

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: Clifford Singer, M.D.)
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Docket No. MPS 97-0809

STIPULATION AND CONSENT ORDER

NOW COME Clifford Singer, M.D (“Respondent”) and the State of Vermont, by and through Attorney General William H. Sorrell and undersigned counsel, Assistant Attorney General Margaret O. Vincent, and agree and stipulate as follows:

1. Clifford Singer, M.D., Respondent, is a psychiatrist and holds Vermont License #042-0010939. Respondent worked for Fletcher Allen Hospital as well as Washington County Mental Health.
2. Jurisdiction rests in the Vermont Board of Medical Practice (the “Board”) pursuant to 26 V.S.A. §§ 1353 and 1354.
3. Respondent acknowledges that he knowingly and voluntarily enters into this Stipulation and Consent Order. He acknowledges that he had the opportunity to consult with counsel and that he chose to represent himself. He agrees and understands that, by executing this document, he is waiving any right to be served with formal charges, to challenge the jurisdiction and continuing jurisdiction of the Board in these matters, to be presented with the evidence against him, to cross-examine adverse witnesses, and to offer evidence of his own to contest the State’s charges. 26 V.S.A. § 1356; 3 V.S.A. §§ 809, & 814.

Office of the
ATTORNEY
GENERAL
Montpelier,
Vermont 05609

I. FACTUAL FINDINGS

4. An investigation against the Respondent was opened by the Board in August of 2009. The investigation focused on two separate issues. One was that Respondent used sample medications as opposed to having his physician prescribe medications. The other issue was Respondent's incomplete medical charts.

5. The Board's investigation included interviewing Respondent, employers of Respondent as well as his treating physicians.

6. In 2008, on two separate occasions Respondent received samples of Provigil from Takeda Pharmaceutical. Respondent admits that he had a prescription from his physician for Provigil and that he took the samples and for a time he continued to take the samples without receiving another prescription and without having a physician monitor the medication.

7. Provigil is listed as a Schedule IV of the Controlled Substances Act. Provigil is indicated to improve wakefulness in patients with excessive sleepiness. Provigil has been prescribed on occasion for ADD and ADHD.

8. Respondent in late 2009, resigned from his position with Fletcher Allen Health Center ("FAHC") and in early 2010 he resigned from Washington County Mental Health. During 2009, the Respondent was working two jobs, and it became apparent that he was not completing his medical charts or his billing in a timely fashion. In some instances Respondent was six months behind in writing notes into his patients' charts.

9. Respondent suffers from a mild form of ADD.

10. Respondent's ADD along with significant family and circumstantial issues, that Respondent indicates are resolved, played a role in his inability to keep current on his medical charts and his billing.

11. Respondent acknowledges that he needs a more structured work environment with significant administrative support.

12. Consistent with his continuing cooperation with the Board in its investigation of this matter, Respondent does not contest the facts set forth above in paragraphs 4 through 11 above and agrees that the Board of Medical Practice may adopt and enter paragraphs 4 through 11 as uncontested findings of fact in this matter.

13. No specification of charges has been filed by the State in this matter. Respondent has not previously been the subject of disciplinary action by the Vermont Board of Medical Practice. Respondent has cooperated with the Board of Medical Practice during its investigation of this matter.

II. CONCLUSIONS OF LAW

14. Respondent agrees that 26 V.S.A. § 1354 (b) (2) states that "The board may also find that failure to practice competently by reason on any cause on a single occasion or on multiple occasions constitutes unprofessional conduct. Failure to practice competently includes, as determined by the board: (2) failure to conform to the essential standards of acceptable and prevailing practice.

15. Respondent agrees that his failure to keep current with medical record documentation and billing while employed at Fletcher Allen Hospital constitutes unprofessional conduct.

16. Rule 4.3 of the Vermont Board of Medical Practice states "it is unacceptable medical practice and unprofessional conduct for a licensee to prescribe controlled substances listed in DEA Schedules II, III, and IV for his or her own use."

17. Respondent violated Rule 4.3 when he took samples of Provigil without having his prescription renewed. Respondent states that he was not aware he was violating Rule 4.3.

18. Respondent voluntarily met with Dr. David Simmons then Medical Director for Vermont Practitioner Health Program. Dr. Simmons opined that Respondent's history was not consistent with substance abuse or dependence.

