

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF DENTAL EXAMINERS**

IN RE:)
RANDALL A. MILLER, D.D.S.) **Docket No. 2021- 109**
License No. 016.0000954)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COME the State of Vermont, by and through State Prosecuting Attorney Elizabeth A. St. James, and the Respondent, Randall Miller, represented by Shireen Hart, Esq., who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Dental Examiners (the “Board”) has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by dentists, dental hygienists, and dental assistants pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 12; the Administrative Rules of the Board of Dental Examiners (“ARBDE”); and the Rules of the Office of Professional Regulation.

Facts

2. Randall A. Miller (“Respondent”) of South Burlington, Vermont is licensed by the State of Vermont as a dentist under license number 016.0000954. This license was originally issued July 19, 1984, and expired on September 30, 2021.
3. Respondent is also a Member of the Board of Dental Examiners. He was first appointed on July 27, 2010. His appointment runs through December 31, 2021.

Overdose and Prescription Drug Use

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4. On the evening of July 3, 2021, Respondent overdosed on cocaine and opiates at a neighbor’s home.
5. Respondent admits to ingesting a white powdery substance on July 3, 2021, but states he thought it was methylphenidate (also known as brand name Ritalin).
6. Respondent was revived with Narcan at his neighbor’s home and taken to University of Vermont Medical Center where he remained through July 6, 2021.
7. In addition to cocaine and opiates, Respondent also tested positive for benzodiazepine, marijuana, and alcohol when he was taken to University of Vermont Medical Center.

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8. Respondent has been prescribed methylphenidate 10mg for ADHD for approximately twenty (20) years.
9. Respondent has also been prescribed hydrocodone-acetaminophen 10-325mg for shoulder and hip pain for approximately twenty-five (25) years.
10. Respondent admits to crushing and snorting methylphenidate because it gets into his system faster.
11. Respondent admits to ingesting crushed methylphenidate at work.
12. Respondent's co-workers have seen him with white, powdered substances in the work-place, both on surfaces and on his person.
13. Respondent and a family member shared their methylphenidate prescriptions with each other.
14. He denies having consumed any substances he was not prescribed when he was working.

Prescribing Issues

15. Health care providers who prescribe controlled substances are required to register with the Vermont Prescription Monitoring System. *See* 18 V.S.A. § 4289 (b)(1).
16. As a dentist, Respondent is a health care provider who prescribes controlled substances.
17. Respondent has never registered with the Vermont Prescription Monitoring System.
18. Between July 2017 and July 2021, Respondent wrote repeat prescriptions for controlled substances for the same few patients.
19. The repeat prescriptions written by Respondent for the same few patients almost never had a corresponding note in those patients' dental records that would support the need for a controlled substance prescription.
20. Between 2015 and early 2017, Respondent wrote over 10 prescriptions for Tramadol 50 mg for J.W.
21. Between 2015 and early 2019, Respondent wrote approximately 10 prescriptions for hydrocodone-acetaminophen 5-325mg for J.W.
22. During most of that time, J.W. was a hygienist in Respondent's practice.
23. Respondent wrote J.W. prescriptions for controlled substances for back, neck, shoulder, and/or arm pain, none of which were related to dental care or issues.

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24. The last prescription Respondent wrote for J.W. was after she was no longer a patient or employee of his practice and was written specifically for wrist pain.
25. In an interview with OPR investigators on July 23, 2021, Respondent denied writing the volume of prescriptions for controlled substances for J.W. reflected in VPMS.
26. During his two interviews with OPR investigators in July 2021, Respondent told investigators they could assign him as the Board Member to his own complaint(s) and he would just close it and make it go away. Respondent submits that any such comments were made flippantly.

Violation One: 3 V.S.A §129a(b)(1) Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes: (1) performance of unsafe or unacceptable patient or client care.

27. The State re-alleges and incorporates Paragraphs 2 through 26 above.
28. As a dentist, Respondent has an obligation to provide safe and acceptable patient care.
29. Paragraphs 2 through 26 above demonstrate that Respondent provided unsafe and unacceptable patient care.
30. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(b)(1).

Violation Two: 26 V.S.A. §584(3): Promotion of the sale of drugs, devices, appliances, goods, or services provided for a patient in a manner to exploit the patient for financial gain or selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes.

