

BEFORE THE BOARD OF MEDICINE

STATE OF NORTH DAKOTA

North Dakota Board of Medicine –)	
Investigative Panel B,)	
)	
Complainant,)	
)	
vs.)	COMPLAINT
)	
Mary R. Clifton., M.D.,)	
)	
Respondent.)	

COMES NOW, the Complainant, North Dakota Board of Medicine – Investigative Panel B, and for its Complaint against the Respondent, Mary R. Clifton, M.D., alleges and states as follows:

I.

Investigative Panel B of the North Dakota Board of Medicine (“Board”) is authorized pursuant to N.D.C.C. Chapter 43-17.1 to conduct investigations related to the practice of any physician licensed to practice in this state and file a formal complaint against any licensed physician with the Board of Medicine.

II.

Mary R. Clifton, M.D., is a physician licensed to practice medicine in the State of North Dakota.

FACTS

III.

At all times mentioned herein, Respondent worked for a telemedicine company.

IV.

On March 6, 2018, Patient A received an unsolicited phone call from the telemedicine company Respondent was employed with. As a result of this telephone call, Respondent prescribed Patient A doxepin cream, clobetasol cream/ointment and diclofenac solution. A request for records for the treatment of Patient A was made to Respondent and the only thing produced were prescription forms with the medication order and the patient's history; no records evidencing the consultation by Respondent with Patient A were received. In addition to incomplete records, on the prescription forms, Respondent lists her address as a street address in Fargo, North Dakota. Respondent has never resided at that address in Fargo, North Dakota. Respondent was using that address without authorization to do so. Thus, Respondent is subject to disciplinary action pursuant to the provisions of N.D.C.C. § 43-17-31 based upon Respondent's violations of the North Dakota Medical Practice Act by: (1) performing any dishonorable, unethical or unprofessional conduct likely to deceive, defraud or harm the public as proscribed by N.D.C.C. § 43-17-31(1)(f).; and (2) lacking appropriate documentation in medical records for diagnosis, testing and treatment of a patient as described by N.D.C.C. § 43-17-31(1)(z).

V.

WHEREFORE, Complainant respectfully requests Respondent, Mary R. Clifton, M.D., be disciplined for her violations of N.D.C.C. § 43-17-31 and seeks an appropriate sanction(s) for those violations as authorized by N.D.C.C. § 43-17-30.1. Complainant also respectfully requests the Board be awarded its costs and attorney's fees in having to bring this action pursuant to N.D.C.C. § 43-17-31.1.

NOTICE: Respondent must answer this Complaint within twenty days after service of the complaint or the allegations may be deemed admitted and may result in a default order

revoking the subject's license. Such answer must be served in the manner allowed for service under the North Dakota Rules of Civil Procedure.

Dated this 29th day of April, 2019.

By Stacy M. Moldenhauer

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Attorney for: North Dakota Board of
Medicine – Investigative Panel B

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North Dakota Board of Medicine—)
Investigative Panel B,)

Complainant,)

vs.)

Mary R. Clifton, M.D.,)

Respondent.)

STIPULATION

WHEREAS, the North Dakota Board of Medicine (hereinafter “the Board”) issued a Complaint requesting Respondent be disciplined for her violations of the North Dakota Medical Practices Act, for performing any dishonorable, unethical or unprofessional conduct likely to deceive, defraud or harm the public as proscribed by N.D.C.C. § 43-17-31(1)(f) and for lacking appropriate documentation in medical records for diagnosis and treatment of a patient as described by N.D.C.C. § 43-17-31(1)(z).

WHEREAS, the Respondent admits service of the Summons and Complaint dated April 29, 2019 and admits the allegations contained in the Complaint are true and that such actions are a violation of the Medical Practices Act and are grounds for discipline pursuant to N.D.C.C. § 43-17-31.

