

Middlesex, SS.

Adjudicatory Case No. 2015-024

THOMAS BRYAN MILLER, M.D.

Pursuant to G.L. c. 30A, § 10, Thomas Bryan Miller, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 11-015.

1. The Respondent was born on May 27, 1971. He graduated from the University of Massachusetts Medical School in 1997. He has been licensed in Massachusetts since 1999 under certificate number 203841. He is certified by the American Board of Family Medicine. He was formerly the president and a member of Chair City Family Practice in Gardner and, from 2010 to 2013, he was the owner and only physician at The Doctor Is In (TDII), a walk-in clinic in Worcester. He is currently employed by Heywood Family Medicine in Gardner.

3. Patient KG complained of chronic pain in her back and hip at her first visit and the

Respondent gave her a prescription for Percocet.

4. During his treatment of Patient KG, the Respondent prescribed Fentanyl, lorazepam, and oxycodone.
5. Patient JG was married to Patient KG.
6. On May 14, 2010, Patient JG saw the Respondent at TDII.
7. At his first visit, Patient JG told the Respondent that he had back pain and was given a prescription for Fentanyl.
8. During his ongoing treatment of Patient JG, the Respondent has prescribed Fentanyl, Valium, and oxycodone.
9. Patient SL presented to the Respondent at TDII on March 25, 2010 with complaints of low back and right shoulder pain since a motor vehicle accident a year prior.
10. At the first visit, the Respondent prescribed Percocet and Valium to Patient SL.
11. During the Respondent's treatment of Patients KG, JG, and SL, he failed to:
 - a. perform pill counts and/or urine drug screens;
 - b. perform a search of the Prescription Monitoring Program database;
 - c. require Patients KG, JG, and SL to enter a pain management contract;
 - d. document any specific goals of treatment;
 - e. document adequate inquiries regarding potential for abuse or misuse; and
 - f. document his rationale for escalating doses of medication.
12. Based on the above, the Respondent's treatment of KG, JG, and SL did not meet the standard of care.

Conclusion of Law

A. The Respondent has violated G.L. c. 112, § 5, ninth par. (c) and 243 CMR 1.03(5)(a)3, in that he placed into question his competence to practice medicine by practicing with negligence on repeated occasions.

Sanction and Order

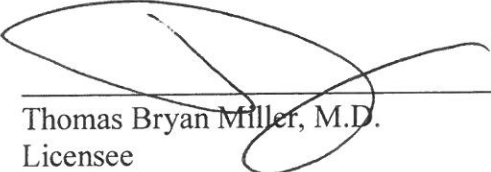
The Respondent's license to practice is hereby INDEFINITELY SUSPENDED. Any Petition to Stay Suspension will be contingent upon entry into a standard five-year Probation Agreement; the terms of which are to include, but not be limited to (a) an office audit performed by his insurer and the implementation of all recommendations as a result of the audit; (b) completion of at least twenty hours of continuing professional development credits in a Board-approved intensive, in-person course on prescribing controlled substances; (c) 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 (d) quarterly reporting to the Board. The Respondent may petition to terminate the Probation Agreement after three years of compliance; and said petition would be in the discretion of the Board to allow.

Execution of this Consent Order

The Respondent shall provide a complete copy of this Consent Order and Probation 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 s/he practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; 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 the Respondent becomes associated for the duration of this Suspension and

Probation Agreement. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

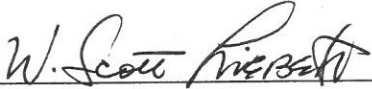
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.



Thomas Bryan Miller, M.D.
Licensee

6/11/15

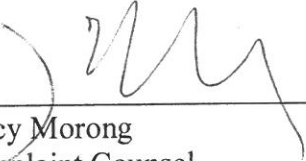
Date



W. Scott Liebert, Esq.
Attorney for the Licensee

6/16/2015

Date

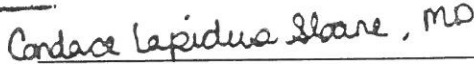


Tracy Morong
Complaint Counsel

6/17/2015

Date

So ORDERED by the Board of Registration in Medicine this 10th day of September,
20 15.



Candace Lapidus Sloane, M.D.
Chair