

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: Mitchell R. Miller, M.D.

)
)
)
)
)

Board of Medical Practice
Docket No. MPC 76-1100

**BOARD APPROVAL OF PROPOSED PRACTICE MONITOR
AND PRACTICE SITE**

1. Dr. Mitchell R. Miller (hereafter "Petitioner") holds a medical license in the State of Vermont, medical license, No. 42-0009508, issued by the Board of Medical Practice (hereafter "Board") on July 3, 1997.
2. On December 2, 2009 Petitioner signed a Stipulation and Consent Order placing certain conditions on his license that must be met to the committee/board's satisfaction before Petitioner returns to the practice of medicine.
3. As to an approved practice site, the Stipulation at paragraph #27 requires "[Petitioner] shall practice medicine only in a structured group practice setting in which he shall have regular contact and interaction at that site with at least one other physician, as well as other providers and support staff."
4. As to a supervising physician, the Stipulation at paragraphs #30 and #32 states that Petitioner "shall obtain a Board-approved Supervising Physician ... board certified in family practice" and that Petitioner "agrees to meet with and confer with the Supervising Physician on-site, at least monthly for two hours, for a period of one year, beginning on the date he returns to practice."

5. Petitioner appeared before the Central Investigative Committee on October 8, 2010, by and through counsel, and petitioned the committee for approval of his proposed practice site and Supervising Physician as required by the Stipulation in paragraphs #27, #30 and #31.

6. Petitioner's proposed practice site is employment with Correct Care Solutions (CCS). CCS provides medical care for inmates in Vermont prisons. Petitioner's work would be supervised by Dr. Ryan Herrington, the Regional Medical Director for CCS. Petitioner would be assigned to Correctional Facilities throughout Vermont. Petitioner's practice would be limited to staffing the chronic care clinic and staffing sick call. Petitioner's job would not require pain management of any sort and he would not prescribe Schedule II or Schedule III pain medications. Both Petitioner's clinical decision-making and medical record keeping would be subject to constant oversight and review by other doctors who are experts in correctional medicine.

7. On October 8, 2010, the Central Investigative Committee discussed and approved CCS as a practice site for Petitioner noting that it provides for a structured setting and meets all of the conditions of the Stipulation and Consent Order. Petitioner agrees that he shall not practice medicine in any form or manner outside the scope of his employment agreement.

8. Petitioner's proposed Supervising Physician is Steven Craig Hertford, M.D. from Brattleboro. When presented to the Central Investigative Committee on October 8, 2010, the committee expressed concerns about the accessibility of patient/inmate medical records for review by the Supervising Physician. Petitioner asserts that CCS would either redact all patient identifying information before review by the Supervising Physician or it will provide appropriate releases from the inmate/patients. Petitioner also assures the committee that his Supervising

Physician will be allowed to enter prison facilities to meet with Petitioner when necessary without unreasonable restriction.

9. On October 8, 2010, the Central Investigative Committee discussed and approved Dr. Hertford to act as Supervising Physician for Petitioner. Petitioner acknowledges that the Board may later disapprove any Supervising Physician.

10. The Stipulation and Consent Order provides that a petition for committee/board approval of Petitioner's proposed practice site and Supervising Physician "shall be decided promptly at the next scheduled meeting of the full Board or investigative committee, and in any event within 30 days of its submission to the Board, and the Board or its investigative committee will not unreasonably withhold its approval.

11. On October 8, 2010, Central Investigative Committee, having a quorum and following discussion, voted to approve Petitioner's practice site and Supervising Physician.

FOREGOING, AS TO Mitchell Miller, M.D.

On February 2, 2011, the Board of Medical Practice approved Dr. Mitchell Miller's practice monitor and practice site.

FOR THE VERMONT BOARD OF MEDICAL PRACTICE

A handwritten signature in cursive script that reads "Patricia King MD PhD". The signature is written in dark ink and is positioned above a horizontal line.

Patricia King, M.D., PhD
Chair