

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No.2015-024

)
In the Matter of)
)
THOMAS BRYAN 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 Thomas Bryan Miller, M.D. (Respondent) has practiced medicine in violation of law, regulations, or good and accepted medical practice as set forth herein. The investigative docket number associated with this order to show cause is Docket No. 11-015.

Biographical Information

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.

Factual Allegations

2. On April 27, 2010, Patient KG had her first visit at TDII.

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.

Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, §5, ninth par. (c) and 243 CMR 1.03(5)(a)3, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that the Respondent's he engaged in conduct that places into question competence to practice medicine, including but not limited to negligence on repeated occasions.

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.

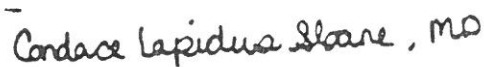
Nature of Relief Sought

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, M.D.
Board Chair

Date: September 10, 2015