

BEFORE THE BOARD OF MEDICINE

STATE OF NORTH DAKOTA

North Dakota Board of Medicine – )  
Investigative Panel B, )  
Complainant, )  
vs. )  
Halbert B. Miller, M.D., )  
Respondent. )

**COMPLAINT**

COMES NOW, the Complainant, North Dakota Board of Medicine – Investigative Panel B, and for its Complaint against the Respondent, Halbert B. Miller, alleges and states as follows:

I.

Investigative Panel B of the North Dakota Board of Medicine (“Board”) is authorized pursuant to N.D.C.C. Chapter 43-17.1 to conduct investigations related to the practice of any physician licensed to practice in this state and file a formal complaint against any licensed physician with the North Dakota Board of Medicine.

II.

Halbert B. Miller M.D., was a physician licensed to practice medicine in the State of North Dakota.

FACTS

III.

At all times mentioned herein, Respondent had a North Dakota license to practice medicine and periodically worked as a locum tenens practicing psychiatry in Fargo, North Dakota.

IV.

Respondent began prescribing “stopgap” medications for Patient A from July 2014 to November 2014. The “stopgap” prescriptions Respondent prescribed for Patient A included controlled substances. During the time that Respondent was prescribing medication for Patient A, Respondent was also engaged in a romantic relationship with Patient A. While Respondent was prescribing medication for Patient A, Respondent failed to maintain medical records regarding his treatment and/or prescribing for Patient A. Respondent’s actions described above subjects him to discipline for engaging in conduct that is dishonorable, unethical, or unprofessional and likely to deceive, defraud, or harm the public as proscribed by N.D.C.C. § 43-17-31(6).

WHEREFORE, Complainant respectfully requests Respondent, Halbert B. Miller, M.D., be disciplined for his violations of N.D.C.C. § 43-17-31 and seeks an appropriate sanction(s) for those violations as authorized by N.D.C.C. § 43-17-30.1. Complainant also respectfully requests that the Board be awarded its costs and attorney’s fees in having to bring this action pursuant to N.D.C.C. § 43-17-31.1.

**NOTICE:** Respondent must answer this Complaint within twenty-one days after service of the complaint or the allegations may be deemed admitted and may result in a default order revoking the subject license. Such answer must be served in the manner allowed for service under the North Dakota Rules of Civil Procedure.

Dated this 22<sup>nd</sup> day of April, 2016.

By Stacy M. Moldenhauer

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Attorney for: North Dakota Board of  
Medicine – Investigative Panel B

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 )  
 Respondent. )

STIPULATION

WHEREAS, the North Dakota Board of Medicine (hereinafter "the Board") issued a Complaint requesting Respondent be disciplined for his violations of the North Dakota Medical Practice Act pursuant to N.D.C.C. § 43-17-31 and that the Board be awarded its costs and attorney's fees in accordance with N.D.C.C. § 43-17-31.1.

WHEREAS, the Respondent admits service of the Summons and Complaint and agrees that the facts alleged in the Complaint of Investigative Panel B dated April 13, 2016, are true and are grounds for disciplinary action by the North Dakota Board of Medicine and that the terms of this Stipulation are appropriate;

THEREFORE, IT IS HEREBY agreed by and between the parties to this action and the North Dakota Board of Medicine:

1. The Respondent hereby waives any procedural irregularity herein and his right to a hearing on the Complaint now pending in this action;
2. The Respondent agrees that his license to practice medicine in the State of North Dakota should be suspended for a period of one year with such suspension stayed for a period of three years as long as Respondent completes the following:

- a. Respondent shall attend and successfully complete the Vanderbilt Maintaining Proper Boundaries Course. Respondent will be fully responsible for any and all costs associated with taking this course. Respondent will also be responsible for providing proof of successful completion of the Vanderbilt course to the Board. Respondent must complete the Vanderbilt course within 6 months from the date of the Board's Order.
  - b. Respondent shall also attend and successfully complete the Prescribing Controlled Drugs: Critical Issues and Common Pitfalls course offered by CPEP and/or Vanderbilt's Center for Professional Health. Respondent will be fully responsible for any and all costs associated with taking this course. Respondent will also be responsible for providing proof of successful completion of the prescribing course to the Board. Respondent must complete the prescribing course within 6 months from the date of the Board's Order.
  - c. Respondent shall have no further violations of the Medical Practices Act.
3. Respondent shall also be responsible for paying the costs and attorney's fees incurred by the Board in the investigation and prosecution of this action in an amount not to exceed \$3500.00. The Board will notify the Respondent of any such costs within a reasonable time after the Stipulation is approved by the Board and Respondent shall make payment within (30) days from receiving such notification.
  4. If Respondent shall fail, neglect, or refuse to comply with any of the terms, provisions, or conditions herein, the license of the Respondent to practice medicine in the State of North Dakota should be revoked in accordance with the law.
  5. In the event the Board, in its discretion, does not approve this settlement, this

Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation, and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

6. This agreement for the disposition of the above-entitled contested case is a matter of public record and the obligations of the Board with respect thereto shall be governed by the laws of North Dakota and current Board policy.

7. All parties hereto recognize that the Board representatives who have engaged in discussions relative to an agreed disposition of this matter can only make recommendations to the North Dakota Board of Medicine, which recommendations can in no way be considered as binding upon the full membership of the Board who would ultimately decide the pending contested case, and this agreement is subject to acceptance by the full membership of the Board.

8. Respondent understands that he has the right and has been afforded the opportunity to have this agreement reviewed by an attorney. Respondent has retained Lance Schreiner to represent him in this matter.

9. Respondent specifically waives any claim that any disclosures made to the full membership of the Board for the purposes of consideration of this agreement have prejudiced him right to a fair and impartial hearing in the event that this agreement is not accepted by the full Board and if further proceedings ensue.

10. Respondent further agrees that there have been no inducements, threats or promises made in order to obtain his entry into this agreement.

11. The parties further agree that all statements contained herein are based upon the

facts known to the Board on the date of execution of this agreement.

Date this 28<sup>th</sup> day of June, 2016.

~~Halbert B. Miller~~ M.D.  
Halbert B. Miller M.D.

Dated this 30<sup>th</sup> day of June, 2016.

By Stacy M. Moldenhauer  
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Respondent. )

**ORDER**

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WHEREAS, Investigative Panel B of the North Dakota Board of Medicine issued a Complaint against Respondent on April 13, 2016 alleging Respondent prescribed Patient A with “stopgap” medication from July 2014 to November 2014. The “stopgap” prescriptions were controlled substances and while Respondent was prescribing these medications to Patient A Respondent failed to maintain medical records regarding his treatment and/or prescribing for Patient A. Respondent was also involved in a romantic relationship with Patient A while he was prescribing to her. Based upon the above described allegations, Investigative Panel B requested Respondent be disciplined because such acts and/or conduct constitute unprofessional, unethical, and/or dishonorable conduct that is likely to deceive, defraud or harm the public pursuant to N.D.C.C. § 43-17-31(6).

WHEREAS, Respondent and Investigative Panel B entered into a voluntary Stipulation dated June 30, 2016, wherein Respondent admitted the facts alleged in the complaint were true and were grounds for the Board to discipline him.

WHEREAS, the North Dakota Board of Medicine finds that the terms of that Stipulation



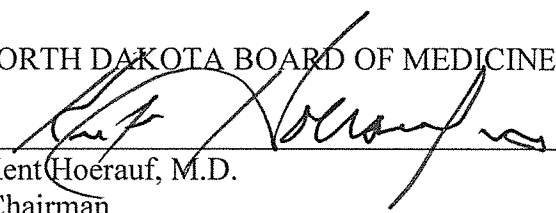
are an appropriate disposition of this case.

IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice medicine in the State of North Dakota should be suspended for a period of one year with that suspension stayed for a period of three years on the conditions that Respondent completes the following requirements:
  - a. Respondent shall provide proof of successfully complete the Vanderbilt Maintaining Property Boundaries Course at his expense, within six months from the date of this Order; and
  - b. Respondent shall provide proof of successfully completely the Prescribing Controlled Drugs: Critical Issues and Common Pitfalls Course offered by CPEP and/or Vanderbilt's Center for Professional Health. Respondent is required to pay for all expenses of such course and required proof of completing said course within six months from the date of this Order.
  - c. Respondent shall have no further violations of the Medical Practices Act.
2. Respondent shall be required to pay the costs of the prosecution of this action not to exceed \$3,500.00.

This Order is effective July 22, 2016.

NORTH DAKOTA BOARD OF MEDICINE

  
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Kent Hoerauf, M.D.  
Chairman