

ROBERT J. DEL TUFO  
ATTORNEY GENERAL OF NEW JERSEY

By: Brenda Talbot Lewis  
Deputy Attorney General  
Division of Law 5th Floor  
P. O. Box 45029  
1207 Raymond Boulevard  
Newark, New Jersey 07102  
Telephone (201)648-4876

FILED

April 17, 1991

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE REVOCATION OR  
SUSPENSION OF THE LICENSE OF

RANDALL W. MILLER, D.O.

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

: Administrative Action  
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CONSENT ORDER

This matter came to the attention of the New Jersey Board of Medical Examiners on or about September 12, 1990, when Randall W. Miller, D.O., was arrested and charged with possession of Controlled Dangerous Substances, possession of a hypodermic needle/syringe, possession of narcotics paraphernalia and use of Controlled Dangerous Substances. Dr. Miller surrendered his license to practice medicine and surgery in this State by turning it in at the Board office, and on November 30, 1990, he signed a Consent Order agreeing that his license would be suspended pending further Order of the Board; that he could not apply for reinstatement of his license until at least six months from the date of its surrender; that he would continue in

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the in-patient drug treatment program in which he was already enrolled until such time as he was released by that program; that upon his release he would comply with any follow-up treatment recommended by the program; that he would continue his involvement and cooperation with the Physicians Health Program, such involvement to include any type of monitoring mandated by that organization; and that he would sign releases and make arrangements to have reports from the drug program and from the Physicians Health Plan forwarded to the Board on a monthly bases.

On April 3, 1991, Dr. Miller appeared before the Preliminary Evaluation Committee of the Board accompanied by his attorney, Joseph T. Afflitto, Esq., and by David Canavan, M.D., of the Physicians Health Program. Dr. Miller testified that he had successfully completed in-patient drug treatment and had complied with all other requirements of the Consent Order. Dr. Canavan testified that Dr. Miller's drug screenings have all been negative and that PHP recommended the reinstatement of his license.

The parties being desirous of settling this matter without the necessity for further proceedings, and the Board of Medical Examiners being satisfied that the within Order is adequately protective of the public health, safety and welfare, and other good cause existing therefore;

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IT IS on this 17th day of APRIL, 1991,

ORDERED that the license of Randall W. Miller, D.O., to practice medicine and surgery in this State be and hereby is reinstated on a probationary basis, such probation to be in effect for eighteen (18) months, and it is further

ORDERED that Dr. Miller shall neither ingest nor personally possess any drugs unless pursuant to a valid prescription issued for good medical or dental cause, and it is further

ORDERED that Dr. Miller may not self-prescribe any drug, and that should any treating physician prescribe any drug for Dr. Miller for any purpose, Dr. Miller shall submit to PHP a copy of the prescription and of a copy of the physician's record within five (5) days, and that should a random urine screening take place within those five days he must notify PHP prior to the screening, and it is further

ORDERED that Dr. Miller shall continue to submit to random urine screenings no less than five (5) times per month for a period of six (6) months, no less than two (2) times per month for the next six (6) months, and thereafter on a schedule deemed appropriate by the Physicians Health Program, and it is further

ORDERED that Dr. Miller shall become knowledgeable about any and all foods or food additives or other products which may confound the validity of drug screenings; shall be presumed to possess that knowledge; and shall refrain from ingesting or otherwise using or employing any such product, and it is further

ORDERED that in the event that any urine testing as indicated above is positive for any controlled drug or Dr. Miller otherwise does not comply with the testing requirements set forth above, the Physician's Health Program shall report same to this Board and to the Office of the Attorney General within three days, and it is further

ORDERED that the Attorney General may apply for an emergent hearing before this Board or such member(s) as the Board President

may designate for this purpose on one week's notice to Dr. Miller to determine whether this Order has been violated. Upon proof by a preponderance of the evidence of a material violation of this Order, the Board may summarily suspend or limit Dr. Miller's license to practice medicine pending a plenary hearing on those charges. In any such proceeding wherein respondent seeks to claim that the testing involved was improper or resulted in an erroneous result, it shall be respondent's burden to assert and prove such facts.

BOARD OF MEDICAL EXAMINERS

BY: Michael B. Grossman, D.O.  
Michael B. Grossman, D.O.  
President

I have read and understood the contents of this Consent Order. I consent to its entry and agree to be bound by the terms therein.

Randall W. Miller, D.O.  
Randall W. Miller, D.O.

Joseph T. Afflitto, Esq.  
Joseph T. Afflitto, Esq.