

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION**

In the Matter of:

MARK R. GEIER, M.D.,
License No. MD60041602,

Respondent.

Master Case No. M2011-851

EX PARTE ORDER OF
SUMMARY SUSPENSION

PRESIDING OFFICER: Christopher G. Swanson, Health Law Judge.

This matter came before the Presiding Officer on delegation from and authorized by the Medical Quality Assurance Commission (Commission) on May 26, 2011, on an Ex Parte Motion for Order of Summary Action (Ex Parte Motion) brought by the Disciplinary Manager of the Department of Health Medical Program (Department) through the Office of the Attorney General. The Department issued a Statement of Charges alleging Respondent violated RCW 18.130.180(5). The Presiding Officer, after reviewing the Statement of Charges and the Ex Parte Motion with its supporting declaration and exhibits, GRANTS the Ex Parte Motion. Respondent's license is SUMMARILY SUSPENDED pending further disciplinary proceedings.

I. FINDINGS OF FACT

1.1 Respondent is a physician and surgeon licensed by the state of Washington at all times applicable to this matter.

1.2 The Department issued a Statement of Charges alleging Respondent violated RCW 18.130.180(5). The Statement of Charges was accompanied by all other documents required by WAC 246-11-250.

EX PARTE ORDER OF
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1.3 The Statement of Charges alleges that on April 27, 2011, the Maryland Board of Physicians (Maryland Board) issued an Order for Summary Suspension of License to Practice Medicine (Maryland Order). The Maryland Order summarily suspended the Respondent's license to practice medicine in that state. The Respondent remains suspended in Maryland.

1.4 The Maryland Order states that "the public health, safety or welfare imperatively requires emergency action in this case" due to the Maryland Board's Investigative Findings. The Maryland Order states:

1.4.1 "The Respondent 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. The Respondent's treatment exposed the children to needless risk of harm." Maryland Order at 12-13.

1.4.2 "The Respondent 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. The Respondent's omission of a comprehensive physical examination constitutes a danger because his treatment is based on a diagnosis that requires documentation of sexual development beyond that expected for the age of the child. Moreover, his treatment may constitute more of a risk to a child with an underlying medical condition." Maryland Order at 13-14.

1.4.3 "The Respondent failed to provide adequate informed consent to the parents of the autistic children he treated." Maryland Order at 14.

1.4.4 "The Respondent endangers autistic children...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." Maryland Order at 15.

1.4.5 The Respondent's Institutional Review Board "fails to meet ... Federal regulations." Maryland Order at 43.

1.4.6 "The Respondent [m]isrepresented [h]is [c]redentials" by claiming to be a board-certified epidemiologist and geneticist, which he was not. Maryland Order at 45-46.

1.5 In May 2011, the Commission received a certified copy of the April 27, 2011, Maryland Board's Order. The certified copy is conclusive proof of the violation of RCW 18.130.180(5).

1.6 The basis for the April 27, 2011 Maryland Order is substantially similar to RCW 18.130.180(1), (4), (7), and (13), which permits the Commission to discipline a physician who misrepresents his credentials, puts patients at unreasonable risk of harm due to his treatment and other practices, does not obtain adequate informed consent, and creates an Institutional Review Board that fails to meet Federal requirements.

II. CONCLUSIONS OF LAW

2.1 The Commission (and by designated authority, the Presiding Officer) has jurisdiction over Respondent's license to practice as a physician and surgeon. RCW 18.130.040.

2.2 The Commission has delegated summary action authority to the Presiding Officer in cases falling under RCW 18.130.370.

2.3 Under RCW 18.130.050(8) and RCW 18.130.370, the disciplinary authority must summarily suspend a practitioner's license when the practitioner is prohibited from practicing a profession in another jurisdiction, and the basis for the action is substantially equivalent to unprofessional conduct prohibited under the Uniform Disciplinary Act.

2.4 Under the April 27, 2011 Maryland Order, Respondent is prohibited from practicing as a physician in Maryland. The basis for the action is substantially similar to RCW 18.130.180(1), (4), (7), and (13), which permits the Presiding Officer to discipline a physician who misrepresents his credentials, puts patients at unreasonable risk of harm due to his treatment and other practices, does not obtain adequate informed consent, and creates an Institutional Review Board that fails to meet Federal requirements.

2.5 RCW 18.130.370 requires the Presiding Officer to suspend Respondent's license to practice as a physician and surgeon in the state of Washington.

III. ORDER

3.1 Based on the Findings of Fact and the Conclusions of Law, it is ORDERED that Respondent's license to practice as a physician and surgeon is SUMMARILY SUSPENDED pending further disciplinary proceedings by the Commission. Respondent shall immediately deliver all licenses, (including wall, display, and/or wallet, if any), to the Department.

3.2 It is HEREBY ORDERED that a protective order in this case is GRANTED. All healthcare information and non-conviction data contained in the Ex Parte Motion, Declaration, and attached exhibits shall not be released except as provided in chapter 70.02 RCW, chapter 10.97 RCW, RCW 34.05.446(1), and WAC 246-11-400(2) and (5).

Dated this 26 day of May, 2011.


CHRISTOPHER G. SWANSON, Health Law Judge
Presiding Officer

For more information, visit our website at <http://www.doh.wa.gov/hearings>.

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION**

In the Matter of the License to Practice
As a Physician and Surgeon of:

MARK R. GEIER, MD
License No. MD60041602

Respondent

No. M2011-851

STATEMENT OF CHARGES

The Disciplinary Manager, on designation by the Medical Quality Assurance Commission (Commission) makes the allegations below, which are supported by the evidence contained in case numbers 2011-156183, 2011-156347, 2011-156352 and 2011-156354.

1. ALLEGED FACTS

1.1 Respondent was issued a license to practice as a physician and surgeon by the state of Washington on December 1, 2008. Respondent's license is currently active. Respondent is not board certified.

1.2 On April 27, 2011 the Maryland Board of Physicians issued an Order for Summary Suspension of License to Practice Medicine, suspending Respondent's license to practice as a physician and surgeon in that jurisdiction. Respondent's license to practice medicine in Maryland is indefinitely suspended.

2. ALLEGED VIOLATIONS

2.1 Based on the facts in Section 1, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(5), which provides:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder... under the jurisdiction of this chapter:

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction.

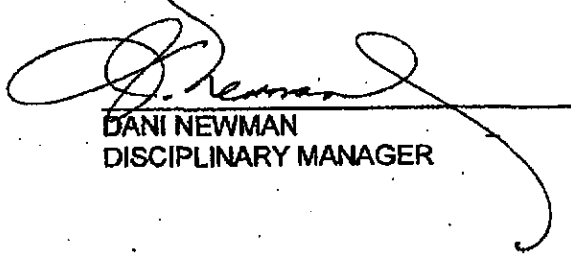
2.2 The above violation provides grounds for imposing sanctions under RCW 18.130.160.

3. NOTICE TO RESPONDENT

The charges in this document affect the public's health, safety, and welfare. The Disciplinary Manager of the Program directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

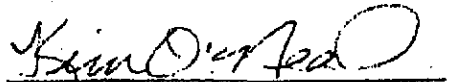
Dated this 25th day of May, 2011.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
COMMISSION



DANI NEWMAN
DISCIPLINARY MANAGER

ROBERT M. MCKENNA
ATTORNEY GENERAL



KIM O'NEAL, WSBA # 12939
ASSISTANT ATTORNEY GENERAL