

LICENSE NO. G-8286

IN THE MATTER OF

BEFORE THE

THE LICENSE OF

GEORGE GIVENS MILLER, M.D.

TEXAS MEDICAL BOARD

AGREED ORDER

On the 20 day of August, 2021, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of George Givens Miller, M.D. (Respondent).

On April 15, 2021, Respondent appeared in person, with counsel, Brian Tew, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were LuAnn Morgan, a member of the Board, and Courtney Townsend, Jr., M.D., a member of a District Review Committee (Panel). Nikki Karr represented Board Staff and prepared this Order.

BOARD CHARGES

Board Staff charged that Respondent aided and abetted a chiropractor in the unlicensed practice of medicine in offering regenerative medicine to patients; falsely marketed "stem cell" treatments; failed to maintain adequate medical records and to obtain adequate informed consent from two patients; and failed to follow the requirements of Board Rule 200 governing complementary and alternative therapies.

BOARD HISTORY

Respondent has had a prior Order with the Board.

On November 7, 2014, Respondent entered into a Mediated Agreed Order that required Respondent to complete eight hours of Continuing Medical Education (CME) due to Respondent's failure to report the emergency suspension of his privileges at West Houston Medical Center to the Board when he filed for renewal in 2006 and 2008. On March 23, 2015, the Mediated Agreed Order was terminated due to Respondent's completion of all requirements.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds the following:

1. General Findings:

- a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the Act) or the Rules of the Board.
- b. Respondent currently holds Texas Medical License No. G8286. Respondent was originally issued this license to practice medicine in Texas on August 23, 1985. Respondent states he is also licensed in Arkansas.
- c. Respondent is primarily engaged in the practice of cardiovascular disease and internal medicine. Respondent is board certified by the American Board of Internal Medicine with a subspecialty certification in cardiovascular disease.
- d. Respondent is 62 years of age.

2. Specific Panel Findings:

- a. Respondent aided and abetted a chiropractor in the unlicensed practice of medicine. The chiropractor advertised and offered 'stem cell' injections to patients, which were allograft products with little to no live stem cells that are not approved by the Food and Drug Administration (FDA). The chiropractor ordered the products, recommended the treatment plan, provided inadequate consent forms for the treatments. The two patients were billed \$38,500 and \$13,000, respectively, for the services.
- b. Respondent, as an independent contractor, performed the injections for two patients in the chiropractor's office without documenting sufficient medical rationale for his care. Respondent received a nominal fee for the injections by the chiropractor and did not bill the patients himself.

- c. Respondent failed to obtain informed consent from the patients, because the consent documents misrepresented the nature of the procedures being performed and there was no documentation to indicate Respondent provided sufficient information on the treatment prior to performing them.
 - d. Respondent failed to prescribe or administer the allograft products to the patients in conformity with Board Rule 200, requiring adequate patient assessment and disclosure of complementary and alternative treatments.
 - e. Respondent has voluntarily agreed not to administer any human cell, tissue, or cellular or tissue-based product (HCT/P), stem cells, or allograft as defined by 21 CFR §1271; 42 U.S.C. 264, Sections 351 and 361 (Public Health Service Act), or Texas Health and Safety Code, Chapter 1003.
3. Mitigating Factors:
- a. Respondent cooperated in the investigation of the allegations that resulted in this Agreed Order.
 - b. Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

- 1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
- 2. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a Board rule, specifically Board Rules: 165.1, which requires the maintenance of adequate medical records; and 200.3, requiring adherence to those established standards for physicians practicing complementary and alternative medicine.
- 3. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable

professional manner consistent with public health and welfare, as further defined by Board Rules: 190.8(1)(C), failure to use proper diligence in one's professional practice; 190.8(1)(I), failure to obtain informed consent from the patient or other person authorized by law to consent to treatment on the patient's behalf before performing tests, treatments, or procedures, and 190.8(1)(k), prescription or administration of a drug in a manner that is not in compliance with Chapter 200 of this title (relating to Standards for Physicians Practicing Complementary and Alternative Medicine).

