

NOV 30 2012

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1380

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

**ORDER OF REVOCATION**

At its November 15, 2012 meeting, the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Hearing Panel B, took up this case for final action pursuant to KRS 13B.120. The Hearing Officer had issued the recommended Findings of Fact, Conclusions of Law, and Order on June 25, 2012. Hearing Panel B had originally been scheduled to take up the case for final action at its September 20, 2012 meeting, well within the 90-day requirement of KRS 13B.120(4). By letter dated September 7, 2012, the licensee, through counsel, waived that 90-day requirement so that they could appear before the Hearing Panel. Pursuant to that request and waiver, the matter was rescheduled to the Panel's November 15, 2012 meeting. Just prior to the meeting, the licensee's counsel advised Board staff that neither he nor the licensee would attend the November 15, 2012 meeting.


Hearing Panel B considered the Complaint; the recommended Findings of Fact, Conclusions of Law, and Order; the licensee's Exceptions; and, an October 30, 2012 memorandum by Board counsel. The Panel also heard comments from Board counsel. As noted, the licensee and his counsel chose not to appear at the Panel meeting.

Having considered all of the information available and being sufficiently advised, Hearing Panel B hereby **ACCEPTS** the Hearing Officer's recommended Findings of Fact, Conclusions of Law and Order and **ADOPTS** them as the Panel's Findings of Fact,

Conclusions of Law, and Order; they are hereby incorporated by reference in Attachment 1 to this Order of Revocation.

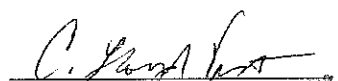
Having considered the nature of the violations and the disciplinary options available under KRS 311.595, and being sufficiently advised, Hearing Panel B hereby **ORDERS** that the license to practice medicine in the Commonwealth of Kentucky held by Mark R. Geier, M.D., License No. 43228, be and it is hereby **REVOKED**.

**SO ORDERED** on this 30<sup>th</sup> day of November, 2012.

  
RANDEL C. GIBSON, D.O.  
CHAIR, HEARING PANEL B

CERTIFICATE OF SERVICE

I certify that the original of this Order of Revocation was delivered to Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, KY 40222 and that copies were mailed via certified-mailed, to Mark R. Geier, M.D., 12 Red Gate Court, Silver Springs, Maryland 20905; and Robert E. Reeves, Esq., First National Building, 167 West Main Street, Suite 500, Lexington, Kentucky 40507-1396; and via regular mail, to Thomas J. Hellmann, Esq., Hearing Officer, 415 West Main Street, P.O. Box 676, Frankfort, Kentucky 40602-0676 on this 30<sup>th</sup> day of November, 2012.

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

### EFFECTIVE DATE AND APPEAL RIGHTS

Pursuant to KRS 311.593(1) and 13B.120, the effective date of this Order will be thirty (30) days after this Order of Revocation is received by the licensee or the licensee's attorney, whichever shall occur first.

The licensee may appeal from this Order, pursuant to KRS 311.593 and 13B.140-.150, by filing a Petition for Judicial Review in Jefferson Circuit Court within thirty (30) days after this Order is mailed or delivered by personal service. Copies of the petition shall be served by the licensee upon the Board and its General Counsel. The Petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested, along with a copy of this Order.

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 1380

FILED OF RECORD

JUN 25 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 SPRINGS, MD 20905

FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND RECOMMENDED ORDER

This action is before the hearing officer on the *Motion for Recommended Order* filed by the Kentucky Board of Medical Licensure. After the hearing officer contacted Hon. Robert Reeves, counsel for Mark R. Geier, M.D., to schedule a prehearing conference to discuss how the parties intended to proceed in light of the motion, Mr. Reeves filed a response proposing to submit various documents for consideration by the hearing officer in lieu of attending the administrative hearing. Based upon the hearing officer's review of the merits of the motion, the exhibits submitted by the Board in support of the motion and Geier's response, the hearing officer finds the motion has substantial merit, and consequently, the hearing officer grants the motion. As additional grounds for the granting the motion, the hearing officer finds Geier in default due to his failure to participate in the administrative hearing process.

In the *Complaint* issued on April 6, 2012, the Board charged Geier with violating KRS 311.595(12), which authorizes the Board to discipline a physician who has violated "any medical practice act," and with violating KRS 311.595(17), which authorizes the Board to discipline a physician who has had his license sanctioned by another state

licensing authority. In support of those charges the Board alleged that five other state medical licensing agencies have suspended Geier's license and that one state, Maryland, has issued two cease and desist orders against Geier alleging that he continued to practice medicine while his license has been suspended.

Upon the filing of the *Motion for Recommended Order* the Board forwarded to the hearing officer certified copies of the actions taken against Geier by the medical licensing authorities in Maryland, California, Indiana, Virginia, and Washington. Each state's documents are admitted as a collective exhibit to the record of the administrative hearing and are marked as Exhibits A through E in the same order as the states are listed above.

