



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

February 16, 1996

John Joseph Miller, M.D.
700 Conley Lake Road
Deer Lodge, MT 59722

Dear Doctor Miller:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on February 14, 1996.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Thomas E. Gretter, M.D.
Secretary

TEG:em
Enclosures

CERTIFIED MAIL RECEIPT NO. P 348 887 192
RETURN RECEIPT REQUESTED

CC: John Joseph Miller, M.D.
3459 Hidden Lake Drive
Jacksonville, FL 32216

Certified Mail No. P 741 123 694
Return Receipt Requested

Mailed 2-23-96



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry, approved by the State Medical Board, meeting in regular session on February 14, 1996, constitute a true and complete copy of the Findings, Order and Journal Entry in the matter of John Joseph Miller, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)

A handwritten signature in cursive script, appearing to read "Th. E. Gretter, M.D.", written over a horizontal line.

Thomas E. Gretter, M.D.
Secretary

2/15/96

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

*

JOHN JOSEPH MILLER, M.D.

FINDINGS, ORDER AND JOURNAL ENTRY

This matter came on for consideration after a citation letter was mailed to John Joseph Miller, M.D., by the State Medical Board of Ohio on October 12, 1995 and October 17, 1995.

By letter dated October 11, 1995, notice was given to John Joseph Miller, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent on October 12, 1995, via certified mail, return receipt requested, to the last known address of John Joseph Miller, M.D., that being 3459 Hidden Lake Drive W., Jacksonville, FL, 32216. On October 17, 1995, the notice was sent to a second address that had been obtained by Medical Board staff, that being 700 Conley Lake Road, Deer Lodge, MT 59722. A certified mail receipt for the latter mailing was signed and returned to the Board offices

No hearing request has been received from John Joseph Miller, M.D., and more than thirty (30) days have now elapsed since the mailing of the aforesaid notices.

WHEREFORE, for the reasons outlined in the October 11, 1995, letter of notice, which is attached hereto and incorporated herein, it is hereby ORDERED that the license of John Joseph Miller, M.D., to practice medicine and surgery in the State of Ohio be PERMANENTLY REVOKED

This Order shall become effective February 14, 1996

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 14th day of February, 1996, and the original thereof shall be kept with said Journal.



Thomas E. Gretter, M.D.

Secretary

2/14/96

Date

(SEAL)

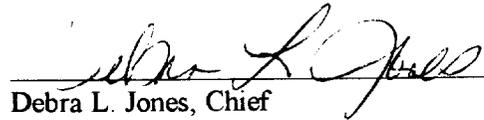
AFFIDAVIT

I, Debra Jones, being duly cautioned and sworn, do hereby depose and say:

- 1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board")
- 2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;
- 3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;
- 4) That I have this day carefully examined the records of the Board pertaining to John Joseph Miller, M.D.;
- 5) That based on such examination, I have found the last known address of record of John Joseph Miller, M.D. to be:

3459 Hidden Lake Drive W.
Jacksonville, Fl 32216

- 6) Further, Affiant Sayeth Naught.



Debra L. Jones, Chief
Continuing Medical Education, Records
and Renewal

Sworn to and signed before me, Lauren Lubow, Notary Public, this 21st
____ day of January, 1976



Notary Public

LAUREN LUBOW, Attorney at Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

October 11, 1995

John J. Miller, M.D.
3459 Hidden Lake Dr. W.
Jacksonville, FL 32216

Dear Doctor Miller:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about August 24, 1994, you received an Order for Evaluation and Summary Suspension from the Board of Medical Examiners for the State of Montana (hereafter Montana Board).

This action was based on the Montana Board's fact assertions that on or about August 19, 1994, you engaged in excessive use of alcohol to the extent that the use impaired you physically and mentally. As a result, you were involved in a motor vehicle accident which caused the death of two persons. The facts and circumstances surrounding the motor vehicle accident gave reason to suspect that you suffered from an active, unaddressed illness of chemical dependency.

- (2) On or about August 31, 1994, you entered into a Stipulation and Agreement; Order (a copy of which is attached hereto and fully incorporated herein) with the Montana Board. You admitted that you were mentally or physically unable to safely engage in the practice of medicine, and had a condition which incapacitated you for the safe performance of professional duties. Further, you agreed that your license would remain suspended by reason of this admission.

