



LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Web site: <http://www.lsbme.la.gov>

BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

No. 2022-I-874

IN THE MATTER OF:

BEN FRANK THOMPSON, III, M.D.
(*Credential No. MD.013285*),
Respondent

**CONSENT ORDER
FOR ISSUANCE OF REDUCED FEE
LICENSE**

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") regarding Dr. Ben Frank Thompson, III, M.D. ("Dr. Thompson"), a physician licensed to practice medicine in the state of Louisiana, as evidenced by Credential No. MD.013285. The investigation commenced following receipt of information indicating concerns over Dr. Thompson's compliance with his monitoring agreement. At all times material to the facts and matters alleged herein, Dr. Thompson has been engaged in the practice of critical care medicine and pulmonary diseases in and around Lake Charles, Louisiana, and without any disciplinary action since the issuance of his license in 1975.

Investigation of the captioned matter was assigned to Lawrence H. Cresswell, III, D.O., J.D., Director of Investigations for the Board. The investigation revealed that Dr. Thompson had submitted to an evaluation at a Board-approved facility in December 2021 in connection with a previous unrelated investigation.¹ Dr. Thompson's evaluators opined that he was safe to practice medicine, but based on lab testing recommended that he execute a one-year contract with the Healthcare Professionals' Foundation of Louisiana ("HPFL") to "rule out any alcohol-related concerns."² Consistent with this recommendation, Dr. Thompson executed a one-year contract with the HPFL on or around March 9, 2022, in which he agreed to, *inter alia*, "maintain complete and total abstinence from . . . alcohol." On or around November 21, 2022, the HPFL notified the Board that Dr. Thompson had tested positive for alcohol on or around November 14, 2022. Upon testing positive, Dr. Thompson voluntarily stopped practicing medicine and underwent an evaluation from an approved facility.

¹ Investigation No. 2021-I-433.

² The investigation also revealed, however, that no employment-related complaints with alcohol had been noted.

After receiving the opinion of the evaluators, Dr. Thompson elected to retire from the practice of medicine rather than continue with the HPFL. Dr. Thompson is seventy-two years old and, therefore, meets the age requirement for issuance of a reduced fee license.

As evidenced by his subscription hereto, Dr. Thompson acknowledges the substantial accuracy of the foregoing information, and that proof of such information upon administrative evidentiary hearing could establish sufficient cause to take some action with respect to his license pursuant to the Louisiana Medical Practice Act, pursuant to La. R.S. 37:1285(A)(25).³

Recognizing his right to notice and administrative adjudication of any charges that may be asserted against him in these proceedings, at which time Dr. Thompson would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. R.S. 49:950 *et seq.*, Dr. Thompson, nonetheless, hereby waives his right to notice of charges, formal adjudication and written decision pursuant to La. R.S. 49:975(D), and consents to entry of the Order set forth hereinafter. Moreover, by his subscription hereto, Dr. Thompson also waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:950 *et seq.*, or which otherwise may be afforded to him by law to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum or body relating to the matters referred to herein. By his subscription hereto, Dr. Thompson also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. R.S. 49:977.2. Further, Dr. Thompson expressly acknowledges that the disclosure of such information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to proceed with the filing and adjudication of an Administrative Complaint against him, or to the Board's capacity to adjudicate any charges that may be filed in this matter should the Board decline to approve this Order.

Based upon the information provided, accordingly, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. R.S. 37:1261, will be effectively served by entry of the Order set forth hereinafter by consent. Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. R.S. 37:1285 and La. R.S. 49:975(D);

IT IS ORDERED that Ben Frank Thompson, III, M.D. shall no longer hold an unrestricted license to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. MD.013285, but his license shall hereby permanently be **CONVERTED TO A REDUCED FEE BASIS** pursuant to La. Admin. Code, Title 46, Part XLV § 418, provided, however, that such license and Dr. Thompson's continuing exercise of rights and privileges thereunder shall be

³ Pursuant to the Act, La. R.S. 37:1285(A), the Board may take action against the license of a physician as a result of: "(25) Inability to practice medicine with reasonable skill or safety to patients because of mental illness or deficiency; physical illness, including but not limited to deterioration through the aging process or loss of motor skills; and/or, excessive use or abuse of drugs, including alcohol."

conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) No Active Medical Practice in Louisiana.** Pursuant to La. Admin. Code, Title 46, Part XLV § 418(C), and at no time following the effective date of this Order shall Dr. Thompson engage or seek to engage in the active practice of medicine in this state, including but not limited to the business of, or the actual engagement in, the diagnosing, treating, curing, or relieving of any bodily or mental disease, condition, infirmity, deformity, defect, ailment, or injury in any human being, other than himself, whether by the use of any drug, instrument or force, whether physical or psychic, or of what other nature, or any other agency or means; or the examining, either gratuitously or for compensation, of any person or material from any person for such purpose whether such drug, instrument, force, or other agency or means is applied to or used by the patient or by another person; or the attending of a woman in childbirth without the aid of a licensed physician or midwife. *See* La. R.S. 37:1262 (defining the “practice of medicine”).
- (2) No Prescribing Authority.** Pursuant to La. Admin. Code, Title 46, Part XLV § 418(A), and if Dr. Thompson has not done so already, he shall surrender his DEA registration and any other federal or state licensure or registration to prescribe, dispense, or administer any medications, including but not limited to, controlled substances and legend drugs, and at no time following the effective date of this Order shall Dr. Thompson continue to hold, obtain, or seek to obtain state licensure or federal registration for the prescribing, dispensing or administration of any medications and Dr. Thompson shall not prescribe, dispense, or administer controlled substances or legend drugs to any person.
- (3) Completion of Application.** Pursuant to Louisiana Administrative Cod tit. 46, pt. XLV § 418(B)(3), and if Dr. Thompson has not done so already, he shall complete any necessary application to the Board for such reduced licensure upon a form supplied by the Board. As part of such application, Dr. Thompson shall consent to the revocation of such license issued pursuant to § 418 upon a finding by the Board that, after the effective date of this Order, he engaged or sought to engage in any manner in the practice of medicine in this state or continued to hold, obtained, or sought to obtain state licensure or federal registration to prescribe, dispense, or administer controlled substance, unless and until the Board, at its discretion, may reinstate him to full licensure pursuant to § 418(C).

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Thompson shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Thompson’s license in the state of Louisiana as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. R.S. 37:1285(A).

IT IS FURTHER ORDERED that if, after issuance of such reduced-fee license, Dr. Thompson seeks to return to practice medicine in this state, he must fully comply with the terms of this Order and with the procedures outlined in La. Admin. Code, Title 46, Part XLV § 418(C),

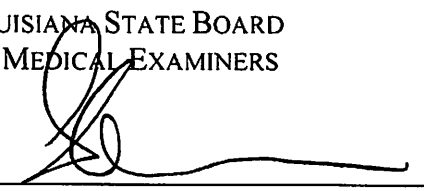
which requires application to and approval by the Board. For any such application the Board in its sole discretion may grant or deny, and for any such re-licensure or re-admission the Board shall provide any and all terms, conditions and requirements that the Board, in its sole discretion, may order.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record, and shall be effective as of the date it is approved and accepted by the Board as shown by the signature of the Board's representative below.

New Orleans, Louisiana, this 23RD day of October, 2023.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By:



TERRIE R. THOMAS, M.D.
President

*Acknowledgement and Consent
Follows on Next Page*

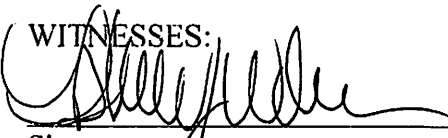
**ACKNOWLEDGMENT
AND CONSENT**

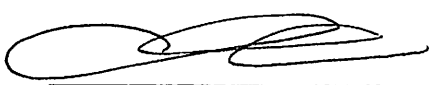
STATE OF LOUISIANA

PARISH OF Calcasieu

I, BEN FRANK THOMPSON, III, M.D., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 27 day of Sept., 2023.


BEN FRANK THOMPSON, III, M.D.

WITNESSES:

Signature
Ashley Walker
Typed Name


Signature
Alicia Buchanan
Typed Name

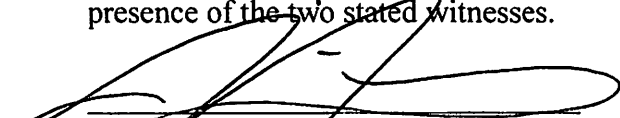
Street Address

Street Address

City/State/Zip Code

City/State/Zip Code

Sworn to and subscribed before me this
27 day of September, 2023, in the
presence of the two stated witnesses.


Notary Public (Signature)
Name: Jordan Faircloth
Notary/Bar No.: 31721
Commission expires: at death