

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1380

APR 06 2012

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY MARK R. GEIER, M.D., LICENSE NO. 43228, 12  
RED GATE COURT, SILVER SPRING, MD 20905

**EMERGENCY ORDER OF SUSPENSION**

The Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel A, considered this matter at its February 16, 2012 meeting. At that meeting, Inquiry Panel A considered a memorandum prepared by the Board's Executive Director dated January 11, 2012; an article from the website of *The Baltimore Sun* dated May 4, 2012; an Order for Summary Suspension of License to Practice Medicine regarding License No. D24250 from the Maryland State Board of Physicians dated April 27, 2011; correspondence from the State of Maryland Board of Physicians dated May 12, 2011; correspondence from Robert E. Reeves, Esq. dated July 1, 2011; The State of Washington Department of Health Statement of Charges regarding License No. MD60041602 dated May 25, 2011, Ex Parte Order of Summary Suspension dated May 26, 2011, and Findings of Fact, Conclusions of Law and Final Order (Waiver of Hearing) dated January 13, 2012; Virginia Department of Health Professions Order regarding License No. 0101-048672 dated June 9, 2011; Medical Licensing Board of Indiana, Cause Number: 2011 MLB 022, Petition for Summary Suspension filed June 22, 2011, Summary Suspension Order filed June 29, 2011, Petition for Extension of Summary Suspension filed August 11, 2011, Extension of Summary Suspension Order filed August 31, 2011, Extension of Summary Suspension Order filed December 7, 2011;

correspondence from the Medical Board of California dated August 3, 2011; and the Maryland State Board of Physicians Cease and Desist Order dated January 25, 2012.

Having considered all of this information and being sufficiently advised, Inquiry Panel A ENTERS the following EMERGENCY ORDER OF SUSPENSION, in accordance with KRS 311.592(1) and 13B.125(1):

FINDINGS OF FACT

Pursuant to KRS 13B.125(2) and based upon the information available to it, Inquiry Panel A concludes there is probable cause to make the following Findings of Fact, which support its Emergency Order of Suspension:

1. At all relevant times, Mark R. Geier, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Medical Genetics.
3. On April 27, 2011, the Maryland State Board of Physicians ("Maryland Board") issued an Order for Summary Suspension of License to Practice Medicine against the licensee's Maryland license. The Maryland Order alleged, in part, that the licensee had:
  - a. misdiagnosed autistic children with precocious puberty and other genetic abnormalities and treated them with potent hormonal therapy ("Lupron Therapy" or "Lupron Protocol"), and in some instances, chelation therapy, both of which have a substantial risk of both short-term and long-term adverse side effects, exposing the children to needless risk of harm. Maryland Order at 12-13;
  - b. failed to conduct adequate physical examinations of any of the patients and in several instances, began his Lupron Protocol based merely on a telephone consultation with the child's parent and the results of selected laboratory tests he ordered. His omission of a comprehensive physical examination constituted a danger because his treatment is based upon a diagnosis that requires documentation of sexual development beyond that expected for the age of the child. Moreover, the treatment may constitute

more of a risk to a child with an underlying medical condition. Maryland Order at 13-14;

- c. failed to provide adequate informed consent to parents of the autistic children he treated. Maryland Order at 14;
- d. endangered autistic children ...by administering 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. Maryland Order at 15;
- e. failed to meet Federal Regulations for his Institutional Review Board. Maryland Order at 43;
- f. misrepresented his credentials by claiming to be a board-certified epidemiologist and geneticist, which he was not. Maryland Order at 45-46.

As part of its Order, the Maryland Board required the licensee to surrender:

- His original Maryland license
- His current renewal certificate
- His Maryland Controlled Dangerous Substance Registration
- All controlled dangerous substances in his possession and/or practice
- All Medical Assistance prescription forms
- All prescription forms and pads in his possession and/or practice
- Any and all prescription forms and pads on which his name and DEA number are imprinted

4. Following a post-deprivation hearing before the full Maryland Board on May 11, 2011, that Board determined that the Order of Summary Suspension should remain in place. The licensee was advised of his right to appeal from that determination.
5. On May 26, 2011, the Washington Department of Health Medical Quality Assurance Commission ("Washington Board") issued an Ex Parte Order of Summary Suspension, suspending the licensee's Washington license. Following the licensee's waiver of hearing, the Washington Board issued a Final Order on January 13, 2012, indefinitely suspending his Washington license. Pursuant to that Order, the licensee may not petition for modification unless his Maryland license has been reinstated.

6. On June 9, 2011, the Virginia Department of Health Professions (“Virginia Board”) issued an Order suspending the licensee’s Virginia license.
7. On June 29, 2011, the Indiana Medical Licensing Board (“Indiana Board”) issued a Summary Suspension Order, suspending the licensee’s Indiana license for 90 days. On August 31, 2011, the Indiana Board issued an Extension of Summary Suspension Order, suspending the licensee’s Indiana license for an additional 90 days. On December 7, 2011, the Indiana Board issued a second Extension of Summary Suspension, suspending the licensee’s Indiana license for an additional 90 days. On March 1, 2012, the Indiana Board issued a third Extension of Summary Suspension order, suspending the licensee’s Indiana license for an additional 90 days. Each of these Orders noted that the licensee failed to appear in person or by counsel.
8. By letter dated August 3, 2011, the Medical Board of California (“California Board”) notified the licensee that his California license had been suspended effective immediately. On that same date, the California Board issued an Accusation against the licensee’s California license in Case No. 16-2011-215570. The California Board has not set a hearing date, while it awaits resolution of the proceedings in Maryland and other states.
9. On January 25, 2012, the Maryland Board issued a Cease and Desist Order to the licensee, based upon information that, after his license had been suspended, he had prescribed drugs to himself, his son and his wife and had authorized refills of prescriptions he had written prior to the suspension but that had become exhausted after the suspension. The Order concluded that such acts constituted a

violation of the suspension order and the unauthorized practice of medicine. On February 22, 2012, the Maryland Board issued an Amended Cease and Desist Order to the licensee.

#### CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and based upon the information available to it, Inquiry Panel A finds there is probable cause to support the following Conclusions of Law, which serve as the legal bases for this Emergency Order of Suspension:

1. The licensee's Kentucky medical license is subject to regulation and discipline by this Board.
2. KRS 311.592(1) provides that the Board may issue an emergency order suspending, limiting, or restricting a physician's license at any time an inquiry panel has probable cause to believe that a) the physician has violated the terms of an order placing him on probation; or b) a physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
3. There is probable cause to believe that the licensee has violated KRS 311.595(12) and (17).
4. The Panel concludes there is probable cause to believe this physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
5. The Board may draw logical and reasonable inferences about a physician's practice by considering certain facts about a physician's practice. If there is proof that a physician has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the physician will similarly violate the

Medical Practice Act when presented with a similar set of circumstances. Similarly, the Board concludes that proof of a set of facts about a physician's practice presents representative proof of the nature of that physician's practice in general.

Accordingly, probable cause to believe that the physician has committed certain violations in the recent past presents probable cause to believe that the physician will commit similar violations in the near future, during the course of the physician's medical practice.

6. The United States Supreme Court has ruled that it is no violation of the federal Due Process Clause for a state agency to temporarily suspend a license, without a prior evidentiary hearing, so long as 1) the immediate action is based upon a probable cause finding that there is a present danger to the public safety; and, 2) the statute provides for a prompt post-deprivation hearing. Barry v. Barchi, 443 U.S. 55, 61 L.Ed.2d 365, 99 S.Ct. 2642 (1979); FDIC v. Mallen, 486 U.S. 230, 100 L.Ed.2d 265, 108 S.Ct. 1780 (1988) and Gilbert v. Homar, 520 U.S. 924 (1997), 117 S.Ct. 1807 (1997). Cf. KRS 13B.125(1).

KRS 13B.125(3) provides that the Board shall conduct an emergency hearing on this emergency order within ten (10) working days of a request for such a hearing by the licensee. The licensee has been advised of his right to a prompt post-deprivation hearing under this statute.

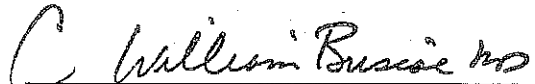
#### EMERGENCY ORDER OF SUSPENSION

Based upon the foregoing Findings of Fact and Conclusions of Law, Inquiry Panel A hereby ORDERS that the license to practice medicine in the Commonwealth of Kentucky held by MARK R. GEIER, M.D., is SUSPENDED and Dr. Geier is prohibited

from performing any act which constitutes the "practice of medicine," as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities - until the resolution of the Complaint setting forth the allegations discussed in this pleading or until such further Order of the Board.

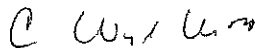
Inquiry Panel A further declares that this is an EMERGENCY ORDER, effective upon receipt by the licensee.

SO ORDERED this 6<sup>th</sup> day of April, 2012.

  
C. WILLIAM BRISCOE, M.D.  
CHAIR, INQUIRY PANEL A

**CERTIFICATE OF SERVICE**

I certify that the original of this Emergency Order of Suspension was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; and copies were mailed via certified mail return-receipt requested to Mark R. Geier, M.D., License No. 43228, 12 Red Gate Court, Silver Spring, MD 20905 and Robert E. Reeves, Esq., First National Building, 167 West Main Street, Suite 500, Lexington, Kentucky 40507-1396 on this 6<sup>th</sup> day of April, 2012.

  
C. LLOYD VEST II  
General Counsel  
Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222  
(502) 429-7150

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COMPLAINT

Comes now the Complainant C. William Briscoe, M.D., Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Panel which met on February 16, 2012, states for its Complaint against the licensee, Mark R. Geier, M.D., as follows:

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violation of the suspension order and the unauthorized practice of medicine. On February 22, 2012, the Maryland Board issued an Amended Cease and Desist Order to the licensee.

10. By his conduct, the licensee has violated KRS 311.595(12) and (17).

Accordingly, legal grounds exist for disciplinary action against his Kentucky medical license.

11. The licensee is directed to respond to the allegations delineated in the Complaint within thirty (30) days of service thereof and is further given notice that:

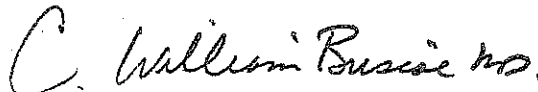
(a) His failure to respond may be taken as an admission of the charges;

(b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.

12. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for June 26, 2012 at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.

WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice medicine held by Mark R. Geier, M.D..

This 6th day of April, 2012.

  
C. WILLIAM BRISCOE, M.D.  
CHAIR, INQUIRY PANEL A

**CERTIFICATE OF SERVICE**

I certify that the original of this Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Thomas J. Hellmann, Esq., 415 West Main Street, P.O. Box 676, Frankfort, Kentucky 40602-0676 and copies were mailed via certified mail return-receipt requested to Mark R. Geier, M.D., License No. 43228, 12 Red Gate Court, Silver Spring, MD 20905 and Robert E. Reeves, Esq., First National Building, 167 West Main Street, Suite 500, Lexington, Kentucky 40507-1396 on this 6<sup>th</sup> day of April, 2012.

*C Lloyd Vest II*

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Kentucky Board of Medical Licensure  
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