

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2011-07673

MARK ROBIN GEIER, M.D.,

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, hereby files this Administrative Complaint before the Board of Medicine against Respondent, Mark Robin Geier, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number ME 103406.

3. Respondent's address of record is 14 Redgate Court, Silver Springs, Maryland 20905.

4. At all times material to this Complaint, Respondent's Florida online practitioner profile indicated that he was not certified by any specialty board recognized by the Board of Medicine.

5. The Maryland Board of Physicians ("Maryland Board") is the licensing authority regulating the practice of medicine in the State of Maryland.

6. On or about April 27, 2011, the Maryland Board entered an Order for Summary Suspension of License to Practice Medicine ("Suspension Order"), suspending Subject's license to practice medicine in Maryland, in Case Numbers 2007-0083, 2008-0454, and 2009-0308.

7. The Maryland Board issued the April 27, 2011, Suspension Order because:

the Board has reason to believe that the following facts are true: [footnote omitted]

...

Summary Statement in Support of Summary Suspension

The Respondent misdiagnosed autistic children with precocious puberty and other genetic abnormalities and treated them with potent hormonal therapy . . . , and in some instances, chelation therapy, both of which have a substantial risk of both short-term and long-term adverse side effects. . . .

The Respondent failed to provide adequate informed consent to the parents of the autistic children he treated. . . .

...

The Respondent endangers autistic children and exploits their parents by administering to the children a treatment protocol that has a known substantial risk of serious harm and which is neither consistent with evidence-based medicine nor generally accepted in the relevant scientific community.

8. On or about May 11, 2011, the Maryland Board held a "post-deprivation hearing" to review the Suspension Order.

9. On or about May 12, 2011, the Maryland Board notified Respondent that, based on the legal argument, documentation, and verbal testimony presented by Respondent and his attorney at the "post-deprivation hearing," the Maryland Board would not lift the summary suspension order Suspension Order.

10. Respondent subsequently requested an evidentiary hearing before a Maryland administrative law judge. The evidentiary hearing was held in June of 2011. The Maryland administrative law judge has not yet issued a ruling.

11. The April 27, 2011, disciplinary action of the Maryland Board constitutes action taken against Respondent's license to practice medicine in the State of Maryland.

12. Respondent failed to notify the Florida Board of Medicine, within 30 days, in writing, of the April 27, 2011, disciplinary action of the Maryland Board.

13. Respondent failed to update his online Florida practitioner profile, within 15 days, to disclose the April 27, 2011, disciplinary action of the Maryland Board.

COUNT I

14. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 11, as if fully set forth herein.

15. Section 458.331(1)(b), Florida Statutes (2010), sets forth the grounds for disciplinary action by the Board of Medicine and provides that having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction constitutes grounds for discipline.

16. The Maryland Board acted against Respondent's Maryland medical license by entering the April 27, 2011, Suspension Order.

17. Based on the foregoing, Respondent has violated Section 458.331(1)(b), Florida Statutes (2010), by having his license acted against by the licensing authority of Maryland.

COUNT II

18. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 12, as if fully set forth herein.

19. Section 458.331(1)(kk), Florida Statutes (2010), provides that failing to report to the Board of Medicine, in writing within 30 days, when action, as defined in Section 458.331(1)(b), Florida Statutes, is taken against one's license to practice as a physician in another state, territory or country, constitutes grounds for discipline by the Florida Board of Medicine.

20. Respondent failed to notify the Florida Board of Medicine, within 30 days, in writing, of the April 27, 2011, disciplinary action of the Maryland Board.

21. Based on the foregoing, Respondent has violated Section 458.331(1)(kk), Florida Statutes (2010), by failing to timely report to the Florida Board of Medicine, in writing, within 30 days, that the Maryland Board took disciplinary action against his medical license on or about April 27, 2011.

COUNT III

22. Petitioner re-alleges and incorporates by reference Paragraphs 1 through 11, and 13, as if fully set forth herein.

23. Section 456.042, Florida Statutes (2010), regarding a licensee's online Florida practitioner profile, provides that a practitioner must submit updates of required information within 15 days after the final activity that renders such information a fact.

24. Section 456.072(1)(w), Florida Statutes (2010), provides that failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application is grounds for discipline by the Board of Medicine.

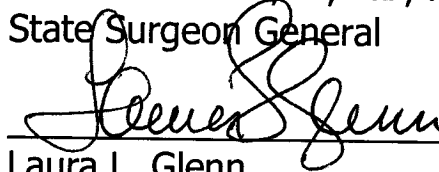
25. Respondent violated 456.072(1)(w), Florida Statutes (2010), by failing to update his Florida practitioner profile within 15 days after the April 27, 2011, Maryland action.

26. Based on the foregoing, Respondent has violated Section 456.072(1)(w), Florida Statutes (2010), by failing to comply with requirements for profiling and credentialing.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 14th day of October, 2011.

H. Frank Farmer, Jr., MD, PhD, FACP
State Surgeon General



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LLG

PCP: 10-14-2011

PCP Members: Mr. Levine & Dr. El Sanadi

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NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.