

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION **FILED**
STATE OF OKLAHOMA

NOV 06 2009

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 09-05-3774

ANDREA SAGE MILLER, M.D.,)
MEDICAL LICENSE NO. 23925,)

Defendant.)

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Andrea Sage Miller, M.D., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. § 480 *et seq.*

2. Defendant, Andrea Sage Miller, M.D, holds Oklahoma medical license no. 23925. At the time of a portion of the events in question, Defendant was a fourth year Diagnostic Radiology resident in a PGY-5 position in Oklahoma City, Oklahoma at Integris Baptist Hospital.

3. Beginning on or about January 30, 2009 and continuing through August 24, 2009, Defendant was the supervising physician for Kathleen Ellen Mason-Morton, P.A.

4. At the time of the events which are the subject of this Complaint, Physician Assistant Mason-Morton practiced at the Jon Ric International Medical Spa and Salon, also known as Jon Ric MMG LP ("Jon Ric Salon"), a limited liability company formed by Physician Assistant Mason-Morton on or about January 12, 2005. Physician Assistant Mason-Morton and her husband owned ninety percent (90%) of the spa and the remaining ten percent (10%) was owned by a nurse, Gayla Campbell, and her husband. Physician Assistant Mason-Morton operated the spa on a daily basis.

5. During this time that Defendant was her supervising physician, Physician Assistant Mason-Morton employed Defendant at the Jon Ric Salon. Physician Assistant Mason-Morton, by and through her company, the Jon Ric Salon, paid Defendant a fee to act as her supervising physician in the amount of ten percent (10%) of all procedures performed at the spa that required physician supervision. Bank records reveal the following checks were given to Defendant:

02/10/09	1,479.86
03/15/09	993.00
04/23/09	1,011.98
05/20/09	1,924.32

Defendant admits that she continued to receive payments form Jon Ric Salon each month from June 2009 through August 2009. Defendant resigned her position as Physician Assistant Mason-Morton's supervisor on or about August 24, 2009.

6. Defendant further admits that during the time she was employed by Defendant and the Jon Ric Salon, she never examined any patients, nor did she perform any medical treatments on any patients. To the contrary, her employment consisted strictly of reviewing Defendant's patient charts.

7. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(13) and OAC 435:10-7-4(39).
- B. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 6th day of November, 2009 at 8:00 a.m.

Respectfully submitted,



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Oklahoma State Board of Medical Licensure
and Supervision