

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT AGREEMENT FOR
Clifford Singer, M.D.)	CONDITIONAL LICENSURE
Application for Licensure)	

This document is a Consent Agreement for Conditional Licensure regarding the license application of Clifford Singer, M.D. to practice medicine in the State of Maine. The effect of this Consent Agreement is to issue a conditional license to practice medicine to Clifford Singer, M.D. The parties to this Consent Agreement are: Clifford Singer, M.D. ("Dr. Singer"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 3282-A.

FACTUAL BACKGROUND

1. On April 21, 2010, the Board received an application from Clifford Singer, M.D. to practice medicine in the State of Maine. His medical specialty is psychiatry, in which he is board certified.

2. On his application for licensure, Dr. Singer disclosed that he was under investigation by the Vermont Medical Board regarding self-prescribing for attention deficit disorder and for severely delinquent record-keeping. The Vermont Board of Medical Practice investigation found that Dr. Singer actually did have a legitimate prescription for attention disorder medication but that for

a time he continued to take samples of the medication without receiving another prescription and without physician oversight. The investigation also concluded that Dr. Singer's attention disorder and significant family and circumstantial issues played a role in his delinquent medical record keeping. Dr. Singer provided the Board with a copy of a proposed "Stipulation and Consent Order" prepared by Assistant Attorney General Margaret O. Vincent, which Dr. Singer signed on April 7, 2010. On June 24, 2010, the Board received a copy of the fully executed "Stipulation and Consent Order" approved by the Vermont Board of Medical Practice. A copy of that document is attached to and incorporated into this Consent Agreement for Conditional Licensure as "Exhibit A."

3. On July 13, 2010, the Board reviewed Dr. Singer's application for licensure. Following its review, the Board voted to offer Dr. Singer this Consent Agreement for Conditional Licensure in order to grant him a conditional license to practice medicine in this State.

COVENANTS

4. Dr. Singer admits that his recent discipline by the Vermont Board of Medical Practice, together with the facts and circumstances underlying that discipline, constitutes unprofessional conduct and grounds for the denial of his application for a Maine medical license pursuant to 32 M.R.S.A. § 3282-A(2)(F). In the interest of resolving his application for licensure expeditiously and

continuing his full cooperation with the Board, Dr. Singer agrees to enter into this Consent Agreement for Conditional Licensure.

5. In light of the admissions in paragraphs 1-4 above, the Board and Dr. Singer agree that Dr. Singer will be issued a conditional license to practice medicine in the State of Maine. Until this Consent Agreement is modified in writing by all of the parties hereto, Dr. Singer's license to practice medicine in Maine shall be subject to the following condition(s) for the next three (3) years following the execution¹ of this Consent Agreement:

- a. Dr. Singer agrees that he will not use sample medication without a prescription for his own treatment.
- b. Dr. Singer agrees to attend regularly scheduled appointments with his treating physician. Dr. Singer agrees to use only the medication that is specifically prescribed by his treating physician (i.e. that he will not self-prescribe any medication), and will ensure that he is properly monitored by his physician.
- c. Dr. Singer shall promptly execute any and all necessary release forms and/or waivers of confidentiality to allow the Board, Board Investigator, or an Assistant Attorney General to: (i) obtain copies of any of his medical or treatment records; and (ii) contact/communicate with any medical or treatment provider from whom he is receiving care or

¹ For the purposes of this Consent Agreement, "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.

counseling.

d. Dr. Singer understands and agrees that he will timely complete all medical record documentation. In complying with this requirement, Dr. Singer shall ensure that all medical records/charts are updated within 24 hours of each patient encounter.