Mailed 10/12/95

- (3) On or about May 15, 1995, you entered into a second Stipulation and Agreement; Order (a copy of which is attached hereto and fully incorporated herein) with the Montana Board. This Agreement contained an Order revoking your license to practice medicine. The revocation was stayed, and your license was placed on probation under certain terms and conditions for an indefinite period. In the Agreement you admitted that on August 19, 1994, you engaged in excessive use of alcohol to the extent that you were impaired physically and mentally. You further admitted that on such occasion you were involved in a motor vehicle accident which caused the death of two persons.

The Stipulation and Agreement; Orders of the Montana Board as alleged in paragraphs (2) and (3) above, individually and/or collectively, constitute "(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that also would have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Section (B)(26), Ohio Revised Code.

- (4) On or about February 27, 1995, you pleaded guilty and were convicted in the Montana Twentieth Judicial District Court of two (2) felony counts of Negligent Homicide.

Your guilty plea as alleged in paragraph (4) above, individually and/or collectively, constitutes "(a) plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

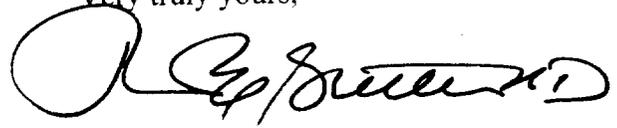
In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend,

10/11/95

refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. E. Gretter, M.D.", written in a cursive style.

Thomas E. Gretter, M.D.
Secretary

TEG/bjm
• Enclosures

CERTIFIED MAIL # P 348 886 936
RETURN RECEIPT REQUESTED
rev.2/15/95

BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

IN THE MATTER OF THE PROPOSED) DOCKET NO. CC-94-108-MD
DISCIPLINARY ACTION AGAINST)
JOHN J. MILLER, M.D.,) STIPULATION AND AGREEMENT;
LICENSE NO. 3980) ORDER

John J. Miller, M.D. ("Licensee"), by and through
Datsopoulos, MacDonald & Lind, his attorneys of record herein,
and the Board of Medical Examiners for the State of Montana
("Board"), hereby stipulate and agree as follows:

1. Licensee is currently the holder of License No. 3980
issued by the State of Montana, granting him the privilege of
practicing medicine in the State of Montana.

2. The Board has jurisdiction over Licensee and the subject
matter of this proceeding.

3. Pursuant to said jurisdiction, the Board issued and on
August 24, 1994 personally served on Licensee the Notice of
Proposed Board Action and Opportunity for Hearing (License
Discipline); Motion and Order of Summary Suspension Pending
Evaluation; Order for Evaluation herein.

4. Licensee admits that at the present time he is mentally
or physically unable to safely engage in the practice of
medicine, and has a condition which incapacitates him at the
present time for the safe performance of professional duties.

5. Licensee understands and agrees that License No. 3980 is
currently suspended, by reason of the illness or illnesses
admitted to in paragraph 4 above.

6. For personal and legal reasons, Licensee is unable to comply with the Board's Order for Evaluation at the present time. Licensee requests an extension of time in which to complete said evaluation.

7. In consideration for such extension of time, Licensee agrees:

A. He will not seek relief from a district court or any other source, including the Board, on either the Order for Evaluation or Order for Summary Suspension, and hereby waives all right to hearing and appeal on the facts or issues pertaining to the Order for Evaluation and Order for Summary Suspension; this waiver does not, however, constitute a waiver of Licensee's right to a hearing on the Notice of Proposed Board Action and Opportunity for Hearing (License Discipline);

B. Licensee will undergo and fully cooperate with evaluation and treatment for the illness or illnesses admitted to in paragraph 4 above, at a facility of his choice; Licensee will notify the Board within seventy-two hours of his admission to such facility, and will sign any and all authorizations required by such facility to enable the facility to communicate freely, in writing and verbally, with the Board after completion of such evaluation and treatment, and to forward any and all evaluation and treatment records, reports and documents directly to the Board prior to seeking reinstatement of License No. 3980, or any other kind of relief from the aforementioned suspension of said license.

C. In addition, prior to seeking reinstatement of License No. 3980 from the Board, or any other kind of relief from the aforementioned suspension of said license, Licensee will undergo and complete the Board-ordered evaluation at Talbott-Marsh Recovery Campus, and comply with all recommendations by Talbott for any additional treatment and aftercare.

8. The Board, in its sole discretion, may relieve Licensee of the obligation to undergo the ordered evaluation at Talbott-Marsh Recovery Campus set forth in paragraph 7.C. above.

