

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of

No. 04-I-034

CLIFTON L. WASHINGTON, II, CLS-G
(License No. G01499),

Respondent

**STIPULATION AND AGREEMENT
FOR VOLUNTARY SURRENDER
OF CLINICAL LABORATORY
SCIENCE LICENSE**

THIS STIPULATION AND AGREEMENT is made and executed by Clifton L. Washington, II ("Mr. Washington"), who at all times pertinent was and is licensed as of the date hereof and engaged in the practice of Clinical Laboratory Science-Generalist in and around Alexandria, Louisiana, with and in favor of the Louisiana State Board of Medical Examiners (the "Board").

1. **Investigative Findings.** Acting on recently discovered information the Board, through its Investigating Officer, undertook an investigation of information provided by Mr. Washington in connection with his original application to practice clinical laboratory science in the state of Louisiana in 1994. Such information reveals that in his original sworn application Mr. Washington advised the Board that he was certified by the National Certifying Agency ("NCA"), an organization the Board accepts for licensure as a CLS-G. In support of his application he provided certificates from the NCA and another organization on which the Board also awards CLP-G licensure, the American Society of Clinical Pathologists ("ASCP"). Based upon his application and documentation the Board issued Mr. Washington a license to practice as a CLS-G in Louisiana, which he has renewed annually. The investigation reveals, however, that Mr. Washington has never been certified by the ASCP and the certificate attached to his application from the ASCP was a fictitious document. It further appears that Mr. Washington's certification by the NCA was based on recognition with his alleged certification by the ASCP, and therefore obtained by false pretense and deceit.¹ Finally,

¹On his own behalf, Mr. Washington now contends that at the time he submitted his original application that he was qualified for licensure under a grandfather clause, by virtue of having worked in the field of clinical laboratory science for two (2) of the three (3) years immediately preceding his application. In support of his contention he provided information that indicates that he was employed as a medical technologist in Louisiana for at least sixteen (16) months prior to submitting his application. He also claims that he worked as a medical technologist at a laboratory in Texas for ten (10) months before that. Pursuant to the Clinical

such information reveals that by virtue of the absence of criminal record background information, which was not authorized by law until 1997, Respondent was able to withhold notification to the Board of his 1990 criminal conviction in the United States District Court, for the Middle District of Pennsylvania with, among other crimes, forging transcripts, or of his sentence and probationary requirement to notify future employers of his felony record during the period of his probation, which was completed at the time of his application.²

2. **Acknowledgment and Stipulations.** Mr. Washington hereby acknowledges, stipulates and agrees that:

(a) Investigation of the captioned matter was assigned to the Medical Consultant/Director of Investigations for the Board, whose review and analysis has confirmed to his satisfaction that just cause exists for charging Mr. Washington with violation of the Louisiana Clinical Laboratory Personnel Law, La. Rev. Stat. §§37:1326A(6), (7) and (8).³

(b) Pursuant to the Louisiana Clinical Laboratory Personnel Law, §§37:1311-1329 (the "Law"), and the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et. seq.*, Mr. Washington would be entitled prior to final disciplinary action against his clinical laboratory science license to have administrative adjudication of any charges alleged by the Investigating Officer of the Board. At such hearing Mr. Washington would be entitled to be represented by legal counsel, to call witnesses and 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. Rev. Stat. §§49:955-965.

Laboratory Personnel Law, La. Rev. Stat. §37:1319 and the Board's rules, La. Adm. C. 46 XLV .3511, an individual who was actively engaged in the category for which the license is requested for at least two (2) full years within the three years immediately prior to the effective date of the Board's rules (Nov. 20, 1994), may have been eligible for licensure without national certification. If, as Mr. Washington claims, he worked as a medical technologist for 2 of the 3 years immediately preceding his application he may have qualified for licensure under the alternative qualification. He did not, however, submit his application based on the alternative qualification and the employment history he did provide reflects only sixteen months of work in the field within the previous three years. Finally, Mr. Washington was prohibited from working as a laboratory technician during the term of his two (2) years of supervised probation, which commenced on September 1991. If he complied with the terms of his federal probation he could not have satisfied the alternative licensure requirement in any category.

²*Judgment, Commitment, Probation Order*, U.S. vs. Clifton L. Washington, II, Case No. CR-90-041, CR-90-194, USDC, M.D., Penn. (July 25, 1990).

