

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for )  
Reinstatement of Revoked Certificate )  
of: )

MICHAEL LEE GERBER )  
3670 Grant Drive )  
Reno, NV 89509 )

OAH NO. N 32371

Petitioner. )  
\_\_\_\_\_ )

DECISION

This matter was heard before a panel of the Fourth District Medical Quality Review Committee on October 13, 1988 in San Francisco, California.

The panel consisted of Charles S. Harrod, M.D.; Francois Antounian, M.D.; John Missirian, M.D.; Susan B. Dirksen; Ashton Medina, R.N.; Robert C. Scheidtmann, R.Ph.; and John D. Dooley, M.D., Chairman. Michael C. Cohn, Administrative Law Judge, State of California, Office of Administrative Hearings, presided.

Alfredo Terrazas, Deputy Attorney General, represented the Department of Justice, Office of the Attorney General.

Petitioner Michael Lee Gerber was present and was represented by his attorney, Daniel Drapiewski, 333 Hayes Street, 2nd Floor, San Francisco, California 94102.

The panel makes the following decision:

FINDINGS OF FACT

I

By a Decision of the Board in Case No. D-2990, Certificate No. C-35438 issued to Michael Lee Gerber ("petitioner") was revoked effective June 20, 1984 pursuant to Business and

Professions Code sections 725 (clearly excessive prescribing or treatment), 2234(b) (gross negligence), 2234(c) (repeated similar negligent acts) and 2234(d) (incompetence).

## II

On July 25, 1988 petitioner filed with the Board his Petition for Reinstatement of Revoked Certificate.

## III

Following revocation of his medical license in California, respondent moved to Reno where, in December 1984, he obtained a license from the Nevada Board of Homeopathic Medical Examiners. Petitioner has continued to practice in Reno since that date. He describes his practice as a "homeopathic and general family practice." He treats adults for such things as depression, PMS, mild arthritis and insomnia. He treats children for colds, flu and colic.

Petitioner uses chelation therapy in his practice for heavy metal toxicity and for peripheral vascular disease. He continues to use Vitamin A for treatment of otitis media, although in doses not exceeding 1250 mg. per day, and he refers patients to other practitioners for colonics and coffee enemas. Petitioner maintains that as a result of one of the incidents which led to the revocation of his medical license he has since 1980 refused to see any cancer patients.

Petitioner has maintained his active participation in the Orthomolecular Medical Society and the American College of Advancement in Medicine (formerly the American Academy of Medical Preventics), groups which espouse chelation therapy, nutritional treatments and other alternative treatment modalities generally considered to be outside the mainstream of traditional medical practice.

Petitioner testified that he now sees the "great limitations" of nutritional and herbal therapy and has become more allopathically oriented. He especially sees the need for more drug therapy. If readmitted to practice in California petitioner would like to establish a practice in the Truckee/Tahoe area so that his current Nevada patients can continue to see him. Petitioner would also like to do some surgical assisting.

## IV

Based upon all the evidence presented it is found that petitioner has failed to demonstrate that he has changed his

practice techniques in any significant way since the revocation of his license. Petitioner is still active in groups which advocate alternative treatment modalities, still employs chelation therapy and still utilizes coffee enemas. Petitioner has not shown any real change in his seeming distrust of conventional medical treatment. Further, in his testimony before the panel petitioner showed no remorse for or recognition and appreciation of the severity of the offenses for which he was disciplined.

In sum, it is found that petitioner has failed to demonstrate to the satisfaction of the panel that he has rehabilitated himself to the extent that it would not be against the public interest to reinstate his revoked medical certificate.

#### DETERMINATION OF ISSUES

No cause for reinstatement of petitioner's revoked medical certificate exists.


#### ORDER

The Petition for Reinstatement of Revoked Certificate of Michael Lee Gerber is denied.

The effective date of this Decision is December 5, 1988.

DATED: November 3, 1988

BOARD OF MEDICAL QUALITY ASSURANCE  
DIVISION OF MEDICAL QUALITY  
STATE OF CALIFORNIA

  
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JOHN D. DOOLEY, M.D., Chairman  
Panel of Fourth District Medical  
Quality Review Committee

JDD:MCC:lhj