finds as fact the following:

1. The Respondent was initially licensed to practice medicine in Maryland on March 19, 2015, under License Number D79239.

2. On or about August 30, 2017, the Respondent submitted an online application (the "Application") for the renewal of the Respondent's license using the Board's online renewal application process.

3. When a licensee applies online to renew his or her license, a notice appears that informs the licensee that the Board may not renew a license if it has not received the licensee's Criminal History Record Check ("CHRC") information, which includes the licensee's submission of his or her fingerprints to the Criminal Justice Information Services ("CJIS") before attempting to complete the renewal application.

4. The Respondent's signed Application states, "Failure to submit to a [CHRC] may result in disciplinary action." Prior to submitting the online Application, the Respondent checked a box attesting to completing the CHRC.

5. By email dated November 1, 2017, Board staff informed the Respondent that the Board had not received the CHRC. Board staff further informed the Respondent that the Respondent had ten business days to submit the CHRC.

6. The Respondent did not reply to the email.

7. By letter dated January 16, 2018, the Board informed the Respondent that the Board opened a preliminary investigation based upon the failure to obtain a CHRC for license renewal and the attestation that the Respondent submitted to a CHRC.

8. The Respondent did not reply to the letter.

9. By letter dated October 24, 2018, Panel B issued a Notice of Intent to Revoke the Respondent's Medical License. The notice notified the Respondent that if he did not request a hearing within 30 days, his license would be revoked. The notice attached the proposed revocation order.

10. Respondent did not send a request for a hearing to the Board.

11. On December 13, 2018, the Board issued a Final Order of Revocation of Medical License, revoking Respondent's license.

12. On January 8, 2019, Respondent filed a Petition for Judicial Review in Baltimore County Circuit Court.

13. On January 15, 2019, the Board received the completed CHRC report pursuant to Health Occ. § 14-308.1.

14. The Board thereafter rescinded the Final Order of Revocation of Medical License.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that:

(1) the Respondent violated Health Occ. § 14-404(a)(42) by failing to submit to a criminal history records check under Health Occ. § 14-308.1 and

(2) the charges of Health Occ. § 14-404(a)(1), (3)(ii), (33), and (36) are dismissed.

III. ORDER

It is, by Board Disciplinary Panel B, hereby

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that, within six (6) months, the Respondent shall pay a civil fine of

$500.00. The payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to timely pay the fine to the Board; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel; and if there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel.

ORDERED that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent.

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

ORDERED this Consent Order is a public document. *See* Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

02/25/2019
Date

Christine A. Farrelly
Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

CONSENT

I, Donovan Aaron Thompson, acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 et seq. concerning the pending charges. I waive these rights and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

2/15/19
Date

Donovan Aaron Thompson, M.D.

NOTARY

STATE/ DISTRICT OF: North Carolina

CITY/COUNTY OF: Lincoln

I HEREBY CERTIFY that on this 15 day of February, 2018,[9] before me, a Notary Public of the State/District and County aforesaid, personally appeared Donovan Aaron Thompson, M.D. and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Carolyn M. Schoonover

Notary Public

My commission expires: Aug 9, 2022

CAROLYN M. SCHOONOVER NOTARY PUBLIC LINCOLN COUNTY, NC