

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2015-009

In the Matter of

HALBERT B. MILLER, M.D.

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (Board) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Halbert B. Miller, M.D. (Respondent) has practiced medicine in violation of law, regulation, and/or good and accepted medical practice, as set forth herein. The investigative docket number associated with this order to show cause is Docket No. 14-017.

FINDINGS OF FACT

1. The Respondent was born on November 20, 1940. He graduated from the Yale University School of Medicine in 1967. He is board-certified in Psychiatry. He lists a subspecialty certification in addiction psychiatry on his license renewal application, however that certification has expired. The Respondent had been licensed to practice medicine in Massachusetts under certificate number 31512 since 1969, but his license was revoked by operation of law on November 20, 2013, when he failed to renew it.

2. The Respondent's license to practice medicine in Massachusetts expired on November 20, 2013. The Board mailed a License Renewal Notice (LRN) to the Respondent on September 13, 2013. The U.S. Postal Service returned the LRN to the Board marked "returned to sender." The LRN could not be delivered due to the Respondent's failure to update his mailing address with the Board.

3. The Respondent continued to prescribe medications - including one patient on Oxycodone (Schedule II) and one patient on Ambien (Schedule IV) - after his license had lapsed. Between November 20, 2013, and January 15, 2014, 122 prescriptions were filled, including a substantial number of refills that were issued prior to the license lapse of November 20, 2013.

4. The Respondent wrote many of the prescriptions on the prescription pad from his Massachusetts practice and the remainder on the prescription pad from his practice in Nevada. The last prescription was issued on January 15, 2014.

5. The Respondent is Board-certified in psychiatry. He is not Board-certified in addiction psychiatry; that subspecialty certification expired in December of 2008. This expiration notwithstanding, the Respondent stated on his 2009 and 2011 Registration Renewal Applications that he was Board-certified in addiction psychiatry.

Legal Basis for Proposed Relief

Pursuant to Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979); Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982), and Sugarman v. Board of Registration in Medicine, 422 Mass. 338 (1996), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment,

censure, reprimand, fine, the performance of uncompensated public service, a course of education or training, or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.
Board Chair

Date: February 19, 2015