The Maryland State Board of Physicians was the first jurisdiction to sanction Geier's license, and the other four states' disciplinary actions were based upon the action taken in Maryland. On April 27, 2011, the Maryland Board issued its *Order for Summary Suspension of License to Practice Medicine* against Geier's license. Exhibit A. The Maryland Board summarily suspended Geier's license based upon the allegations that he misdiagnosed autistic children, failed to conduct adequate physical examinations, failed to provide adequate informed consent, administered treatment protocols that posed a substantial risk of serious harm to the patients, and misrepresented his credentials. Exhibit A, *Order for Summary Suspension of License to Practice Medicine*. The summary suspension was upheld by the Maryland Board on March 22, 2012, pending

resolution of the formal charges against Geier's license. Exhibit A, *Final Decision and Order*.

Based upon Maryland's order of summary suspension, Virginia suspended Geier's license on June 9, 2011. Exhibit D, *Order*, dated June 9, 2011. Indiana suspended his license on June 29, 2011. Exhibit C, *Summary Suspension Order*. California suspended his license on August 3, 2011. Exhibit B, letter dated August 3, 2011. And Washington indefinitely suspended his license on January 13, 2012. Exhibit E, *Findings of Fact, Conclusions of Law, and Final Order*.

On January 25, 2012, the Maryland Board issued a *Cease and Desist Order*, asserting that the board "had reason to believe" Geier was prescribing medications to himself, his wife, and his son while his license was suspended, and the Board ordered him to cease and desist from practicing medicine. Exhibit A, *Cease and Desist Order*. On February 22, 2012, the Maryland Board issued the *Amended Cease and Desist Order* that found there was "probable cause" to believe Geier had authorized refills of prescription medications during the time that his medical license was suspended in violation of the April 27, 2011, order that summarily suspended his license. Consequently, the Maryland Board ordered Geier "to immediately **Cease and Desist** from practicing medicine in Maryland while his license is suspended." Exhibit A, *Amended Cease and Desist Order*, page 1 (emphasis in original).

In his *Answer* filed in response to the Board's charges, Geier admitted that the five state medical licensing authorities had suspended his license to practice medicine,

and he admitted that the actions by those jurisdictions constitute a violation of KRS 311.595(17). *Answer*, page 3. He also admitted that the Maryland Board had issued a cease and desist order but denied the factual allegations contained in the order. *Id.* As part of his defense to the Board's charges Geier asserted that because he didn't renew his medical license that had expired in February 2012, the Board has no jurisdiction over him to address the merits of the allegations of misconduct. *Id.* By order dated May 31, 2012, however, the hearing officer ruled that the Board may continue to prosecute this action due to the fact the allegations of misconduct occurred during the time period he was licensed in Kentucky. *Order in Anticipation of Administrative Hearing.*

Therefore, based upon the evidence admitted to the record that shows the state medical licensing authorities in Maryland, California, Indiana, Virginia, and Washington have taken disciplinary action against Geier's license, the hearing officer finds that the preponderance of the evidence supports the conclusion that Geier has violated KRS 311.595(17). In addition, the preponderance of the evidence supports the conclusion that Geier has violated KRS 311.595(12). Due to Geier's default, as discussed below, the Board can consider to be true the allegations contained in the cease and desist orders entered against him by the Maryland licensing board. Therefore, Geier is guilty of violating KRS 311.595(12) by practicing medicine without a license in violation of Maryland's medical practice act.

The hearing officer also finds that Geier is in default under the provisions of KRS 13B.080(6). At the initial prehearing conference in this action the hearing officer set a

schedule in anticipation of the administrative hearing. At that time the parties discussed the possibility of submitting the case to the hearing officer for issuance of his recommendation without the need to conduct an administrative hearing, and there was some question whether Geier would even attend the administrative hearing to contest the charges against him. Thus, the need for an administrative hearing would depend, in part, on the *Answer* to be filed by Geier in response to the *Complaint*. Consequently, in the order issued after the prehearing conference the hearing officer notified the parties that he would be willing to hold a telephonic conference after the filing of Geier's *Answer* to discuss how the parties intended to proceed. The hearing officer also notified Geier that "if [he] does not plan to attend the administrative hearing to respond to the Board's charges, he shall notify Mr. Vest and the hearing officer prior to the date of the hearing. *Order in Anticipation of Administrative Hearing*, page 5.

In the *Answer* filed on June 11, 2012, Mr. Reeves stated that at the prehearing conference, he "gave notice that neither Dr. Geier nor the undersigned would attend the hearing scheduled for June 26<sup>th</sup>, 2012, but rather would rely on his Answer and the offer of stipulations." *Answer*, page 4. Geier acknowledged in the *Answer*, however, that "the Board's attorney refused to consider stipulations." *Id.* Therefore, it was unclear to the hearing officer whether Geier planned to attend the hearing.

Upon receiving the Board's *Motion for Recommended Order*, the hearing officer contacted the parties to schedule a prehearing conference to discuss how the case would proceed. The hearing officer sent an email to Mr. Reeves asking when he would be



available for a telephonic conference and presenting several possible options to discuss at the conference related to the submission of the case to him for the issuance of his recommendation to the Board.