e. Dr. Singer agrees to have a Professional Monitor approved by the Board to review his medical charts for a period of three (3) years. The Professional Monitor shall be an agent of the Board pursuant to Title 24 M.R.S.A. § 2511. Dr. Singer shall ensure that the Professional Monitor provides the Board with quarterly reports regarding Dr. Singer's record keeping on the following dates of each calendar year following the execution of this Consent Agreement: October 20th; January 20th; April 20th; July 20th. In addition to the quarterly reporting requirement, the Professional Monitor shall immediately inform the Board if Dr. Singer is unable to meet the record-keeping requirements of paragraph 5(d) of this Consent Agreement. Dr. Singer shall promptly execute any and all necessary release forms and/or waivers of confidentiality to allow the Board, Board Investigator, or an Assistant Attorney General to: (i) obtain copies of any medical or treatment records of concern to the Professional Monitor; and (ii) contact/communicate with the Professional Monitor.

f. Dr. Singer agrees to provide a copy of this Consent Agreement for Conditional Licensure to: (i) any prospective employer,

employer or contractor or partnership involved in his practice of medicine in the State of Maine; (ii) 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 for licensure, so long as this agreement remains in effect; and (iii) his Professional Monitor approved by the Board.

g. Dr. Singer agrees to attend and successfully complete the Case Western Intensive Course in Medical Record Keeping with Individual Preceptorships within six (6) months of the execution of this Consent Agreement. Dr. Singer shall provide the Board with documented proof of his attendance and successful completion of this course.

h. Dr. Singer agrees to bear all costs associated with his compliance with the terms and conditions of this Consent Agreement for Conditional Licensure.

6. Dr. Singer agrees that any failure by him to comply with any of the terms or conditions of this Consent Agreement for Conditional Licensure shall constitute unprofessional conduct pursuant to 32 M.R.S.A. § 3282-A(2)(F), and may subject him to disciplinary action as the Board may deem appropriate.

7. Pursuant to 10 M.R.S.A. § 8003(5)(B) the Board and Dr. Singer agree that, in addition to any other disciplinary action available to it by law, the Board has the authority, following hearing, to impose discipline, including

modifying, suspending, or revoking his Maine medical license in the event that he fails to comply with any of the terms or conditions of this Consent Agreement.

8. This Consent Agreement may only be modified in writing by all of the parties hereto.

9. Dr. Singer waives any further hearings before the Board or appeal to the Courts regarding all terms and conditions of this Consent Agreement for Conditional Licensure.

10. The Board and the Attorney General may communicate and cooperate regarding Dr. Singer's medical practice or any other matter relating to this Consent Agreement.

11. This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.

12. This Consent Agreement constitutes adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB), the Healthcare Integrity and Protection Data Bank (HIPDB), and the Federation of State Medical Boards (FSMB).

13. Dr. Singer acknowledges that he had the opportunity to consult with legal counsel regarding this Consent Agreement for Conditional Licensure, and that he chose to represent himself. Dr. Singer agrees and understands that, by executing this document, he is waiving any right to a hearing

regarding his application for licensure, any challenge to the jurisdiction of the Board, or to present evidence and witnesses on his behalf.

14. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

I, CLIFFORD SINGER, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT FOR CONDITIONAL LICENSURE AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS DOCUMENT, I WAIVE CERTAIN RIGHTS, INCLUDING A RIGHT TO A HEARING BEFORE THE BOARD. I HAVE HAD AN OPPORTUNITY TO CONSULT WITH LEGAL COUNSEL REGARDING THIS DOCUMENT. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT FOR CONDITIONAL LICENSURE CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 21 July 2010

Cliff Singer
CLIFFORD SINGER, M.D.

STATE OF Maine

Penobscot County, S.S.

Personally appeared before me the above-named Clifford Singer, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 7-21-2010

Nancy R. Barrows
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NANCY R. BARROWS
Notary Public • State of Maine
My commission expires February 21, 2017

NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS:

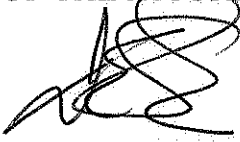
STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 7/23/2010

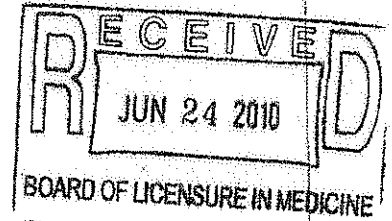
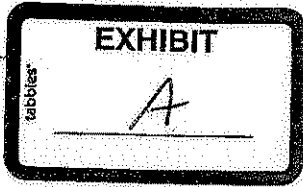

SHERIDAN R. OLDHAM, M.D., Chairman

STATE OF MAINE OFFICE
OF THE ATTORNEY GENERAL

DATED: 7/29/10


DENNIS E. SMITH
Assistant Attorney General

Effective Date: 7/29/10



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.

