



DEPARTMENT OF HEALTH

INVESTIGATIVE REPORT

Office: Alachua		Date of Case: July 24, 2012		Case Number: 2012-10809	
Subject: JOSEPH MILLER, DO 11521 W Emerald Oaks Drive Crystal River, FL 34428 (W) 352-794-6060			DEPARTMENT OF HEALTH/ INVESTGATIVE SERVICES UNIT-ALACHUA		
Prefix: OS/1901	License #: 10658	Profession: Osteopathic Physician	Board: Osteopathic Medicine	Report Date: 08/02/2012	
Period of Investigation: 07/25/2012 to 08/02/2012			Type of Report: FINAL		
Alleged violation: Section(s) 459.0141 and 459.015(1)(g)(l)(pp) FSS; Sexual misconduct in the practice of osteopathic medicine...Failing to perform any statutory or legal obligation...Exercising influence within a patient-physician relationship...Violating any provision of this chapter or chapter 456...					
<p>Synopsis: This investigation is predicated upon the receipt of an internally generated complaint (Case Summary and attachments, Exhibit #1), submitted by the Alachua Investigative Services Unit, with regard to MILLER. According to an article in the Citrus County Chronicle, MILLER was arrested and charged with one count of sexual battery. The article stated, a female patient contacted MILLER about pain in her arm, and MILLER told her could see her after hours. The patient went to MILLER's office expecting a routine check-up. There were reportedly no female staff members present when the patient arrived. MILLER allegedly examined her intimately. MILLER allegedly performed sex acts on the patient without her consent and made inappropriate sexual remarks towards her.</p> <p>MILLER was notified of the investigation in person and was provided a notification letter (Exhibit #2), dated 07/26/2012 and provided a copy of the Case Summary</p> <p>A check of DOH computer licensure records revealed MILLER is currently an Osteopathic Physician. <i>As of this writing, MILLER has not provided Investigator KNEZEVICH a copy of his curriculum vitae.</i></p> <p>Patient Notification Letters were deemed unnecessary by Investigator KNEZEVICH. Law Enforcement is involved and request the patient not be contacted.</p> <p>MILLER is represented by RONALD KOZLOWSKI, PA with the law office of Larry Gibb Turner, PL, 204 W University Avenue, Suite 7, Gainesville, FL 32601, (352) 372-4263. A letter of legal representation is Exhibit #3.</p> <p>When notified of this investigation, MILLER made the unsolicited comment that this accusation was a complete lie. MILLER also made the statement that the allegation comes on the heels of a "nasty divorce."</p>					
Related Case:					
Investigator/Date: Michael Knezevich, GI-27			Approved By/Date: William Schauer, Investigation Manager 2012		
Distribution: HQ/ISU					

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TABLE OF CONTENTS

I. INVESTIGATIVE REPORT COVER1

II. TABLE OF CONTENTS2

III. INVESTIGATIVE DETAILS

 Case Summary3

 Summary of Exhibits / Records / Documents3

 Interview/Statements

 Lt. Justin Ferrara (witness)..... 3-4

 Sgt Mike Kanter (witness)4

 Joseph Miller (subject)4

 Investigator Notes.....4

IV. EXHIBITS

* 1. Case Summary and attachments.....5-10

* 2. Copy of Notification letter, dated 0726/2012.....11

* 3. Letter of legal representation, dated 07/26/2012 from KOZLOWSKI..... 12

* 4. Citrus County Sheriff’s Office investigative report..... 13-50

* 5. Confidential Index of Patient/Subject names.....51

*** EXHIBITS CONTAIN INFORMATION WHICH IDENTIFIES PATIENT(S) BY NAME AND ARE SEALED PURSUANT TO SECTION 456.057(10)(a), FLORIDA STATUTES**

**** THESE RECORDS ARE SEALED PURSUANT TO SECTION 456.057(10)(a), FLORIDA STATUTES AND COPIES OF SAME ARE NOT MAINTAINED IN THE ALACHUA INVESTIGATIVE OFFICE**

***** THIS EXHIBIT CONTAINS CONFIDENTIAL RECORDS CONCERNING REPORTS OF ABUSE, NEGLECT OR EXPLOITATION OF THE VULNERABLE ADULT, INCLUDING REPORTS MADE TO THE CENTRAL ABUSE HOTLINE, AND IS SEALED PURSUANT TO SECTION 415.107(1), FLORIDA STATUTES**

