

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

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.)

FILED

NOV 21 2024

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 24-06-6360

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Sandra Harrison, along with Bernadette Maria Miller, M.D. ("Defendant"), Oklahoma medical license no. 24595, who appears in person, and through counsel David A. Russell, of Rodolf & Todd, and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, "Order" or "Agreement") for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act"). 59 O.S. § 480, *et seq.*

Defendant, Bernadette Maria Miller, M.D., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for an evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that she has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with her by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against her in a subsequent disciplinary hearing. Defendant will be free to defend herself and no inferences will be made from her willingness to have this Order accepted by the Board. The Parties stipulate

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that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

The Plaintiff, Defendant, and the Board staff each stipulate and agree as follows:

1. In Oklahoma, Defendant holds medical license no. 24595, originally issued July 1, 2007.
2. This case was started with Defendant self-reporting patient situation where friendship versus physician-patient boundaries blurred.
3. 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).
4. 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 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.
5. 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.
6. 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.
7. 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.
8. Per PMP Patient History Results dated January 1, 2017 — July 24, 2024, Defendant did appropriate and timely PMP checks on M.C.
9. It does not appear that any harm came to the patient as a result of the Defendant's conduct.

Conclusions of Law

10. The Board has jurisdiction over the subject matter and is the 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.*

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11. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
12. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1). The Board's action is authorized by 59 O.S. § 509.1.
13. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
14. Based on the foregoing, the State alleged that 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).

Orders

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **BERNADETTE MARIA MILLER, M.D.**, Oklahoma Medical License Number 24595, is hereby formally REPRIMANDED.
3. **BERNADETTE MARIA MILLER, M.D.**, shall pay a fine of \$5,000.00 within 120 days of this Order being entered.
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
5. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 21st day of November, 2024.

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Certificate of Service

This is to certify that on the 22nd day of November, 2024, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

Bernadette Maria Miller, M.D.
4444 E. 41st Street
Tulsa, Oklahoma 74135

Defendant

U.S. First Class Mail, and E-Mail

David A. Russell, OBA 15104
Rodolf & Todd
15 EAST 5TH STREET, 6TH FLOOR
TULSA, OK 74103
(918) 295-2100 Main
(918) 295-7800 Facsimile
david@rodolftodd.com
*Attorney for Defendant,
Bernadette Maria Miller, M.D.*

E-Mail

Joseph L. Ashbaker, AAG, OBA 19395
STATE OF OKLAHOMA
OFFICE OF ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
(405) 522-2974
Joe.ashbaker@oag.ok.gov
*Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision*


Shelley Crowder