9. Licensee understands and agrees that this Stipulation and Agreement; Order constitutes a "restriction" on his license, and is therefore a disciplinary action. This document is a matter of public record, and is required by law to be reported to the National Practitioner Data Bank and to any enquiring person or entity. This document will be reported to the Federation of State Medical Boards.

10. Licensee has read and understands each admission and provision of this Stipulation and Agreement; Order, and ;makes the admissions and agreements herein without reservation.

11. Licensee has been represented by counsel throughout these proceedings, and particularly in reference to this Stipulation and Agreement; Order. Licensee enters into this Stipulation, etc., with advice of counsel.

12. In consideration for the foregoing admissions and agreements, the Board agrees to stay enforcement of its Order for Evaluation of August 24, 1994 until such time as Licensee has

completed the evaluation and treatment described in paragraph 7.B. above, and petitioned for reinstatement of License No. 3890.

Dated: August 31, 1994

John J. Miller
JOHN J. MILLER, M.D.
Licensee

APPROVED AS TO FORM AND CONTENT:
DATSOPOULOS, MACDONALD & LIND

Dated: August 30, 1994

By: [Signature]
Attorneys for Licensee

BOARD OF MEDICAL EXAMINERS

Dated: August 31, 1994

By: Gordon L. Bell
GORDON L. BELL, M.D.
President

O R D E R

IT IS SO ORDERED.

Dated: August 31, 1994

Gordon L. Bell
GORDON L. BELL, M.D., President
BOARD OF MEDICAL EXAMINERS
FOR THE STATE OF MONTANA

CLERK OF DISTRICT COURT IN CHIEF
OF PUBLIC RECORDS, STATE OF MONTANA,
Board of Medical Examiners
BY: CUSTODIAN OF RECORDS,
Jessie H. Russell

BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF COMMERCE
STATE OF MONTANA

IN THE MATTER OF THE PROPOSED) DOCKET NO. CC-94-108-MD
DISCIPLINARY ACTION AGAINST)
JOHN J. MILLER, M.D.) STIPULATION AND AGREEMENT;
LICENSE NO. 3980) ORDER OF REVOCATION, STAY
AND PROBATION

COME NOW John J. Miller, M.D. ("Licensee") and the Board of Medical Examiners for the State of Montana ("Board"), and make the following stipulations and agreements:

1. Licensee is currently the holder of License No. 3980 issued by the State of Montana, granting him the privilege of practicing medicine in the State of Montana; the Board has jurisdiction over said license and the conduct of Licensee at issue herein.

2. Licensee admits that on August 19, 1994, he engaged in excessive use of alcohol to the extent that he was impaired physically and mentally. Licensee further admits that on such occasion he was involved in a motor vehicle accident which caused the death of two persons.

3. In connection with such incident, Licensee pled guilty to two counts of negligent homicide under Section 45-5-104(1), MCA, in the Montana Twentieth Judicial District Court, Lake County, Cause No. DC-94-79. He was adjudged guilty and sentenced in a Judgment and Commitment dated February 27, 1995 in that action. He is presently serving a term of imprisonment for such offenses.

4. Licensee's conduct violated Sections 37-3-322 (7) and (11), Montana Code Annotated, and constitutes grounds for license discipline under Section 37-3-323, MCA.

5. Licensee is and for more than ten years has been chemically dependent and addicted to alcohol; he has completed in-patient treatment for such illness, and is presently in recovery.

6. On August 24, 1994, Licensee was served with the Notice of Proposed Board Action and Opportunity for Hearing, Order of Summary Suspension Pending Evaluation and Order for Evaluation herein. Said suspension has continued in effect to date.

7. Licensee desires to avoid unnecessary expenditure of time and other valuable resources in resolving the issues in this matter; therefore, Licensee waives all right to further notice, hearing and appeal, and elects to submit this matter to the Board on the stipulations, terms and conditions contained herein.

8. Licensee agrees that his license to practice medicine in Montana, License No. 3980, shall be and hereby is revoked. The Board agrees that said revocation shall be and is stayed, pursuant to Section 37-3-323(4)(c), MCA, so long as Licensee complies with the following Probationary Terms and Conditions:

A. Licensee's Probation hereunder shall commence on the date the Order herein is signed, continue through the time of Licensee's incarceration and continue for five years after his release from incarceration or until modified or terminated in writing by mutual agreement of Licensee and the Board, whichever

is sooner;

B. Licensee shall comply with all rules and conditions of his criminal case probation set forth in the Judgment and Commitment in Cause No. DC-94079 dated February 27, 1995, and such other probationary rules and conditions as the District Court may hereafter order;