INVESTIGATIVE DETAIL

CASE SUMMARY

On 07/24/2012 The Florida Department of Health Consumer Services Unit received an internally generated complaint (Healthcare Practitioner Complaint Form and attachments, Exhibit #1), submitted by the Alachua Investigative Services Unit, with regards to MILLER. According to an article in the Citrus County Chronicle, MILLER was arrested and charged with sexual battery. The article alleges a female patient of MILLER's contacted him about pain in her arm. MILLER allegedly told the patient he could see her after hours. The patient went to MILLER's office expecting a routine check-up. According to the article, there were no female office staff present when the patient arrived and MILLER examined the patient "intimately." MILLER allegedly performed sex acts on the patient without her consent and made inappropriate sexual remarks toward her.

SUMMARY OF EXHIBITS / RECORDS / DOCUMENTS

Exhibit #1 is the Case Summary and attachments received by the Florida Department of Health, Consumer Services Unit on 07/24/2012. Included in this exhibit is a Healthcare Practitioner Complaint Form and the article published in the Citrus County Chronicle.

Exhibit #2 is the notification letter dated 07/26/2012. This letter was hand-delivered to MILLER on 07/26/2012.

Exhibit #3 is a letter of legal representation from KOZLOWSKI for MILLER dated, 07/26/2012.

Exhibit #4 is a copy of the Citrus County Sheriff's office investigative report.

Exhibit #5 is a Confidential Index of Patient/Subject names.

INTERVIEWS/STATEMENTS**STATEMENT OF JUSTIN FERRARA (WITNESS)**

Lieutenant- Citrus County Sheriffs Office
3549 Saunders Way
Lecanto, FL 34461
(W) 352-726-4488

FERRARA contacted Investigator KNEZEVICH by phone on 07/23/2012. FERRARA advised his agency was conducting a sexual battery investigation in which MILLER was the suspect and a patient and former girlfriend was the victim. FERRARA advised Detective Kat LIOTTA and Sgt. Mike KANTER were the lead investigators assigned this case.

FERRARA indicated this incident occurred on 07/11/2012. According to FERRARA, who briefed Investigator KNEZEVICH on the details of the Citrus County Sheriffs Office report, the victim is a patient of MILLER's, who had been seen during normal office hours the day in question. FERRARA advised the patient failed to inform MILLER of arm pain she was suffering and called the office later in the day to schedule a return visit for later that day. Upon the patient's return after

hours, she found MILLER alone. It was at this time MILLER allegedly digitally penetrated the patient's vagina and felt her breasts.

INTERVIEW/STATEMENT OF DET MIKE KANTER (WITNESS)

Detective Sergeant
Citrus County Sheriffs Office
3549 Saunders Way
Lecanto, FL 34461
(W) 352-249-2724

KANTER was contacted in person on 07/26/2012 at the Citrus County Sheriff's Office. KANTER provided Investigator KNEZEVICH a copy of the Citrus County Sheriff's Office investigative report which led to MILLER's arrest in this incident.

According to KANTER, the victim is 37 weeks pregnant who is (was) a patient of MILLER's. KANTER advised the patient had failed to advise MILLER of pain in her arm during a visit earlier in the day of 07/11/2012. MILLER allegedly contacted the patient by phone and asked her to return to his office after hours. Once there, the patient found MILLER alone. MILLER escorted the patient into the office and an exam room where this alleged sexual battery took place. The criminal investigation into this incident resulted in MILLER's arrest on a charge of sexual battery on 07/20/2012.

STATEMENT OF JOSEPH MILLER, DO (SUBJECT)

OS 10658
11521 W Emerald Oaks Drive
Crystal River, FL 34428
(W) 352-794-6060

MILLER was contacted by Investigator KNEZEVICH in person at his office on 07/26/2012. MILLER was provided a notification letter and a copy of the Case Summary for this investigation. While explaining the details of these documents to MILLER, he made the unsolicited statement that this incident and his arrest were a complete misunderstanding and the result of a nasty divorce which he was suffering through.

MILLER referred all additional requests to his attorney, Ronald KOZLOWSKI.

INVESTIGATOR NOTES

Details of the Citrus County Sheriff's Office investigation are documented in the report included as Exhibit #4.

All evidence in this investigation is maintained by the Citrus County Sheriff's Office.

A Confidential Index of Patient/Subject names is Exhibit #5.