

**STATE OF VERMONT
OFFICE OF THE SECRETARY OF STATE
PROFESSIONAL REGULATION
BOARD OF OSTEOPATHIC PHYSICIANS AND SURGEONS**

IN RE: STANLEY CLIFTON

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**Appeal of Preliminary Denial of License
Docket No. 2023-66**

Appearances:

For the State: Ultan Doyle, Esq.
Applicant: Appeared *pro se*

Board Members Participating:

Jesper Brickley, DO, Chair
Matthew Gilbert, DO
Judi Wernecke, Public Member

Presiding Officer: George K. Belcher

Exhibits:

Applicant Exhibit A: Montgomery County, Virginia, Case Report 4/19/20
Applicant Exhibit B: Family Solutions letter 1/13/21
Applicant Exhibit C: Letter of Reference, Roshan Bhowansingh, 4/22/19
Applicant Exhibit D: Undated letter of reference, Harry L. Brooks, DO
Applicant Exhibit E: Letter of Andrew Burns, LPC, NCC, 4/23/19
Applicant Exhibit F: New River ASAP final disposition report, 11/4/20
Applicant Exhibit G: Letter of Administrator, Isaac Spilman, 4/3/23
Applicant Exhibit H: Copy of email from Applicant to April Morrison, 3/20/23
State Exhibit 1: Portion of Permanent License Application 3/10/23
State Exhibit 2: Potion of Permanent License Application 3/10/23
State Exhibit 3: Temporary License Issued 1/9/23
State Exhibit 4: Email chain, Morrison, Clifton and Monte, 3/20/23 – 4/6/23
State Exhibit 5: Undated letter from Applicant to OPR
State Exhibit 6: Plea agreement from Virginia; accepted 11/18/19
State Exhibit 7: Letter from New River ASAP dated 11/4/20 (same as Applicant's Ex. F)
State Exhibit 8: Email from Applicant to A. Morrison
State Exhibit 9: Permanent License Application 3/10/23 disclosing criminal conviction
State Exhibit 10: Temporary License Application of Applicant dated 1/9/23
State Exhibit 12: FCVS credentials report

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER IN APPEAL OF
PRELIMINARY DENIAL OF LICENSE**

This matter was considered on June 29, 2023. The Applicant, Stanley Clifton, DO, participated electronically and represented himself. The State was represented by Ultan Doyle, Esq. This matter is the appeal of a preliminary denial of a license under 3 VSA Sec. 129(e).

Findings of Fact

1. The Applicant applied for a temporary license as a Doctor of Osteopathy on January 9, 2023. His application was made on-line as part of a "Facility Registration" in which a temporary license could be issued based upon licensure in another state. This process was authorized by the Vermont Legislature as part of the COVID-19 response.
2. The Applicant electronically signed the temporary license application.(State Exhibit 10)
3. Included in the Applicant's application was a statement by the Applicant that he held a Florida License (#203651). This was false. (State Exhibit 10)
4. As of the date of the application, and as of the date of the hearing, the Applicant held no license in Florida or any other state.
5. The application signed by the Applicant contained several attestations of accuracy and truthfulness of the information in the application. (State Exhibit 10)
6. Based upon the application filed by the Applicant, he was granted a Vermont temporary license as a Doctor of Osteopathy. (State Exhibit 3) This license expired on March 31, 2023. (See generally 3 VSA Sec. 129(a)(10))
7. The Applicant proceeded to work as the Medical Director of a nursing facility in Burlington, Vermont (Elderwood at Burlington) until his temporary license expired at the end of March, 2023. (Applicant Exhibit G)
8. On March 10, 2023 the Applicant submitted a permanent license application to become licensed in Vermont as a Doctor of Osteopathy. (State Exhibit 9) In that application the Applicant disclosed that he had a criminal record.
9. On 11/18/19 the Applicant pled guilty to two counts of prescription fraud (a felony) in the Montgomery County, Virginia, criminal court (case # CR19001124-1125). (State Exhibit 6)
10. The Applicant was placed on probation for 12 months and was given a deferred sentence. If he completed the requirements of probation, the conviction would be reduced from two felony counts to two misdemeanor counts of prescription fraud. The Applicant completed probation and the convictions were reduced to misdemeanors on or about 11/9/20. (Applicant Exhibit A)

Applicant's Explanations

11. The Applicant offered explanations regarding the misinformation on the temporary license application. He explained that he worked with Mobile Primary Care (a staffing service which facilitates permanent placements for medical providers). As part of their service they assist with license applications. According to the Applicant, he provided information to a credentialing worker with Mobile Primary Care who completed the application, but it was the Applicant who signed the application electronically. The Applicant admitted that he did not carefully review the information in the application, nor did he carefully read the certifications and attestations in the application.
12. The Applicant explained that he had started an application in Florida and then withdrew it. There was some discussion about these facts with the credentialing worker who took the information. The Applicant said that his employer in Florida must have used the license of another physician while the Applicant worked in Florida. The Applicant stated,