³Pursuant to the Clinical Laboratory Personnel Law, the Board may deny, suspend, probate, restrict, or revoke the issuance or renewal of a license or certificate as a result of violation of La. Rev. Stat. §37:1326A(6) 'Fraud or deceit in procuring or attempting to procure a license or certificate to engage in the practice of clinical laboratory science;' (7) 'Violating or helping someone else violate any provision of this Part or any rule or regulation promulgated hereunder;' and (8) 'Failing to successfully complete the licensing or certifying examination . . .'

3. **Voluntary Surrender of License.** Notwithstanding his right to an administrative hearing respecting such charges and a decision thereon, as provided by the Law and/or La. Rev. Stat. §§49:951, *et seq.*, in recognition of the stipulations set forth hereinabove toward final disposition of the investigation now pending in this matter and in lieu of the prosecution of formal administrative proceedings Mr. Washington, without admitting to the accuracy of the Investigative Findings, nonetheless, acknowledges the existence of probable cause for the institution of administrative proceedings against his license, that proof of such information upon administrative evidentiary hearing would establish grounds under the Law for the suspension or revocation of his license to practice as a clinical laboratory scientist in Louisiana or for such other action as the Board might deem appropriate, and he hereby waives his right to formal adjudication and voluntarily surrenders to the Board for cancellation his license to practice clinical laboratory science in the state of Louisiana, as evidenced by License No. G01499. By his subscription hereto, Mr. Washington also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Stipulation and Agreement for Voluntary Surrender of Clinical Laboratory Science License 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. Rev. Stat. §49:960.

4. **Effect of Voluntary Surrender of License.** Mr. Washington acknowledges that the voluntary surrender of his clinical laboratory science license effected hereby in the presence of an administrative investigation shall have and shall be deemed by the Board to have the same effect as if the Board had entered an order of revocation upon the conclusion of formal administrative proceedings. Mr. Washington further acknowledges that as a result of the voluntary surrender of his clinical laboratory science license effected hereby he shall not have any right or entitlement to reinstatement or renewal of his license to practice clinical laboratory science in the state of Louisiana nor shall he hereafter be entitled to apply for or otherwise attempt to obtain any original, reinstated or renewal license to practice clinical laboratory science in this state.

5. **Termination of Proceedings.** By the voluntary surrender of his clinical laboratory science license occasioned hereby Mr. Washington, moreover, acknowledges that he hereby waives and forever foregoes any right of whatsoever nature or kind to which he may be entitled pursuant to the Clinical Laboratory Personnel Law, §§37:1311-1329, or the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or to which otherwise may be afforded to him by any other law to contest his agreement to or the force and effect of this document in any court or other forum.

6. **Full Understanding.** By his subscription hereto Mr. Washington acknowledges that he fully understands all of the terms, conditions, restrictions and limitations contained herein.

7. **Public Record.** Mr. Washington acknowledges that this Stipulation and Agreement for Voluntary Surrender of Clinical Laboratory Science License shall be and shall be deemed to be and treated in all respects as a **PUBLIC RECORD**.

STIPULATION, ACKNOWLEDGMENT
AND AGREEMENT

STATE OF LOUISIANA

PARISH OF Rapides

I, CLIFTON L. WASHINGTON, II, CLS-G, hereby stipulate, acknowledge, approve, accept and consent to entry of the above and foregoing Order this 6th day of July, 2005.

Clifton L. Washington, II
CLIFTON L. WASHINGTON, II, CLS-G

WITNESSES

Grace A. Lee
Signature

Grace A. Lee
Printed Name

P.O. Box 1128
Address

Erin C. Taylor
Signature

ERIN C. TAYLOR
Printed Name

P.O. Box 1128, Alexandria, LA 71309
Address

Sworn to and subscribed before me at Alexandria, Louisiana, this 6th day of July, 2005, in the presence of the two stated witnesses.

Eugene P. Ciccardo Jr
NOTARY PUBLIC (Signed)

Eugene P. Ciccardo Jr
NOTARY PUBLIC (Printed) / NOTARY #
BR #1297

ACCEPTANCE

CONSIDERING THE ABOVE AND FOREGOING, the Stipulation and Agreement for Voluntary Surrender of Clinical Laboratory Science License of Clifton L. Washington, II, CLS-G, is hereby **APPROVED AND ACCEPTED** by the Louisiana State Board of Medical Examiners, this 19th day of July, 2005.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

By:


KIM EDWARD LEBLANC, M.D., Ph.D.
President

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