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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

GLENN E. MILLER, M.D.

Holder of License No. 22227
For the Practice of Medicine
In the State of Arizona.

Case No. MD-00-0796

**CONSENT AGREEMENT FOR
SURRENDER OF ACTIVE LICENSE**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board (Board) and Glenn E. Miller, M.D. (Respondent), the parties agreed to the following disposition of this matter at the October 2002 public meeting.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent acknowledges that he understands he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement for the issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement and the Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

3. Respondent acknowledges and understands that this Consent Agreement and the Order will not become effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended

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1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
3 any other state or federal court.

4 5. Respondent acknowledges and agrees that, although the Consent
5 Agreement has not yet been accepted by the Board and issued by the Executive Director,
6 upon signing this agreement, and returning this document (or a copy thereof) to the
7 Board's Executive Director, Respondent may not revoke his acceptance of the Consent
8 Agreement and Order. Respondent may not make any modifications to the document.
9 Any modifications to this original document are ineffective and void unless mutually
10 approved by the parties.

11 6. Respondent further understands that this Consent Agreement and Order,
12 once approved and signed, shall constitute a public record document that may be publicly
13 disseminated as a formal action of the Board.

14 7. If any part of the Consent Agreement and Order is later declared void or
15 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force
16 and effect.

17 Glenn E. Miller, M.D.
18 Glenn E. Miller, M.D.

Reviewed and accepted this 17th
day of September, 2002.

19 Mark A. Levin
20 Mark A. Levin, Attorney at Law
21 (Counsel For Dr. Glenn Miller)

Reviewed and approved as to
form this 20th day of September, 2002.

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1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 22227 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-00-0796 in response to a letter from
7 Respondent informing the Board that the California Medical Board (California Board) had
8 filed an accusation against him alleging a sexual relationship with a patient in late 1995
9 and early 1996.

10 4. On May 1, 2002, Respondent entered into a Stipulated Settlement &
11 Disciplinary Order (Stipulated Settlement) with the California Board for stayed revocation,
12 six-month suspension, and seven-year probation with psychiatric evaluation, monitoring,
13 and practice restriction against treating female patients.

14 5. In that Stipulated Settlement, Respondent admitted that the California Board
15 had sufficient evidence "to make a prima facie case on every charge for imposing
16 discipline." The amended accusation alleges that Respondent repeatedly engaged in
17 sexual misconduct with Patient P.C. between December 21, 1995 and February 28, 1996
18 while she was under his care, treatment, and management.

19 **CONCLUSIONS OF LAW**

20 1. The Board possesses jurisdiction over the subject matter hereof and over
21 Respondent.

22 2. The Board possesses statutory authority to enter into a consent agreement
23 with a physician and accept the surrender of an active license from a physician who
24 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(U).
25

1 3. Respondent engaged in an act of unprofessional conduct pursuant to A.R.S.
2 § 32-1401(25)(o) “[a]ction that is taken against a doctor of medicine by another licensing
3 or regulatory jurisdiction due to that doctor’s mental or physical inability to engage safely in
4 the practice of medicine, the doctor’s medical incompetence or for unprofessional conduct
5 as defined by that jurisdiction and that corresponds directly or indirectly to an act of
6 unprofessional conduct prescribed by this paragraph. The action taken may include
7 refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of
8 a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that
9 jurisdiction or placing a licensee on probation by that jurisdiction.” The allegation of
10 unprofessional conduct upon which the California Board relied upon in its Stipulated
11 Settlement corresponds directly or indirectly with A.R.S. § 32-1401(25)(z) “[e]ngaging in
12 sexual conduct with a current patient or with a former patient within six months after the
13 last medical consultation unless the patient was the licensee’s spouse at the time of the
14 contact or, immediately proceeding the physician-patient relationship, was in a dating or
15 engagement relationship with the licensee, for the purposes of this subdivision, “Sexual
16 Conduct” includes: (i) [e]ngaging in or soliciting sexual relationships, whether consensual
17 or nonconsensual, (ii) [m]aking sexual advances, requesting sexual favors or engaging in
18 other verbal conduct or physical contact of a sexual nature with a patient, (iii) [I]ntentionally
19 viewing a completely or partially disrobed patient in the course of treatment if the viewing
20 is not related to the patient diagnosis or treatment under current practice standards.”

ORDER

IT IS HEREBY ORDERED THAT:

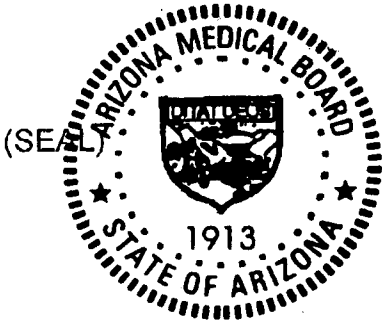
23 1. License number 22227, issued to Respondent for the practice of allopathic
24 medicine in the State of Arizona, is surrendered and Respondent shall immediately return
25 his wallet card and certificate of licensure to the Board.

2. Pursuant to A.R.S. § 32-1458, Respondent shall not submit an application for reinstatement in less than five years after the date of the surrender of license.

3. This Order is final disposition of case number MD-00-0796.

DATED and effective this 3rd day of October, 2002.

ARIZONA MEDICAL BOARD



By Barry A. Cassidy
BARRY A. CASSIDY, Ph.D., P.A.-C
Executive Director

ORIGINAL of the foregoing filed this 3rd day of October, 2002 with:

The Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed by Certified Mail this 3rd day of October, 2002 to:

Mark A. Levin, Esq.
Lewin & Levin
11377 West Olympic Blvd. Fifth Floor
Los Angeles, CA 90064

EXECUTED COPY of the foregoing mailed this 3rd day of October, 2002, to:

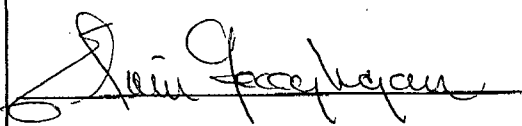
Glenn E. Miller, M.D.
1335 State St.
Santa Barbara, CA 93101-2607

L.A. Lloyd, Executive Director
Arizona Pharmacy Board
4425 W. Olive Ave., Ste. 140
Glendale, AZ 85302-3844

1 Barbara Roberts
 2 Drug Enforcement Administration
 3 3010 North 2nd Street, Ste. 301
 4 Phoenix, AZ 85012

5 EXECUTED COPY of the foregoing
 6 hand-delivered to each of the following
 7 this 3rd day of October, 2002, to :

8 Christine Cassetta, Assistant Attorney General
 9 Management Analyst
 10 Compliance Officer
 11 Investigations (Investigation File)
 12 Arizona Board of Medical Examiners
 13 9545 E. Doubletree Ranch Road
 14 Scottsdale, AZ 85258

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