C. Licensee shall renew his Montana license in a timely fashion from year to year;

D. Licensee shall abstain from use of alcohol or any mood-altering or addictive substance, except under the prescription of a licensed physician other than himself;

E. During his incarceration, Licensee shall participate in random monitoring of bodily substances at least four times per month, and 12-step meetings (e.g., AA) at least three times per week, to the extent such are available and can be performed under the circumstances and rules of his incarceration;

F. Upon his release from incarceration, Licensee shall abstain from the active practice of medicine in Montana until he has undergone a complete mental and physical evaluation by Talbott Marsh Recovery Campus or such other facility as the Board may designate, and the Board has received the facility's report, considered it, and met with Licensee in person;

G. Upon release from incarceration and prior to engaging in the active practice of medicine in Montana, Licensee shall immediately enter into a Board-approved contract with the Montana Professional Assistance Program ("MPAP") of no less than

five years' duration. Throughout the course of this Probation, Licensee shall comply with all terms and conditions of said MPAP agreement as though each term and condition thereof were set forth in full herein;

H. If Licensee is released from incarceration on or after August 25, 1996 (that is, more than two years from the date his license was suspended by the Board), Licensee shall take and pass the Special Purpose Examination ("SPEX") by the Federation of State Medical Boards, prior to engaging in the active practice of medicine in Montana.

9. This Stipulation and Agreement; Order of Revocation, Stay and Probation ("Stipulation and Order") is a matter of public record and shall be reported immediately to the National Practitioner Data Bank, the Federation of State Medical Boards, and any other enquiring person.

X. Licensee agrees that any violation of this Stipulation and Order, or any violation of the MPAP agreement to be entered into upon his release from incarceration, shall:

A. Be reported by himself to the Board and MPAP within seventy-two hours;

B. Constitute "unprofessional conduct" under Section 37-3-322, MCA, disciplinable under Section 37-3-323, MCA in proceedings under the Montana Administrative Procedure Act;

C. Constitute a violation of his probation, disciplinable under Section 37-3-323(1)(e), MCA in proceedings under the Montana Administrative Procedure Act; and

D. Constitute grounds for summary suspension, lifting the Stay of Revocation effected by paragraph 8 above, termination of his Probation, and imposition of full, permanent revocation of his license to practice medicine in Montana, after proceedings under the Montana Administrative Procedure Act.

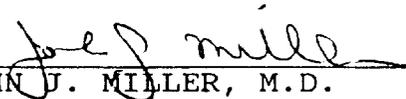
10. Licensee has read and understands each and every provision of this Stipulation and Order and freely agrees to each such provision without reservation.

11. Licensee has been represented by counsel in these proceedings, and particularly with respect to this Stipulation and Order, and makes the stipulations and enters into the agreements set forth herein with advice of counsel.

12. Upon Licensee's satisfactory completion of his Probation, the instant proceedings shall be dismissed.

I AGREE TO ALL THE FOREGOING

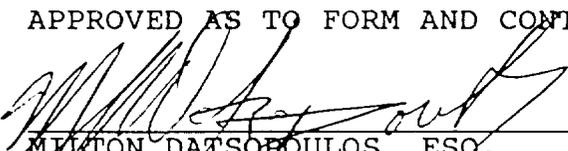
Dated: 4/13/95



JOHN J. MILLER, M.D.
Licensee

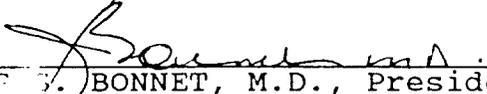
APPROVED AS TO FORM AND CONTENT

Dated: 4/26/95



MILTON DATSOPOULOS, ESQ.
Attorneys for Licensee

Dated: 5-19-95

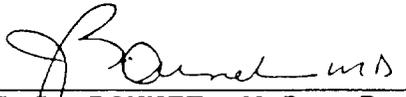


JAMES F. BONNET, M.D., President
Board of Medical Examiners

ORDER

IT IS SO ORDERED.

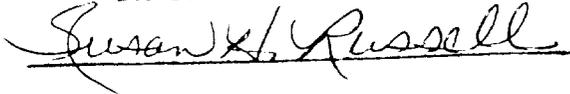
Dated: 5-19-95



JAMES S. BONNET, M.D., President
Board of Medical Examiners

CERTIFIED CORRECT COPY OF ORIGINAL
OF PUBLIC RECORD, STATE OF MONTANA,

Board of Medical Examiners
BY CUSTODIAN OF RECORDS,



Susan H. Russell