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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.

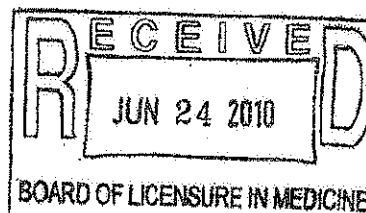
6. In 2008, on two separate occasions Respondent received samples of Provigil from Takeda Pharmaceutical. Respondent admits that he had a prescription from his physician for Provigil and that he took the samples and for a time he continued to take the samples without receiving another prescription and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

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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.

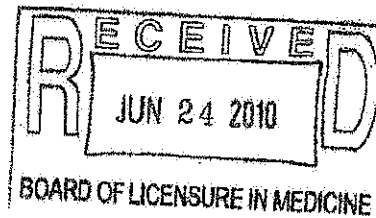
13. No specification of charges has been filed by the State in this matter. Respondent has not previously been the subject of disciplinary action by the Vermont Board of Medical Practice. Respondent has cooperated with the Board of Medical Practice during its investigation of this matter.

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.

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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

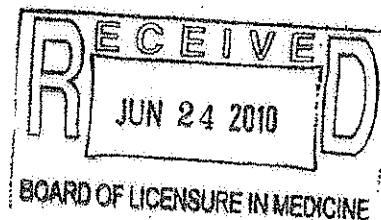
19. Respondent agrees that he will not use sample medication without a prescription for his own treatment.

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.

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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.

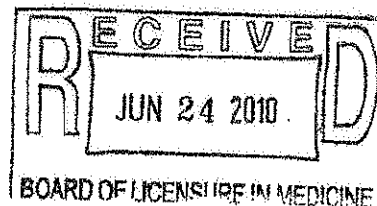
25. Respondent agrees to provide copies of this Stipulation and Consent Order to any prospective employer, employer or contractor or partnership involved in Respondent's practice of medicine and to any State medical board or other licensing authority in any location or jurisdiction where he may seek 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

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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.

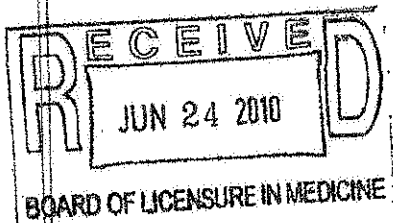
30. Respondent agrees to be bound by all terms and conditions of this Stipulation and Consent Order. Respondent agrees that any failure by him to comply with the terms of this Stipulation and Consent Order, specifically including but not limited to its reporting requirements, shall constitute unprofessional 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.

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

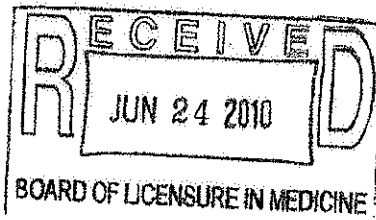
STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL



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.

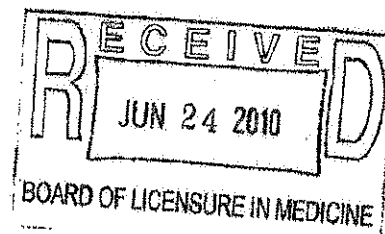


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FOREGOING, AS TO CLIFFORD SINGER, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

[Signature]
[Signature]
Janice E. Ryan R.N.
[Signature]
[Signature]
David W. Coen M.D.
Dorothy Padkin M.D.
Peter A. King M.D. PhD

DATED: 4/7/2010
ENTERED AND EFFECTIVE: 4/7/2010



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