

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF OSTEOPATHIC MEDICINE**

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

v.

**Lawrence I. Miller, D.O.,
Respondent**

**File No.: 20-53-011589
20-53-012098**

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and **Lawrence I. Miller, D.O.** ("Respondent") stipulate as follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Medicine ("Board") pursuant to the Osteopathic Medical Practice Act of 1978, act of October 5, 1978, P.L. 1109, No. 261, ("Act"), as amended, 63 P.S. §§ 271.1-271.19; the Medical Care Availability and Reduction of Error ("MCARE") Act, Act of March 20, 2002, P.L. 154, No. 13, *as amended*, 40 P.S. §§ 1303.101-1303.910; and/or Act 53 of 2020, 63 Pa. C.S. §§ 3101-3118.

LICENSURE STATUS

2. At all relevant and material times, Respondent held a license to practice as an osteopathic medical physician and surgeon in the Commonwealth of Pennsylvania, license no. OS009548L, which was originally issued on August 14, 1997, and which is set to expire on October 31, 2018. However, Respondent's license has been suspended since June 13, 2018 based on the below combined filings:

Prothonotary Filed On:
Jun 14 2021 11:38 AM
Department of State

a. On or about June 13, 2018, a Petition for Immediate Temporary Suspension at File no. 17-53-013671 was submitted to and approved the Board's Probable Cause Screening Committee¹, which immediately suspended Respondent's license. Pursuant to a July 6, 2018 Order of the Hearing Examiner, the Immediate Temporary Suspension of Respondent's license was continued.

b. Pursuant to a Consent Agreement and Order at File no. 18-53-005429 approved on August 23, 2018, Respondent's license was indefinitely suspended pending the outcome of the criminal case that is the basis for the below stated violation.

c. On or about August 31, 2020 a Petition for Automatic Suspension at File no. 18-53-008576 was filed, which further suspended Respondent's license and was upheld by a March 12, 2021 Final Order of the Board.

STIPULATED FACTS

3. The Respondent admits that the following allegations are true:

a. Absent further Board action, Respondent's license may be continually reactivated, renewed, or reinstated upon the filing of the appropriate documentation and payment of the necessary fees.

b. Respondent's last known address on file with the Board is 1000 Walnut Street, Suite 116 Lansdale, PA 19446.

c. On or about September 12, 2018, a Criminal Complaint was filed in Montgomery County by the Hatfield Township Police Department.

¹ The probable cause screen committee that approved the Petition was made up of: Christopher S. Poggi, DO, Burton T. Mark, DO, and John B. Bulger, DO.

d. On or about October 23, 2019, in the Court of Common Pleas of Montgomery County, Pennsylvania, the Respondent pleaded *nolo contendere* in the case of Commonwealth of Pennsylvania vs. Lawrence Ian Miller, Docket No. CP-46-CR-0005736-2018, to the aforementioned two (2) Counts under the Drug Act, set forth again as follows:

(1) Violation of the Drug, Device and Cosmetic Act- Unlawful Prescribing, 35 P.S. § 780-113(a)(14), [Schedule II Substance] graded as an ungraded felony.

(2) Violation of the Drug, Device and Cosmetic Act- Unlawful Prescribing, 35 P.S. § 780-113(a)(14), [Schedule IV Substance] graded as an ungraded felony.

e. On or about January 28, 2020, Respondent was sentenced to²:

(1) First Count (described above) - A term of five (5) years non-reporting probation, serve two hundred (200) hours of community service, pay costs of prosecution along with other terms and conditions, not to practice medicine during supervision, to forfeit his DEA license³ for prescribing controlled substances, and defendant will not seek to reinstate his DEA license while on supervision; and

(2) Second Count (described above) – A term of consecutive probation of three (3) years, to run

² The total term of probation of Respondent was no less than eight (8) years from January 28, 2020. The sentencing requirement that Respondent not practice medicine is for the duration of this period of probation.

³ The sentencing judge inaccurately described the DEA registration as a “license”, so to remain consistent with the sentencing judge’s order, the parties have agreed to describe the sentence using the judge’s term of “license.”.

consecutively with Count Two (2), along with other terms and conditions.

MITIGATION

f. Without stipulating to the facts therein, the Commonwealth is agreeable to Respondent's inclusion of the following mitigation:

(1) Respondent has completed the 200 hours of community service required by the sentencing judge.

(2) Respondent has completed well over 100 hours of CME for the past biennial renewal periods.

(3) At his own expense, in the spring of 2020, Respondent underwent a full assessment and evaluation of his current medical practice competency by the LifeGuard Program of the Pennsylvania Medical Society Foundation. In all competency assessments, Respondent met the standards, and in most areas exceeded the standards.

(4) The criminal charges and the subsequent licensure actions were based on one set of allegations of improper prescribing of controlled substances, ending in July 2018.