In his response to the email, Mr. Reeves wrote that he had made plans on the previous Friday to be out of the country on the date scheduled for the administrative hearing. He also stated that he didn't have time before his scheduled departure date to attend a conference or to prepare a response to the Board's motion. Consequently, he requested until July 10, 2012, to file a response to the Board's motion. [A copy of the email exchange has been filed as Exhibit F to the administrative hearing.] That was the first confirmation the hearing officer received that Geier intended to default in light of the fact that the parties had not reached any agreement on submitting the case to the hearing officer without a hearing, and the hearing officer had not yet authorized the parties to proceed in that manner.

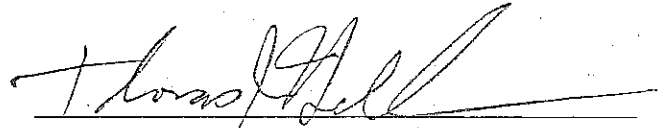
Late on the evening of June 21, 2012, Mr. Reeves filed his *Response to Motion for Recommended Order*. He stated that would respond to the Board's charges by submitting at a future date affidavits, expert opinions, and other documents that apparently were submitted or tendered as evidence in the Maryland licensing board proceeding. To the extent that Geier's response is a request to submit those documents in lieu of Geier's attendance at the hearing and calling witnesses who would be subject to cross-examination, the motion is denied. A party cannot refuse to attend a conference to discuss the status of the case, unilaterally decide whether the administrative hearing

will be conducted, and deprive the opposing party the right to cross-examine witnesses by providing affidavits in place of the persons' live testimony. In addition, KRS 311.595(17) specifically states that a disciplinary action against a physician based upon his license being sanctioned in another state "shall not require relitigation of the disciplinary action." Consequently, the documents that Geier plans to tender related to his defense to Maryland disciplinary action are irrelevant to this action and will not be admitted as part of the record in this action.

Pursuant to KRS 13B.080(6), if a party "fails to attend or participate in a prehearing conference, hearing, or other stage of the administrative hearing process, or fails to comply with the orders of the hearing officer, the hearing officer may adjourn the proceedings and issue a default order granting or denying relief as appropriate . . . ." By Mr. Reeves's announcing that he has made the decision to be out of the country on the date of the administrative hearing and by his refusal to participate in a prehearing conference to discuss the status of the case, Geier is in default under the provisions of KRS 13B.080(6). Therefore, the administrative hearing scheduled for June 26, 2012, is cancelled.

Based upon Geier's violation of KRS 311.595(12) and his five violations of KRS 311.595(17), the hearing officer recommends that the Board take any appropriate action against Geier's license, including the revocation of his license to practice medicine in Kentucky.

SO RECOMMENDED this 25<sup>th</sup> day of June, 2012.

A handwritten signature in black ink, appearing to read "Thomas J. Hellmann", written over a horizontal line.

THOMAS J. HELLMANN

HEARING OFFICER

415 WEST MAIN ST.

P.O. BOX 676

FRANKFORT, KY 40602-0676

(502) 227-2271

thellmann@hazelcox.com

CERTIFICATE OF SERVICE

25<sup>th</sup> I hereby certify that the original of this RECOMMENDATION was mailed this  
day of June, 2012, by first-class mail, postage prepaid, to:

JILL LUN  
KY BOARD OF MEDICAL LICENSURE  
HURSTBOURNE OFFICE PARK STE 1B  
310 WHITTINGTON PKWY  
LOUISVILLE KY 40222

for filing; and a true copy was sent by first-class mail, postage prepaid, and by e-mail to:

C LLOYD VEST II  
KY BOARD OF MEDICAL LICENSURE  
HURSTBOURNE OFFICE PARK STE 1B  
310 WHITTINGTON PKWY  
LOUISVILLE KY 40222

ROBERT E REEVES  
FIRST NATIONAL BUILDING  
167 WEST MAIN ST STE 500  
LEXINGTON KY 40507-1396

  
THOMAS J. HELLMANN

1380FC

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.

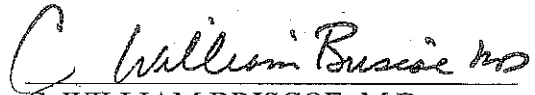
#### EMERGENCY ORDER OF SUSPENSION

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.

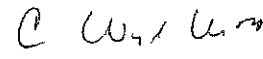
Inquiry Panel A further declares that this is an EMERGENCY ORDER, effective upon receipt by the licensee.

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

APR 06 2012

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COMMONWEALTH OF KENTUCKY  
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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:

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:

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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.

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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.

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.

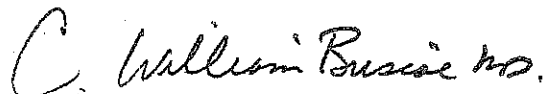
11. The licensee is directed to respond to the allegations delineated in the Complaint within thirty (30) days of service thereof and is further given notice that:

- (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*

C. LLOYD VEST II

General Counsel

Kentucky Board of Medical Licensure

310 Whittington Parkway, Suite 1B

Louisville, Kentucky 40222

(502) 429-7150