

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In re: Mitchell R. Miller, M.D.
a/k/a Mitch Miller

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Docket No.: MPC 76-1100

MOTION TO SEAL

Petitioner, the State of Vermont, by and through Attorney General William H. Sorrell and undersigned Assistant Attorney General, James S. Arisman, moves the Vermont Board of Medical Practice to conduct all proceedings related to license suspension and any disciplinary action in the above-captioned matter consistent with the purposes of the patient privilege, set forth at 12 V.S.A. § 1612. For the reasons set forth below and such others as may be later presented, the State of Vermont moves to protect from public disclosure the identity of all patients whose medical records and care by Respondent may be the subject of evidentiary and other proceedings in this matter.

1. Consideration of the State's Specification of Charges and other pleadings in this matter by the Board of Medical Practice will address patient medical records and related information. The affidavit of Board investigator Philip J. Ciotti also addresses the same information. To effect the patient privilege and protect the confidentiality of patient identities, the State moves that any portions of the record in this matter that contain information that would tend to publicly disclose patient identities be placed under seal and not be subject to public disclosure. 12 V.S.A. § 1612.

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2. The State moves that all information that might be disclosed during hearings that would tend to identify or permit identification of individual patients not be subject to public disclosure, pursuant to the above-cited authority.

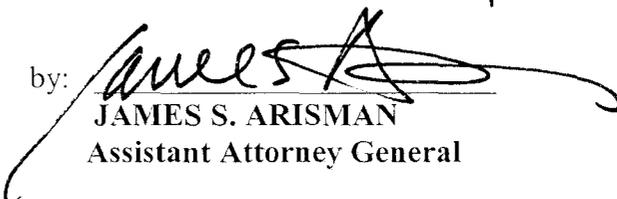
WHEREFORE, petitioner, the State of Vermont, respectfully moves the Board of Medical Practice to grant the State's motion as set forth above.

Dated at Montpelier, Vermont this 31st day of March 2009.

STATE OF VERMONT

**WILLIAM H. SORRELL
ATTORNEY GENERAL**

by:


**JAMES S. ARISMAN
Assistant Attorney General**

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