That number [license number] was either associated with another physician or associated with the company as a company license. I'm still trying to get clarification on which one, but they did a very poor job of communicating that to me and I very much apologize for the confusion that caused. When they told me they had a temporary solution while we waited on the full license I took it that they had secured a temporary license in my name, but again it seems like what they did was put me temporarily under someone else so I could review charts as, again, I wasn't doing any prescribing or direct patient contact. (State Exhibit 4, email from Applicant to A. Morrison, 3/30/23)

13. The explanation raises more question than it answers. Why did the Applicant say he had a license when he did not have one? Did he ever view a Florida license in his name, temporary or otherwise? If he withdrew the license application in Florida as he stated, why was it listed as an active license in his application? The license which he listed as being his in Florida had a number which identified it to another physician; who provided that number and why would the Applicant certify that it was correct as belonging to him?
14. The Applicant admitted that he was not careful in reviewing the temporary license application, and that this was because, in part, he was so anxious to start work.
15. The representation that the Applicant was licensed in another state was an essential factor in Vermont's issuance of his temporary license. The licensing authority in Vermont relied upon Dr. Clifton's accuracy and veracity in granting his temporary license. (Testimony of April Morrison)
16. Regarding the criminal convictions, the Applicant explained that during the third year of his residency program he was involved in a divorce which caused him panic attacks and depression.

17. The Applicant sought treatment from his primary care physician and was prescribed Zoloft. The Applicant was concerned that the acute nature of his condition warranted more effective and timely treatment. He was advised to go to the emergency room for treatment but he opted not to do so because of his financial condition. Instead, he wrote a prescription for lorazepam for himself, using the prescribing information of another physician in his residency program. This prescription appeared to cause too much interference with his work, so several days later, the Applicant wrote a second prescription for benzodiazepine. (Applicant Exhibit 5) Because the Applicant's residency program had a monitoring system regarding participants' prescriptions, the fraudulent prescription was brought to the attention of the management of the residency program and the Applicant was discharged from the program with 33 of 36 weeks of the program having been completed. The Applicant attempted to re-enroll in the residency program but was unable to do so. It appears that he has not completed his three-year residency.
18. The Applicant expressed remorse and regret for the error of fraudulently prescribing medication for himself under the name of another. He testified that he has received counseling and education regarding his lapse in judgment and is trying to move forward with his life.
19. The Applicant introduced a referral letter from the Administrator of the nursing facility to show that his work at Elderwood has been exemplary.¹ (Applicant Exhibit G, Letter from Isaac Spitman 4/3/23)

Conclusions of Law

20. Where a license has been denied as a preliminary matter, the applicant who appeals the denial, bears the burden of proof to show that the preliminary denial should be reversed. (3 VSA Sec. 129(e)(2))
21. Fraudulent or deceptive procurement of a professional license is unprofessional conduct under Vermont's professional regulatory statute. (3 VSA Sec. 129a(a)(1) and 26 VSA Sec. 1842(b)(2)). The Applicant's application for temporary license contained false information (that he was licensed in Florida) which the Applicant knew, or should have known, was false.² Even if one were to accept that the false information was included in the application by the credential service which the Applicant was using, his explanation that he was not careful in reading the application before he signed it, or that he failed to read the attestation and certification of truthfulness portions of the application is unpersuasive. Most importantly, these explanations do not justify overruling the preliminary denial.
22. Conviction of a crime related to the practice of the profession is unprofessional conduct under Vermont's professional regulatory statute. (3 VSA Sec. 129a(a)(10)) It does not

¹ The Applicant's work at Elderwood for his three month tenure was not supervised by a medical doctor or doctor of osteopathy

² The temporary application stated that the Applicant had a license in Florida and it gave the number of the license which in fact belonged to another physician. It is the responsibility of the applicant to assure that the information provided is correct. Moreover, the relationship between the listed license number and the Applicant was never established by the Applicant. In his Answer, the Applicant stated, "...I was under the impression I was granted a temporary medical license in Florida through my employer while working for VIPCare." The Applicant failed to introduce evidence that the listed license could have covered him, temporarily, or whether the listed license was related to VIPCare.

ORDER AFFIRMING THE PRELIMINARY DENIAL NOTICE OF APRIL 17, 2023

By:  DO, Chair
Board of Osteopathic Physicians and Surgeons

Date of Entry: 7/7/2023

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