

THE COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Board of Registration in Medicine,
Petitioner

Division of Administrative Law Appeals
98 North Washington Street, 4th Floor
Boston, MA 02114
(617) 727-7060
www.state.ma.us/dala

v.

William Thompson, M.D.,
Respondent

Docket No. RM-17-090

Appearance for Petitioner:

Lisa L. Fuccione, Esq.
Board of Registration in Medicine
200 Harvard Mill Square, Suite 330
Wakefield, MA 01880

Appearance for Respondent:

Pro se
1607 Hanover Ct.
Fort Collins, CO 80526

Administrative Magistrate

James P. Rooney

Summary of Decision

The Board of Registration in Medicine is granted summary decision because the doctor's conviction of "video voyeurism" in Rhode Island and his subsequent discipline in Colorado based on this conviction call into question his ability to practice medicine and warrants appropriate disciplinary action by the Board.

RECOMMENDED DECISION

On February 24, 2017, the Board of Registration in Medicine issued a Statement of Allegations ordering William Thompson, M.D., to show cause why he should not be disciplined because of his conviction in Rhode Island of two counts of video voyeurism and his subsequent discipline by the Colorado Medical Board based on the facts underlying this conviction.

The Board referred the matter to the Division of Administrative Law Appeals for adjudication. Board counsel and Dr. Thompson discussed entering into a stipulation, but the doctor ultimately declined to do so. Board counsel filed a motion for summary decision with three exhibits, which I admit into evidence. The exhibits are as follows:

- A. Statement of Allegations
- B. Kent County Judgment of Conviction in *State of Rhode Island v. William Thompson*
- C. Stipulation and Final Agency Order of Colorado Medical Board *In the Matter of the William L. Thompson, M.D.*

Findings of Fact

The following facts are not in dispute:

1. William Thompson was born in 1968 and graduated from the University of Colorado School of Medicine in 1998. He specializes in anesthesiology. He was licensed to practice medicine in Massachusetts under certificate number 242048 from September 2, 2009 to February 26, 2015. He did not renew his license. (Ex. A.)

2. On June 8, 2015, Dr. Thompson was charged in Rhode Island with two criminal counts of video voyeurism.¹ In July 2016, he pled guilty to both counts. He was sentenced to three years in prison on the first count, of which he was to serve 18 months followed by 18 months probation.² He was sentenced to two years in prison on the second count, during the entirety of which he was to be placed on probation. (Exs. A and B.)

3. In 2000, Dr. Thompson was licensed to practice medicine in Colorado. On August 18, 2016, the doctor entered into a Stipulation and Final Agency Order with the Colorado Medical Board. In the stipulation, the doctor admitted that he “videotaped a 16-year old non-patient female with whom he was in a position of trust while she was naked,” that he pled guilty to the Rhode Island charges, and that he was “diagnosed with and, to date, has been suffering from a physical or mental illness³ or condition rendering him unsafe to practice medicine with reasonable skill and safety to patients.” The Colorado Board concluded that the acts that led to his conviction constituted unprofessional conduct. (Ex. C.) He agreed to a non-permanent relinquishment of his medical license, with the opportunity to apply again in two years so long as his application was “accompanied by a report from the Colorado Physician Health Program . . . indicating that [he] is safe to practice.” *Id.*

¹ Board counsel stated in her motion that the doctor had “secretly videotaped his underage stepdaughter while she was naked in the shower.” The doctor did not object to this description.

² Dr. Thompson, in his response to the motions, stated, “I also admit that it is factual that I was sentenced to confinement in the Rhode Island DOC for a period of 13 months.” As the court records reflect an 18 month sentence, I assume 13 months was a typo.

³ The record does not reflect what this illness is.

4. On February 27, 2017, the Board of Registration in Medicine issued a Statement of Allegations in which it alleged that Dr. Thompson has been convicted of video voyeurism in Rhode Island and had been disciplined by the Colorado Medical Board. (Ex. A.)

