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

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STATE OF OKLAHOMA, ex rel. OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION, Plaintiff,

v.

BERNADETTE MARIA MILLER, M.D. LICENSE NO. MD 24595,

Defendant.

OCT - 1 2024

OKLAHOMA STATE BOARD OF MEDICAL LICENSURE & SUPERVISION

Case No. 24-06-6360

VERIFIED COMPLAINT

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision ("Board"), for its Verified Complaint against Bernadette Maria Miller, M.D. ("Defendant"), alleges and states as follows:

I. JURISDICTION

- 1. The Board has jurisdiction over the subject matter and 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. 59 O.S. § 480, *et seq.* and Okla. Admin. Code 435:5-1-1 *et seq.*
- 2. In Oklahoma, Defendant holds medical license no. 24595.
- The acts and omissions complained of herein were made while Defendant was licensed to practice medicine by the State of Oklahoma and occurred within the boundaries of the State of Oklahoma.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

- 4. This case was started with a Self-Report by Defendant involving a patient situation where friendship versus physician-patient boundaries blurred.
- 5. Failure to maintain boundaries led to caring for and treating a patient M.C. yet failing to maintain a timely and accurate office record of care and prescriptions (Methadone and Clonazepam).
- 6. M.C. is a complex patient who is a former nurse with a history of mental illness prior to being under Defendant's care in 2013. M.C. was under Defendant's care for approximately

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two years, then placed in an assisted living facility in OKC for approximately two years. Although during this time M.C. ceased being Defendant's patient, the two remained friends.

- 7. Upon leaving her assisted living facility, M.C. returned to her Tulsa home which was just a few blocks from Defendant's clinic and M.C. became Defendant's patient again. In 2017, Defendant placed M.C. on Methadone for chronic pain and Clonazepam for severe anxiety and continued to see her on a regular basis from 2017 through 2020.
- 8. From approximately mid-2022 to mid-2023, Defendant would routinely see M.C. in her home but failed to make any corresponding physicians notes in her chart at the clinic.
- Defendant readily admits to continued prescribing of controlled substances (Methadone and Clonazepam) in a regularly scheduled manner with the absence of drug screens and EMR documentation for a period of about one year.
- 10. Per PMP Patient History Results dated January 1, 2017 July 24, 2024, Defendant did appropriate and timely PMP checks on M.C.

III. VIOLATIONS

- 11. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient, in violation of 59 O.S. §509(18).
 - b. Improper management of medical records, in violation of Okla. Admin. Code § 435:10-7-4(36).
 - c. Failure to provide a proper setting and assistive personnel for medical act, including but not limited to examination, surgery, or other treatment. Adequate medical records to support treatment or prescribed medications must be produced and maintained, in violation of Okla. Admin. Code § 435:10-7-4(41).

IV. CONCLUSION

Given the foregoing, the undersigned respectfully requests 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 and any other appropriate action with respect to Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law. Respectfully submitted,

Joseph L. Ashbaker, OBA # 19395 Assistant Attorney General OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION 101 N.E. 51st Street Oklahoma City, Oklahoma 73105 405.962.1400 joe.ashbaker@oag.ok.gov

VERIFICATION

I, Melissa Davis, RN, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding **BERNADETTE MARIA MILLER, MD**,

and,

2. The factual statements contained therein are true and correct to the best of my knowledge and belief.

Melissa Davis, RN OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION

Executed this $\underline{/\underline{}^{s+}}$ day of $\underline{OCHOBEN}$, 2024, in Oklahoma County, State of Oklahoma.