31. The State re-alleges and incorporates Paragraphs 2 through 26 above.
32. As a dentist, Respondent is prohibited from selling drugs, devices, appliances, goods, or providing services for a patient in a manner to exploit the patient for financial gain or selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes.
33. Paragraphs 2 through 26 demonstrate that Respondent sold drugs, devices, appliances goods, or provided services for a patient in a manner to exploit the patient for financial gain or sold, prescribed, gave away, or administered drugs for other than legal and legitimate therapeutic purposes.

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34. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 26 V.S.A. §584(3).

Violation Three: 3 V.S.A. §129a(a)(3) Failing to comply with provisions of federal or State statutes or rules governing the practice of the profession, incorporating 18 V.S.A. § 4289 (b)(1).

35. The State re-alleges and incorporates Paragraphs 2 through 26 above.
36. As a dentist, Respondent has an obligation to comply with provisions of federal or State statutes or rules governing the practice of the profession.
37. Paragraphs 2 through 26 above demonstrate that Respondent failed to comply with provisions of federal or State statutes or rules governing the practice of the profession when he failed to register with the Vermont Prescription Monitoring System, as required by 18 V.S.A. § 4289 (b)(1).
38. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(3).

Violation Four: 3 V.S.A. §129a(a)(15) Failing to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.

39. The State re-alleges and incorporates Paragraphs 2 through 26 above.
40. As a dentist, Respondent is required to exercise independent professional judgment in the performance of licensed activities.
41. Paragraphs 2 through 26 above demonstrate Respondent failed to exercise independent professional judgment in the performance of licensed activities when that judgment is necessary to avoid action repugnant to the obligations of the profession.
42. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(15).

Understandings

43. This Stipulation and Consent Order fully resolves the above-captioned docket number between the parties in this administrative licensing matter. This Stipulation and Consent Order also fully resolves any other licensing matters regarding Respondent's dental license. The Respondent neither admits nor denies the accuracy of the Statement of Facts and Violations. This Stipulation and

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Consent Order is not a concession by the State that its charges are not well-founded. To avoid the delay, inconvenience, and the expense of protracted litigation, Respondent does not dispute that the State could prove the Specification of Charges by a preponderance of the evidence if this matter went to a hearing and agrees to the Order below.

- 44. Respondent understands that the Board must review and accept the terms of the Stipulation and Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
- 45. Respondent specifically waives any claims that any disclosures made to the Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future hearings if this agreement is not accepted.
- 46. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
- 47. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
- 48. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
- 49. Respondent voluntarily waives his right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
- 50. Respondent agrees that the Board may find that the Respondent engaged in unprofessional conduct and that the Order set forth below may be entered.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. Respondent’s dental license is hereby **REVOKED**.
- B. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- C. This Stipulation and Consent Order will remain part of Respondent’s licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.
- D. This Stipulation and Consent Order shall be applicable as a matter of law to all other licenses issued by the Board of Dental Examiners, as provided in 3 V.S.A. §129(l).

AGREED TO:

STATE OF VERMONT
SECRETARY OF STATE

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Dated: 10.21.21

By: /s/ Elizabeth A. St. James
Elizabeth A. St. James
State Prosecuting Attorney

RANDALL MILLER, D.D.S.
RESPONDENT

Dated: 10-21-21

By: *Randall Miller, D.D.S.*
Randall Miller, D.D.S.

APPROVED AS TO FORM ONLY:

SHIREEN HART, ESQ.
ATTORNEY FOR RESPONDENT

Dated: 10.21.21

By: *[Signature]*
Shireen Hart, Esq.

APPROVED AND SO ORDERED:

Dated: 11/15/2021

DocuSigned by:
[Signature]
By: F7F682D9D62942B...

Entered: 11/15/2021

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RANDALL A. MILLER, D.D.S.) **Docket No. 2021- 109**
License No. 016.0000954)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Randall A. Miller, D.D.S.:

Board Authority

1. The Vermont State Board of Dental Examiners (the “Board”) has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by dentists, dental hygienists, and dental assistants pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 12; the Administrative Rules of the Board of Dental Examiners (“ARBDE”); and the Rules of the Office of Professional Regulation.

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Relief Requested

WHEREFORE, the dental license of Randall A. Miller, D.D.S. should be revoked, suspended, reprimanded, conditioned, or otherwise disciplined.

DATED this 21st day of October, 2021.

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SECRETARY OF STATE

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