

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

BOARD OF REGISTRATION
IN MEDICINE

In the Matter of)

Thomas B. Miller, M.D.)
_____)

Adjudicatory Case No: 2015-024

PROBATION AGREEMENT

I. COMPLIANCE WITH AGREEMENT

The Respondent agrees that any violation of this Probation Agreement (“Agreement”), including failure to abide by the recommendations made as a result of his office audit pursuant to Paragraph IV (B) of this Agreement, and failure to complete the required continuing professional development courses, pursuant to Paragraph IV (B) shall constitute sufficient grounds to immediately suspend the Respondent’s license to practice medicine, or any such lesser sanction as the Board may deem fit to impose, without prior notice to the Respondent. The Respondent hereby waives any claim or defense to any subsequent action by the Board to suspend the Respondent’s license or impose such lesser sanction, for any such violation or violations, except that the Respondent shall be entitled to defend against the assertion of a violation of this Agreement. The Respondent acknowledges and agrees that by entering into this Agreement, the Respondent is relinquishing important procedural and substantive rights.

II. PARTIES

The parties to this Agreement are the Board of Registration in Medicine (the “Board”) and Thomas B. Miller, M.D., (the “Respondent”).

III. JURISDICTION

The parties agree that the Board has the authority to enter into this Agreement, and that the Board may enforce the terms of this Agreement in accordance with applicable laws and regulations and the provisions of this Agreement.

IV. CONDITIONS OF PROBATION

During the probationary period, which shall be effective on the date the Board accepts this Agreement, the Respondent shall comply with each of the following requirements:

A. The Respondent agrees to remain in this Agreement for five years from the date on which it is adopted by the Board. The Respondent may file a petition to terminate the Probation Agreement after three-years of documented proof that he complied with Section IV, Paragraph B, (a) through (h). The Respondent acknowledges that said petition to terminate after three years of compliance would be in the discretion of the Board to allow. The Respondent further agrees to comply with all other requirements of this Agreement.

B. The Respondent agrees to the following:

- (a) complete an office audit within ninety (90) days of the approval of this Agreement and implement all of the recommendations of the audit;
- (b) submit proof to the Board that the Respondent implemented all audit recommendations;
- (c) agrees to attend a compliance conference with the Board at the end of six months from the date in which the Board adopts the Agreement;
- (d) agrees that all audit provisions will be automatically incorporated into this Agreement;
- (e) complete at least twenty hours of continuing professional development credits in a Board-approved intensive, in-person course on prescribing controlled substances;
- (f) agrees to signing mutual releases allowing the Board and auditor to share information;
- (g) a Board-approved worksite monitor who will review 10 randomly selected charts per month and also confirm that the Respondent is using the Prescription Monitoring Program; and
- (h) quarterly reporting to the Board by the Board-approved worksite monitor.

C. In the event that the Respondent seeks licensure to practice medicine in another state, the Respondent shall notify the Board of such fact and shall disclose to the licensing authority in such state his status with this Board. The Respondent shall submit to the Board copies of all correspondence and application materials submitted to another states licensing authority.

D. In the event the Respondent should leave Massachusetts to reside or practice out of the state, the Respondent shall promptly notify the Board in writing of the new location as well as the dates of departure and return.

E. The Respondent shall appear before the Board or a committee of its members at such times as the Board may request, upon reasonable advance notice, commensurate with the gravity or urgency of the need for such meeting as determined by the Board or such committee.

F. The Respondent shall provide a complete copy of this Agreement, with all exhibits and attachments, within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; the state licensing boards of all states in which he has any kind of license; the Drug Enforcement Administration – Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which he becomes associated during the duration of this Agreement. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

G. The Respondent, and not the Board, shall be responsible for the payment of any fee or charge occasioned by the Respondent's compliance with this Agreement.

H. The Respondent may engage in the practice of medicine under such conditions as the Board may impose. The Respondent shall engage in the practice of medicine only at Heywood Family Medicine, 266 Main Street, Gardner, Massachusetts.

I. Until the Board, upon petition of the Respondent, orders otherwise, the Respondent's clinical practice shall be monitored by Elizabeth Nottleson. Doctor Nottleson, and any Board approved successor, shall submit quarterly evaluations of the Respondent to the Board. The Respondent's monitor shall immediately report any concerns about potential violations of this Probation Agreement by telephone, and in writing, directly to the Board.

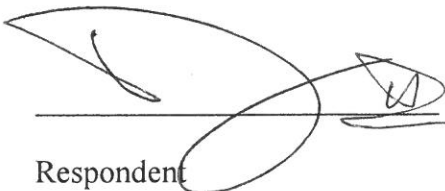
V. TERMINATION OF PROBATION

A. If the Respondent complies with the obligations as set forth above, the Board, upon receipt of documentation that the Respondent has successfully completed the requirements of this Agreement, and upon receipt petition by the Respondent, shall terminate this Agreement at the five-year period. The Respondent may, however, pursuant to Section IV, Paragraph A, file a petition to terminate the Probation Agreement after three-years of documented proof that he complied with Section IV, Paragraph B, (a) through (h). Furthermore, said petition to terminate after three years of compliance would be in the discretion of the Board to allow.

B. If the Respondent fails to comply with his obligations as set forth above, the Respondent's license to practice medicine may be immediately suspended, as agreed in Section I.

7/19/15

Date

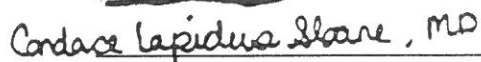

Respondent

July 15, 2015

Date


Attorney for the Respondent

Accepted this 10 day of September 2015, by the Board of Registration in Medicine.


Candace Lapidus Sloane, M.D.

Candace Lapidus Sloane, M.D.,
Chair