AUTHORITY OF THE BOARD

4. The Board is authorized to suspend, revoke, or otherwise restrict Respondent's license pursuant to Section 15(a) of the Act, 63 P.S. § 271.15(a), or impose a civil penalty and/or costs of investigation upon Respondent pursuant to Section 908 of the MCARE Act, 40 P.S. § 1303.908 and/or 63 Pa. C.S. §§ 3108(b)(4) and 3108(b)(5), because Respondent was convicted of a felony

in the courts of this Commonwealth, a Federal Court, or a court of any other state in violation of Section 15(a)(3), 63 P.S. § 271.15(a)(3), which is a criminal offense the Board has deemed as directly related to Respondent's occupation, trade or profession and as such Respondent poses a substantial risk to the health and safety of the individual's patients or the public or a substantial risk of further criminal convictions. 63 Pa.C.S. §3113(b)(1); 63 Pa.C.S. §3117(a)(1).

PROPOSED ORDER

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

RESTRICTED PRACTICE AND LICENSURE

a. Respondent's license to practice as an osteopathic medical physician and surgeon in the Commonwealth of Pennsylvania issued by the Board to Respondent at the time this Consent Agreement is adopted by the Board is hereby reinstated and immediately placed into Active-Retired status, and it shall remain in that state until such time as Respondent applies for and receives approval from the Board for the reinstatement of Respondent's authorization(s) to practice the profession as provided for below.

b. The Respondent's period of active-retired status shall be subject to the following terms and conditions:

(1) Upon the effective date of the Consent Agreement, and during any period of active-retired licensure, Respondent shall cease and desist from practicing as an osteopathic medical physician and surgeon in any capacity except for those identified as specifically allowable

under the terms of this agreement, and shall not represent himself to be licensed by the Board except as active-retired.

(2) The Respondent shall not engage in the practice of the profession other than with regard to: 1) engaging lectures/teaching; however, any such lectures/teaching may not include any clinical action or have any interactions with patients, and 2) perform document/insurance review; however, any such reviews may not include any interactions with patients.⁴

(3) Respondent shall abide by and obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions and all rules and regulations and laws pertaining to the practice as an osteopathic medical physician and surgeon in this Commonwealth or any other state or jurisdiction in which Respondent holds an authorization to practice the profession. Provided, however, summary traffic violations shall not constitute a violation of this Order.

(4) Respondent shall at all times cooperate with the Bureau of Professional and Occupational Affairs ("Bureau"), any of its agents or employees and the Bureau

⁴ Prior to the drafting and submission of the within Consent Agreement, this prosecuting attorney confirmed with the Montgomery County District Attorney's office that the aforementioned practices would not be deemed to be in violation of the terms of the Respondent's criminal sentencing order.

of Enforcement and Investigation ("BEI") and its agents and employees, in the monitoring, supervision and investigation of Respondent's compliance with the terms and conditions of this Order, including Respondent causing to be submitted at his own expense written reports, records and verifications of actions that may be required by the Bureau, BEI or any of its agents or employees.

(5) Respondent shall not falsify, misrepresent, or make material omission of any information submitted pursuant to this Order.

(6) During any period of Ordered Probation, Respondent shall supply any current professional employer with a copy of this Consent Agreement and Order.

(7) Within fifteen (15) days of the date of this Order, and within (15) days of the date of any change in professional employer Respondent shall submit to BEI written verification that the professional employer *a)* has received a copy of this Consent Agreement and Order, *b)* understands the conditions of this restricted practice, *c)* has limited the job/position duties to the confines of the allowed practice under the terms of this agreement, and *d)* has obtained or been provided with any necessary insurance required to perform the job/position duties. If Respondent is

or becomes self-employed, Respondent shall submit a statement to that effect to BEI and shall produce any requisite documentation to BEI to conform to the above requirements of the verification of a professional employer.

(8) Unless otherwise directed, Respondent, his professional employer, and/or any other person needing or required to make reports or provide information under this Order concerning Respondent's practice shall cause those reports, data or other information to be filed with BEI at:

Probation Compliance Officer Bureau of Enforcement and Investigation 2601 North 3 rd Street Harrisburg, PA 17110 717-783-7230
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REINSTATEMENT

c. Respondent may apply for the reinstatement of his license to practice as an osteopathic medical physician and surgeon in the Commonwealth of Pennsylvania to full unrestricted status under the following terms and conditions:

(1) As a condition precedent to reinstatement of Respondent's license to practice as an osteopathic medical physician and surgeon in the Commonwealth of Pennsylvania, Respondent shall have the burden of demonstrating to the satisfaction of the Board that he is in compliance with all terms of his criminal sentencing order(s), with the exception of the payment of any restitution. If the sentencing judge in the Montgomery County case referenced above modifies the sentencing order to allow Respondent

to practice medicine during the period of unsupervised probation, Respondent's reinstatement request to the Board shall include a copy of the modification order and Respondent shall demonstrate to the Board that he is in compliance with all the terms of the modified order.

(2) Respondent's application for reinstatement shall include with it any requisite fees, along with proof that Respondent has complied with any continuing education requirements in effect at the time of the application for the reinstatement of Respondent's license to practice as an osteopathic medical physician and surgeon in this Commonwealth. Respondent acknowledges that the continuing education requirements may be subject to statutory and/or regulatory change between the date of this Order and the date of Respondent's application for reinstatement. It shall be the duty of Respondent to confirm and comply with all of the requirements for reinstatement, including completion of any required continuing education, prior to submission of any application for reinstatement.