4. Section 164.052(a)(17) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent directly or indirectly aiding or abetting the practice of medicine by a person, partnership, association, or corporation that is not licensed to practice medicine by the Board.

5. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.

6. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.

2. Within one year following the date of the entry of this Order, Respondent shall take and pass with a score of 75 or above the Medical Jurisprudence Examination ("JP Exam") given by the Texas Medical Board. Respondent is allowed three attempts to successfully pass this examination.

Respondent's failure to take and pass the JP Exam within three attempts within one year following the date of the entry of this Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's

medical license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Respondent from the Executive Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Medical Practice Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.** Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

3. Within one year from date of the entry of this Order, Respondent shall enroll in and successfully complete the medical recordkeeping course offered by the University of California San Diego Physician Assessment and Clinical Education (PACE) program, or an equivalent course approved in advance by the Executive Director or a designee. To obtain approval for a course other than the PACE course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content, faculty, course location, and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course.

4. Within one year from the date of the entry of this Agreed Order, Respondent shall enroll in and successfully complete at least **16 hours** of continuing medical education (CME)

approved for Category I credits by the American Medical Association or the American Osteopathic Association, divided as follows: **eight hours in the topic of ethics and eight hours in the topic of informed consent**; each approved in writing in advance by the Executive Director or a designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Department information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Department on or before the expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance..

5. Within 30 days from the date of entry of this Order, Respondent shall submit to the Compliance Division of the Board, for review and approval by the Executive Director of the Board, all consent forms for complementary and alternative medicines, including stem cell treatments. Respondent shall have an ongoing duty to submit these forms for the Board's review and approval within 10 days of any change. Respondent's failure to do so shall constitute a violation of this Order.

6. Respondent shall pay an administrative penalty in the amount of **\$6,000 within six months** of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

7. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities in Texas where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

8. Pursuant to Board Rule 189.15, the time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) this Order is stayed or enjoined by Court Order; or (c) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine and such cessation in practice is NOT due to a suspension of Respondent's license. Respondent shall immediately notify the Board in writing in the event that Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days. Upon Respondent's return to active practice or return to Texas, Respondent shall notify the Board in writing. Upon return to Texas or active practice, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling. Tolling shall be in accordance with Board Rule 189.15.

9. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

10. Respondent shall inform the Board in writing of any change of Respondent's practice or mailing address within 10 days of the address change. This information shall be submitted to the Registrations Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days' notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance with this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent agrees that any proceeding related to this Order may be held in person, by teleconference, or by videoconference at the discretion of the Board.

11. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

12. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

13. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos. 2, 3, 4, 5 and 6.

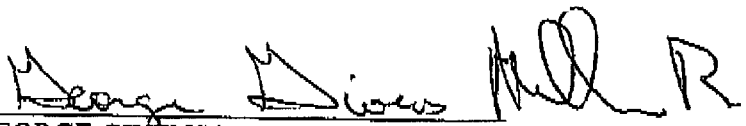
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

(SIGNATURE PAGES FOLLOW)

I, GEORGE GIVENS MILLER., M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

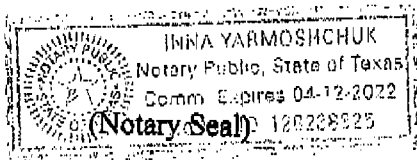
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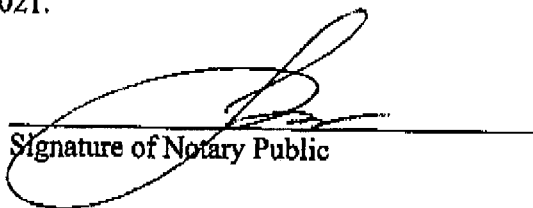

GEORGE GIVENS MILLER., M.D.
Respondent

STATE OF Texas
COUNTY OF Fort Bend


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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 23 day of June, 2021.




Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
20 day of August, 2021.



Sherif Z. Zaafran, M.D., President
Texas Medical Board