1. The Respondent hereby waives any procedural irregularity herein and her right to a hearing on the Complaint now pending in this action;
2. Respondent agrees she must successfully complete the following course within six (6) months from the date of the Board’s Order approving of this stipulation:

- a. Medical Records Keeping Course through the Center for Personalized Education for Physicians.
- b. Respondent will provide proof of successful completion of said course to the Board. Respondent will also be fully responsible for the costs of said course.
- c. If Respondent fails to successfully complete the above described course within six (6) months from the date of the Board's Order approving of this Stipulation, Respondent's license to practice medicine shall be suspended until such time as said course is successfully completed.

3. Respondent shall be responsible for paying the costs and attorney's fees incurred by the Board in the investigation and prosecution of this action in an amount not to exceed \$2,500.00. The Board will notify the Respondent of any such costs within a reasonable time after the Stipulation is approved by the Board and Respondent shall make payment within (30) days from receiving such notification.

4. If Respondent shall fail, neglect, or refuse to fully comply with any of the terms, provisions, or conditions herein, the Respondent's license to practice medicine in state of North Dakota shall be immediately suspended in accordance with the law.

5. In the event the Board, in its discretion, does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation, and if this case proceeds to a hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

6. This agreement for the disposition of the above-entitled contested case is a matter of public record and the obligations of the Board with respect thereto shall be governed by the laws of North Dakota and current Board policy.

7. All parties hereto recognize the Board representatives who have engaged in discussions relative to an agreed disposition of this matter can only make recommendations to the North Dakota Board of Medicine, which recommendations can in no way be considered as binding upon the full membership of the Board who would ultimately decide the pending contested case, and this agreement is subject to acceptance by the full membership of the Board.

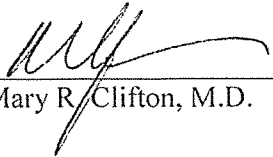
8. Respondent understands she has the right and has been afforded the opportunity to have this agreement reviewed by an attorney, and that in the event she chooses to execute this document without taking the opportunity to avail herself of this right, such failure shall be deemed to be a waiver of such right.

9. Respondent specifically waives any claim that any disclosures made to the full membership of the Board for the purposes of consideration of this agreement have prejudiced her right to a fair and impartial hearing in the event that this agreement is not accepted by the full Board and if further proceedings ensue.

10. Respondent further agrees there have been no inducements, threats or promises made in order to obtain her entry into this agreement.


11. The parties further agree that all statements contained herein are based upon the facts known to the Board on the date of execution of this agreement.

Dated this 29 day of May, 2019.



Mary R. Clifton, M.D.

Dated this 30th day of May, 2019.

By 

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Respondent.)

ORDER

WHEREAS, the North Dakota Board of Medicine (hereinafter “the Board”) issued a Complaint against Respondent on April 29, 2019, based upon acts or conduct by the Respondent that constitutes grounds for disciplinary action in accordance with N.D.C.C. § 43-17-31(1)(f) and N.D.C.C. § 43-17-31(1)(f)), alleging Respondent used an address on her prescription forms that she did not reside at and didn’t have authorization to use and also alleging Respondent’s medical records for Patient A lacked appropriate documentation for diagnosis and treatment of Patient A;

WHEREAS, Respondent acknowledged the allegations contained in the Complaint were true and subjected her to discipline;

WHEREAS, Respondent and the Investigative Panel B have entered into a Stipulation dated May 30, 2019.

WHEREAS, the North Dakota Board of Medicine finds that the terms of that Stipulation are an appropriate disposition of this case;

IT IS HEREBY ORDERED THAT:

1. The Board will enter an Order requiring Respondent to complete the Medical Records Keeping Course through the Center for Personalized Education for Physicians. Said course must be completed within six months from the date of the Board's Order. Respondent is solely responsible for the costs of this course and must provide proof of completion to the Board.
2. If Respondent fails to successfully complete the above described course within six (6) months from the date of the Board's Order approving of the Stipulation, Respondent's license to practice medicine shall be suspended until such time as said course is successfully completed.
3. Respondent shall be required to pay the costs of the prosecution of this action not to exceed \$2,500. Once notified of the costs of the investigation, Respondent is required to pay said costs within thirty (30) days or make other payment arrangements with the Board.

This Order is effective 19th day of July, 2019.

NORTH DAKOTA BOARD OF MEDICINE



Robert Olson, M.D.
Chairman