(3) Respondent's application for reinstatement shall also include the following:

- (i) A current Criminal History Record Information (a/k/a "Criminal Record Check") from the state-wide governmental agencies of all states where the Respondent has resided since January 1,

2021, compiled no more than three (3) months prior to the Petition for Reinstatement;

(ii) A signed verification that Respondent has not practiced as an osteopathic medical physician and surgeon outside the terms of this agreement; and

(4) Respondent shall comply with any and all other requirements of reinstatement imposed by the Board and/or set forth in the Act.

(5) Respondent acknowledges if the Respondent applies for reinstatement of his license, the Board may administratively reinstate his license, or the Board may take actions, which include, but are not limited to:

(i) requiring the Respondent to appear at a formal or informal hearing to determine the Respondent's honesty, trustworthiness, integrity, and competency,

(ii) with due consideration of Respondent's successful completion of the LifeGuard assessment regarding competency in the practice of osteopathic medicine, should Respondent submit his application for reinstatement more than four (4) years after the completion of the LifeGuard assessment, the Board may make the reinstatement

contingent upon Respondent first attending and successfully completing additional remedial education courses in topics specified by the Board, and/or making the reinstatement contingent upon Respondent retaking and successfully passing the applicable examination.

d. Respondent's failure to fully comply with any terms of this Order may also constitute grounds for additional disciplinary action.

e. This Order constitutes disciplinary action by the Board and shall be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action by the Board.

f. The above captioned case(s) shall be deemed settled and discontinued upon the Board issuing an Order adopting this Consent Agreement.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

6. Respondent agrees that this Consent Agreement and Order shall be admitted into evidence, without objection, in any proceeding before the Department of State.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

7. Respondent waives the filing of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter and the following rights related to that hearing: to be represented by counsel; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any adverse final decision.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

8. Respondent acknowledges the right to consult with and be represented by private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering, and accepting the terms of this Consent Agreement.

WAIVER OF CLAIMS

9. Should the Board vote not to adopt the Order proposed in this Consent Agreement, the presentation and consideration of this Consent Agreement shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. Respondent expressly waives the right to raise any claims or issues, including any and all constitutional claims or issues, which may arise or have arisen during the review, presentation, and deliberation of this Consent Agreement. These claims or issues include, but are not limited to, bias, the commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Board, in its discretion, recommending a different sanction based upon the facts set forth in the Consent Agreement. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at a hearing unless otherwise separately stipulated.

NO MODIFICATION OF ORDER

10. Respondent agrees not to seek modification of the Order adopting and implementing this Consent Agreement without first obtaining the express written permission from the prosecution division. Any modification is at the sole discretion of the Board.

AGREEMENT NOT BINDING UNTIL APPROVED

11. This Consent Agreement is between the Commonwealth and Respondent. The Office of General Counsel has approved this Consent Agreement as to form and legality. The disciplinary

provisions of this Consent Agreement do not take effect unless and until the Board issues an order adopting this Consent Agreement.

ENTIRE AGREEMENT

12. This Consent Agreement contains the entire agreement between the parties. There are no other terms, obligations, covenants, representations, statements, or conditions, oral or otherwise, of any kind whatsoever concerning this agreement.

AGREEMENT DOES NOT PREVENT FUTURE DISCIPLINE

13. Nothing in this Order shall preclude the prosecution division of the Department of State from filing charges, or the Board from imposing disciplinary or corrective measures, for violations or facts not contained in this Consent Agreement.


VERIFICATION OF FACTS AND STATEMENTS

14. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that the statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

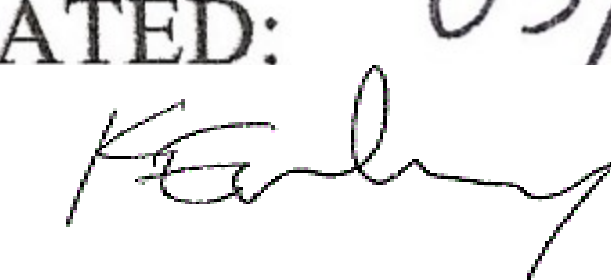
/s/ Jason Anderson

Jason Anderson
Acting Senior Prosecuting Attorney

DATED: 5/19/21



Lawrence I. Miller, DO
Respondent

DATED: 05/18/21


Kerry Maloney, Esq.
Attorney for Respondent

DATED: 5/18/21

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Respondent**

ORDER

AND NOW, this **14th** day of **June** 2021, the **STATE BOARD OF OSTEOPATHIC MEDICINE** ("Board") adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



K. Kalonji Johnson
Commissioner

For the Commonwealth:

For the Respondent:

Date of mailing:

**BY ORDER:
STATE BOARD OF OSTEOPATHIC
MEDICINE**



Randy G. Litman, D.O.
Chair

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06/14/2021