

IN THE MATTER OF  
MARK R. GEIER, M.D.

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS

Respondent

License Number: D24250

Case Number: 2012-0223

\* \* \* \* \*

**VIOLATION OF SUMMARY SUSPENSION ORDER AND  
CHARGES UNDER THE MARYLAND MEDICAL PRACTICE ACT**

Based on investigative findings including but not limited to those set forth below, the Maryland State Board of Physicians (the "Board") has reasonable cause to believe that the Respondent has engaged in the unauthorized practice of medicine while his license to practice medicine is summarily suspended.

The Maryland Medical Practice Act provides in pertinent part:

**§ 14-601. Practicing without license**

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice medicine in this State unless licensed by the Board.<sup>1, 2</sup>

**§ 14-602. Misrepresentation as practitioner of medicine**

(a) *In general.* – Unless authorized to practice medicine under this title, a person may not represent to the public, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice medicine in this State.

**Procedural Background**

1. On April 27, 2011, the Board issued to the Respondent an Order for Summary Suspension of License to Practice Medicine, concluding as a

<sup>1</sup> The exceptions referred to in H.O. §§ 14-601 are not applicable to this case.

<sup>2</sup> H.O. § 14-606(a)(4) – Penalties – provides:

- (4) ... a person who violates § 14-601 of this subtitle is:
  - (i) Guilty of a felony and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 5 years or both; and
  - (ii) Subject to a civil fine of not more than \$50,000 to be levied by the Board.

matter of law that public health, safety or welfare imperatively required emergency action. The Board determined that the Respondent's practice of treating children with autism with hormonal therapy and chelation endangered the children and exploited their parents because that treatment protocol has a known substantial risk of serious harm and is neither consistent with evidence-based medicine nor generally accepted in the relevant scientific community.<sup>3</sup>

2. On May 11, 2011, the Respondent appeared with counsel before the Board to show cause why the suspension should not be continued. After considering the investigative file and the presentations at the show cause hearing, the Board ordered the continuation of the Respondent's suspension. The Respondent was advised of his appeal rights.
3. The Respondent availed himself of his right to an evidentiary hearing.
4. On March 22, 2012, the Board issued a Final Order and Decision in which the Respondent's summary suspension was continued pending the resolution of the charges against his license.<sup>4</sup>

### **Current Allegations**

5. In or around September 2011, an investigator for a pharmacy benefit management company ("PBM") notified Board staff that PBM records revealed that the Respondent had been prescribing drugs after his license had been suspended.

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<sup>3</sup> On May 16, 2011, the Board issued to the Respondent Charges Under the Maryland Medical Practice Act ("Act"), in which the Respondent was charged with violating the Act for conduct including that which was alleged in the Order of Summary Suspension. On September 19, 2011, the Board issued Amended Charges.

<sup>4</sup> As of the date of this document, the Board's charges against the Respondent have not been resolved.

6. The Board initiated an investigation of the Respondent based on this information.

7. The Maryland Medical Practice Act, Md. Health Occ. Code Ann. § 14-101(l)(2), defines the practice of medicine in pertinent part as follows;

“Practice medicine” includes doing, undertaking, professing to do, and attempting any of the following:

(i) Diagnosing, healing, treating, preventing, *prescribing for*, or removing any physical, mental, or emotional ailment or supposed ailment of an individual:

...  
2. By appliance, test, *drug*, operation, or treatment[.]

(Emphasis added)

8. Based on investigative information received, the Board has probable cause to believe that the Respondent prescribed drugs after his license was suspended. Specifically, the Respondent, after his license had been suspended, authorized refills of pharmacy prescriptions for three patients.<sup>5</sup>

Authorizing additional refills of a prescription for which the number of refills originally ordered has been exhausted is generating a new prescription and is thereby practicing medicine.

9. Based on the foregoing investigative findings, the Board has probable cause to believe that the Respondent engaged in the unauthorized practice of medicine when he prescribed drugs while his medical license was suspended.

10. The Respondent’s practice of medicine after his license was summarily suspended by the Board violates the terms of the summary suspension

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<sup>5</sup> The Respondent is aware of the names of these three patients. The names of the drugs and identifying prescription information are known to him and are also available to him upon request.

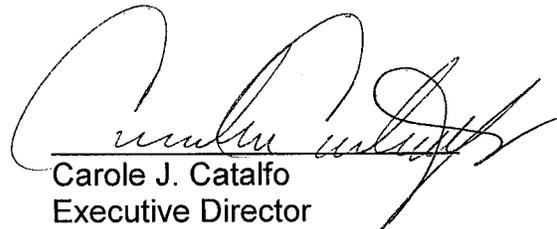
imposed by the Board that is still in effect; and it also constitutes the unauthorized practice of medicine in violation of Md. Health Occ. Code Ann. §§ 14-601 and 14-602.

**NOTICE OF HEARING**

A hearing in this matter has been scheduled on **Thursday, August 16, 2012 and continuing on Monday, August 20, 2012** at 9:30 a.m. at the Office of Administrative Hearings, 11101 Gilroy Road, Hunt Valley, Maryland 21031.

A Pre-Hearing Conference has been scheduled on **Friday, July 13, 2012** at 9:30 a.m. at the Office of Administrative Hearings, 11101 Gilroy Road, Hunt Valley, Maryland.

6-15-12  
Date

  
Carole J. Catalfo  
Executive Director  
Maryland State Board of Physicians