III. ORDER

19. Respondent agrees that he will not use sample medication without a prescription for his own treatment.

20. Respondent agrees that he will attend regularly schedule appointments with his treating physician. He will only take medication that is prescribed by his treating physician and he will ensure that he is properly monitored by his physician.

21. Respondent agrees that he shall promptly sign any and all necessary consents and/or waivers of confidentiality allowing a Board investigator or an Assistant Attorney General to speak with any treatment provider that he is receiving treatment from for the purpose of gaining information to aid the Board's oversight responsibilities.

22. Respondent understands and agrees that all of his patients' medical charts will be kept current. Respondent's charts will be updated within 24 hours of each encounter with his patients.

23. Respondent agrees that he will have a professional monitor approved either by the South Committee or the Board of Medical Practice to review his medical charts for a period of three years. Respondent agrees that his Professional Monitor will provide quarterly reports regarding Respondent's medical record keeping. The Professional Monitor will inform the Board immediately, if Respondent is not able to keep current with his medical charts.

24. Respondent agrees to sign any and all necessary consents and/or waivers of confidentiality to allow a Board investigator or an Assistant Attorney General to speak with his Professional Monitor.

25. Respondent agrees to provide copies of this Stipulation and Consent Order to any prospective employer, employer or contractor or partnership involved in Respondent's practice of medicine and to any State medical board or other licensing authority in any location or jurisdiction where he may seek to practice or where he may make application, so long as this agreement remains in effect. Respondent agrees to provide copies of this Stipulation and Consent Order to his Professional Monitor.

26. Respondent agrees to attend the Case Western Intensive Course in Medical Record Keeping with Individual Preceptorships within 6 months of this signed stipulation. Respondent shall provide proof of attendance and completion of the course to the Board.

27. Respondent shall bear all costs to the above conditions. Respondent's Vermont license to practice medicine shall include the designation "**Conditioned**" for 3 years. The Respondent bears the burden of presenting a petition for the removal of or relief from conditions at the conclusion of the three year period.

28. The parties agree that this Stipulation and Consent Order shall be a public document, shall be made part of Respondent's licensing file, and shall be reported to other

licensing authorities and/or entities including, but not limited to, the National Practitioner Data Bank and the Federation of State Medical Boards.

29. This Stipulation and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this Stipulation and Consent Order, the entire agreement shall be considered void. However, should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board, the parties request that the Board enter an order **Conditioning** Respondent's Medical License as set forth above, that such certificate be subject to each of the terms and conditions as set forth herein.

30. Respondent agrees to be bound by all terms and conditions of this Stipulation and Consent Order. Respondent agrees that any failure by him to comply with the terms of this Stipulation and Consent Order, specifically including but not limited to its reporting requirements, shall constitute unprofessional conduct under 26 V.S.A. §1354 (a) (25) and may subject Respondent to such further disciplinary action as the Board may deem appropriate.

31. Consistent with his continuing cooperation with the Board, Respondent agrees that, if the State were to satisfy its burden at hearing as to the allegations, a finding adverse to him could be entered by the Board, pursuant to 26 V.S.A. §1354. In the interest of resolving this matter expeditiously and continuing his full cooperation in this matter, Respondent agrees to enter into this Stipulation, in lieu of the State filing formal charges.

Dated at Montpelier, Vermont, this 7 day of April, 2010.

STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

Office of the
ATTORNEY
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109 State Street
Montpelier, VT
05609

by: Margaret O. Vincent
MARGARET O. VINCENT
Assistant Attorney General

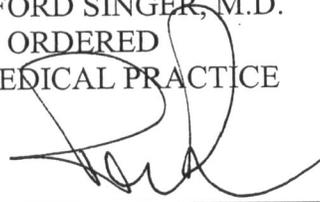
Dated at Montpelier, Vermont, this 7th day of April, 2010.

Cliff Singer
CLIFFORD SINGER, M.D.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

FOREGOING, AS TO CLIFFORD SINGER, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE





James E. Ryan RPh

James E. Ryan

David W. Clain MD

David W. Clain MD

Sony Padhi MD

Patricia A. King MD PhD

DATED: 4/7/2010

ENTERED AND EFFECTIVE: 4/7/2010