Discussion

Dr. Thompson has been convicted in Rhode Island of two counts of “video voyeurism.” The convictions may serve as a basis for the Board of Registration in Medicine to discipline him for the commission of the crime itself. *See* M.G.L. c. 112, § 5(h) and 243 CMR 1.03(5)(a)7. Doctors may also be disciplined for lack of good moral character and for conduct that undermines public confidence in the medical profession, *Levy v. Board of Registration in Medicine*, 378 Mass. 519, 527, 392 N.E.2d 1036, 1041 (1979) and *Raymond v. Board of Registration in Medicine*, 387 Mass. 709, 443 N.E.2d 391, 394-395 (1982).

Dr. Thompson concedes the conviction. The crime for which he was convicted – videotaping his stepdaughter in the shower – would seem an obvious instance of a lack of good moral character. In a similar instance, the Division of Administrative Law Appeals determined that the Board had grounds to discipline a doctor who had surreptitiously videotaped a nanny in the bathroom. *Board of Registration in Medicine v. Maciewicz*, Docket No. RM-00-541 (Mass. Div. of Admin. Law App., July 26, 2001).

Dr. Thompson was disciplined by the Colorado Medical Board for the acts that formed the basis of his criminal conviction in Rhode Island. The doctor did not, in his response to the motion for summary decision, take a position on whether he had been

disciplined in Colorado. The Board, however, has submitted a copy of the stipulation entered into in Colorado, and the doctor has not objected to this exhibit to the motion. Therefore, I take it as established that Dr. Thompson was disciplined in Colorado in the manner set forth in the stipulation.

The Board of Registration in Medicine may discipline a doctor who has "been disciplined in another jurisdiction in any way by the proper licensing authority for reasons substantially the same as those set forth in M.G.L. c. 112, § 5 or 243 CMR 1.03(5)." 243 CMR 1.03(5)(a)12. As noted above, the Board has previously disciplined a doctor for similar acts of voyeuristic videotaping. *See Maciewicz.*

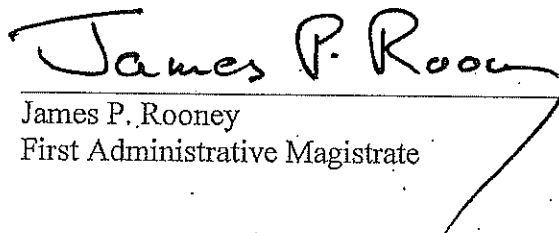
The Board has thus established two grounds for disciplining Dr. Thompson: his Rhode island conviction and the discipline imposed on him by the Colorado Medical Board. In his response to the motion for summary decision, the doctor does not deny either the conviction or the Colorado discipline. Rather, he declares that "I do not admit to willfully omitting or refusing to report the allegations made against me to the board, nor do I admit to willfully denying the medical board access to medical records." He then went on to explain some of his interactions with Board counsel in which he evidently asked what authority the Board had to investigate him when he was no longer licensed in Massachusetts⁴ and then, once he was incarcerated, had only a limited ability to provide the information sought. The Statement of Allegations does not allege any

⁴ The Board may discipline a "licensee." 243 CMR 1.03(5). Licensee is defined as "a person holding or having held any type of license issued pursuant to M.G.L. c. 112, §§ 2 through 9B." 243 CMR 1.01(2).

facts suggesting that Dr. Thompson failed to cooperate with the investigation,⁵ thus this portion of his response is not relevant.

Accordingly, the Board's motion for summary decision is allowed. Dr. Thompson's conviction of video voyeurism and his discipline by the Colorado Board of Medicine for the same conduct calls into question his good moral character and is conduct that undermines public confidence in the medical profession. It warrants appropriate disciplinary action by the Board. I recommend that the Board impose sanctions against Dr. Thompson for his conduct.

DIVISION OF ADMINISTRATIVE LAW APPEALS,


James P. Rooney
First Administrative Magistrate

Dated: **NOV - 5 2018**

⁵ The Statement of Allegations does assert that the Board may discipline a doctor for failing to respond to a subpoena or failing "to furnish the Board, its investigators or representatives [with] documents, information or testimony to which the Board is legally entitled." No facts were alleged relating to any such violation, however.