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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

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IN THE MATTER OF THE LICENSES OF	)	
<b>JAMES ALLEN MILLER</b>	)	<b>STIPULATION AND ORDER</b>
TO PRACTICE AS A PHYSICIAN/SURGEON	)	
AND TO PRESCRIBE AND ADMINISTER	)	CASE NO DOPL 2012- 501
CONTROLLED SUBSTANCE	)	
IN THE STATE OF UTAH	)	

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**JAMES ALLEN MILLER** (“Respondent”) and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action.
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Physician Licensing Board ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R156-46b-12 through R156-46b-15. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6 Respondent understands that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation

and Order, and will release other information about this disciplinary action against Respondent's license, to other persons and entities

7. Respondent admits the following facts are true:

- a. On or between April and July of 2012 Respondent was sexually involved with K.F. (name withheld to protect identity). During this same time period, Respondent was prescribing K.F. Adderall, Xanax and Ambien. K.F. would fill the Adderall and Ambien and would give the pills to Respondent. K.F. would fill the Xanax prescription and split the pills with Respondent Respondent would personally consume the Adderall, Xanax and Ambien that he received from K.F. Respondent kept no patient records for K.F.
- b. On or between February through September, 2012, Respondent was sexually involved with H L (name withheld to protect identity) During this same time period Respondent was prescribing Adderall for H.L. H.L. would then fill the Adderall prescription and Respondent would take some of the Adderall pills from H L 's purse. Respondent would personally consume the Adderall he obtained from H.L. H.L. never went to Respondent as a patient and Respondent did not keep any patient records for H L
- c. On or about June 18, 2012, Respondent wrote a prescription for Adderall to T.P. (name withheld to protect identity). T P then had the prescription for Adderall filled at a pharmacy and gave the pills to Respondent. Respondent personally consumed the Adderall pills that he received T P never went to Respondent as a patient and Respondent did not keep any patient records for T.P.
- d. Respondent desires to surrender Respondent's licenses to practice as a physician/surgeon and to administer and prescribe in the State of Utah, along with all residual rights pertaining to said licenses.

8 Respondent admits that the findings of fact described above constitute unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a), (e), (h), (k), and (m), and unlawful conduct as defined in Utah Code Ann § 58-1-501(1)(f)(i)(B), and that said conduct

justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) and (b). Respondent hereby surrenders Respondent's licenses to practice as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah as well as all residual rights pertaining to said licenses. Respondent agrees that the issuance of the Order in this matter constitutes disciplinary action by the Division pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2)(a). Respondent agrees not to reapply for licensure as a physician/surgeon or to administer and prescribe controlled substances in the State of Utah until the following occurs: (1) Five (5) years elapses from the date the Division Director signs this Stipulation and Order; (2) Respondent successfully completes comprehensive evaluations, including chemical dependency, psychological, neuropsychological, and any other evaluation recommended by the evaluator within three months of the date of application by an evaluator pre-approved by the Division; (3) the clinical director of the pre-approved evaluating facility shall submit a fitness for duty letter to the Division stating that Respondent may safely practice as a physician/surgeon and to administer and prescribe controlled substances and provide recommendations and/or conditions for Respondent to safely practice, and (4) Respondent has successfully completed all criminal sanctions related to the conduct described in paragraph 7 above. The Division does not guarantee that any future application by Respondent for licensure will be granted. If a future license is granted, it may be granted subject to further terms and conditions in another stipulated agreement. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice

as a physician/surgeon and to administer and prescribe controlled substances in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudice they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation

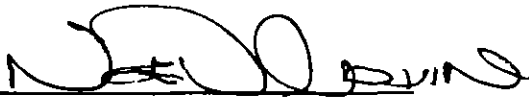
11 Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

12 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

13. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

RESPONDENT

BY:   
NOEL TAXIN  
Bureau Manager

BY:   
JAMES ALLEN MILLER  
Respondent

DATE: 12/11/12

DATE 12/11/12

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY:   
KARL G. PERRY  
Assistant Attorney General

DATE: 12/11/2012

**ORDER**

THE ABOVE STIPULATION, in the matter of **JAMES MILLER**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 11<sup>th</sup> day of December, 2012.

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
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**MARK B. STEINAGEL**  
Director

Investigator Dan Briggs