

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

---

IN THE MATTER  
OF  
BERNARD MILLER, M.D.

CONSENT  
ORDER  
BPMC No. #08-118

---

Upon the proposed agreement of **BERNARD MILLER, M.D.** (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

ORDERED, that the application and the provisions thereof are, hereby, adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 7-2-2008

Redacted Signature

---

KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional  
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

---

IN THE MATTER  
OF  
BERNARD MILLER, M.D.  
CO-07-10-6288-A

---

CONSENT  
AGREEMENT  
AND ORDER

**BERNARD MILLER, M.D.** (Respondent) being duly sworn deposes and says:

That on or about January 9, 1969, I was licensed to practice as a physician in the State of New York, having been issued License No. 102900 by the New York State Education Department.

My current address is : Redacted Address, Tucson, AZ 85750.

I understand that the New York State Board For Professional Medical Conduct has charged me with two (2) specifications of professional medical misconduct, based solely upon the Arizona Medical Board, October 12, 2007, Consent Agreement in case # MD-06-0988A.

A copy of the Statement of Charges, marked as Exhibit "A," is attached to and part of this Consent Agreement.

I agree not to contest Factual Allegations A and B(1) and the Second Specification, in full satisfaction of the charges against me.

As I have not practiced medicine in New York state in many years and I do not intend to return to practice medicine in New York state, and I have, in fact, retired from the practice of medicine, I agree, hereby, to the following penalty:

to never activate my registration to practice medicine in New York state.

I stipulate, hereby, that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I make, hereby, this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree, that in the event the Board grants my Application, as set forth herein, an Order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED: 6/23/08

Redacted Signature  
Bernard Miller  
BERNARD MILLER, M.D.  
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: June 18, 2008

Redacted Signature

ANNE M. FULTON-CAVETT, ESQ.  
Attorney for Respondent

DATE: 25 June 2008

Redacted Signature

ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 6/27/08

Redacted Signature

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

---

**IN THE MATTER**  
**OF**  
**BERNARD MILLER, M.D.**  
**CO-07-10-6288-A**

---

**STATEMENT**  
**OF**  
**CHARGES**

**BERNARD MILLER, M.D.**, Respondent, was authorized to practice medicine in New York state on January 9, 1969, by the issuance of license number 102900 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A On or about October 12, 2007, the Arizona Medical Board (hereinafter "Arizona Board"), by a Consent Agreement (hereinafter "Arizona Agreement), issued Respondent a Letter of Reprimand, based on gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient.

B. The conduct resulting in the Arizona Board disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
  2. New York Education Law §6530(4) (gross negligence);
  3. New York Education Law §6530(5) (incompetence on more than one occasion);
- and/or
4. New York Education Law §6530(6) (gross incompetence).

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *April 9*, 2008  
Albany, New York

Redacted Signature   
\_\_\_\_\_  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct