BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: KENNETH R. GEIGER, M.D.
Physician's and Surgeon's Certificate No. G 55346
Respondent.

File No. 12-2006-172659

DECISION

The attached Stipulated Surrender of Physician's and Surgeon's Certificate and Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California as its Decision in the above entitled matter.

This Decision shall become effective at 5:00 p.m. on April 2, 2008.

IT IS SO ORDERED March 26, 2008.

Barbara Johnston
Executive Director
BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KENNETH R. GEIGER, M.D.
181 Andrieux Street, Suite 106
Sonoma, California 95476
Physician and Surgeon's Certificate No. G 55346
Respondent.

IT IS HEREBY STIPULATED by and between KENNETH R. GEIGER, M.D., with the advice and counsel of his attorneys, and complainant BARBARA JOHNSTON, in her official capacity as Executive Director of the Medical Board of California ("Medical Board" or "Board"), by and through her attorney, Edmund G. Brown Jr., Attorney General, by Brenda P. Reyes, Deputy Attorney General, as follows:

1. Complainant is the Executive Director of the Medical Board of California and brought the Accusation in case No. 12-2006-172659 solely in her official capacity. A copy of the Accusation in case No. 12-2006-172659 is attached hereto as Exhibit A and incorporated by reference in this Stipulated Surrender of Physician's and Surgeon's Certificate ("Stipulation"). Complainant enters into this agreement solely in her official capacity.
2. Kenneth R. Geiger, M.D. ("respondent" or "Dr. Geiger") is represented in this proceeding by John A. Etchevers, Esq., of the law firm Hassard Bonnington, LLP, whose address is Two Embarcadero Center, Suite 1800, San Francisco, CA 94111-3933.

3. Respondent's license history and status, as set forth in paragraph 2 of the Accusation is true and correct.

4. Respondent has received and carefully read the Accusation which Complainant proposes to file with the Medical Board.

5. Respondent has fully discussed with his counsel and understands the nature of the charges alleged in the Accusation and that those charges and allegations, if proved, would constitute cause for imposing discipline upon his physician's and surgeon's certificate.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations contained in the Accusation; the right to confront and to cross-examine witnesses against him; the right to present evidence and to testify on his own behalf; the right to issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration, judicial review, and appeal of an adverse decision; and, any and all other rights which may be accorded him pursuant to the California Administrative Procedure Act (Govt. Code, § 11500, et seq.) and other laws of the State of California.

7. Respondent hereby freely, voluntarily, and knowingly waives each and every right set forth above in exchange for the parties' agreement to enter into this Stipulation.

8. Any and all admissions of fact and conclusions of law contained in this Stipulation are made exclusively for the purposes of settlement and compromise of this proceeding and any future proceedings in which the Board or other professional licensing agency is involved and shall not be deemed to be admissions for any purpose in any other civil or criminal proceeding.

9. Respondent desires to cooperate in this matter, and he agrees that it is in the best interest of all parties if he agrees not to practice medicine and surrenders his license at this time. Therefore, in order to avoid the expense and uncertainty of an administrative hearing, respondent

STIPULATED SURRENDER OF CERT.

CASE NO. 12-2006-172659
desires and agrees to surrender his California physician's and surgeon's certificate to the Board, thereby relinquishing his right to practice medicine in the State of California.

10. Respondent understands that by signing this Stipulation he is enabling the Medical Board of California to issue its order accepting the surrender of his license without further process. Upon acceptance of this Stipulation by the Board, respondent understands that he will no longer be permitted to practice as a physician and surgeon in the State of California, and he agrees to surrender and cause to be delivered to the Board both his license and wallet certificates no later than the effective date of this decision.

11. Respondent fully understands and agrees that should he in the future file an application for renewal, relicensure, or reinstatement of his certificate, the Board shall treat it as a petition for reinstatement, and respondent must comply with all laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed. Respondent also agrees that, upon the filing of any petition for reinstatement, as a condition precedent to the consideration of such petition by the Board, he will be required, at his own expense, to submit to a comprehensive health assessment consisting of a physical examination conducted by a physician approved by the Board and a psychiatric evaluation (with neuropsychological testing, if deemed necessary) by a psychiatrist approved by the Board. Respondent shall pay the costs of this assessment. The Board may consider the results of this assessment in determining whether to grant reinstatement of his certificate. Should respondent seek reinstatement, the Board reserves the right to grant or deny reinstatement on the basis of respondent's medical condition. The Board also expressly reserves the right to issue respondent a probationary certificate on terms and conditions within its discretion as deemed appropriate to his medical condition.

12. Respondent further understands and agrees that should he in the future petition for reinstatement of his certificate, the Board may consider the materials included in the Board's investigation in Case No. 12-2006-172659. For purposes of the reinstatement hearing, as earlier stipulated in Paragraph 8, above, the allegations contained in Accusation No. 12-2006-172659, shall be deemed to be admitted by respondent, and respondent hereby waives any time-based defenses based on a claim of laches or the statute of limitations.
13. In consideration for the above, the Board agrees to accept the surrender of Dr. Geiger's Physician's and Surgeon's Certificate No. G 55346 upon the terms and conditions specified above.

CONTINGENCY

14. This Stipulation shall be subject to the approval of the Board. Respondent understands and agrees that Board staff and counsel for complainant may communicate directly with the Board regarding this Stipulation, without notice to or participation by respondent. If the Board fails to adopt this Stipulation as its order for any reason, the Stipulation, except for this paragraph, shall be of no force or effect. The Stipulation shall be inadmissible in any legal action between the parties and the Board shall not be disqualified from further action by virtue of its consideration this Stipulation.

15. The parties agree that facsimile copies of this Stipulation, including facsimile signatures on it, shall have the same force and effect as the original Stipulation and signatures.

ACCEPTANCE

I have read the above Stipulated Surrender of Physician's and Surgeon's Certificate, and have fully discussed the terms with my attorney, John Etchevers, Esq. With full knowledge of the force and effect of this Stipulation, I do hereby agree to surrender my Physician's and Surgeon's Certificate No. G 55346 to the Medical Board of California for its formal acceptance. By signing this Stipulation to surrender my license, I recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to practice as a physician and surgeon in the State of California. I hereby agree to cause to be delivered to the Board both my license and wall certificates no later than the effective date of this decision.

DATED: 2-14-2008

KENNETH R. GEIGER, M.D.
Respondent

STIPULATED SURRENDER OF CERT.
CASE NO. 12-2006-172659
I have read and fully discussed with Respondent Kenneth Geiger, M.D., the terms and conditions and all related matters contained in this Stipulated Surrender of Physician’s and Surgeon’s Certificate and Order. I approve its form and content.

DATED: 3/9/08

HASSARD BONNINGTON, LLP

ENDORSEMENT

The foregoing Stipulated Surrender of Physician’s and Surgeon’s Certificate and Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: March 6, 2008

EDMUND G. BROWN JR., Attorney General of the State of California

JOSE R. GUERRERO
Supervising Deputy Attorney General

BRENDA P. REYES
Deputy Attorney General

Attorneys for Complainant
Exhibit A
MBC Case No. 12-2006-172659
In the Matter of the Accusation Against:

KENNETH R. GEIGER, M.D.
181 Andrieux Street, Suite 106
Sonoma, California 95476

Physician's and Surgeon's Certificate
No. G 55346

Respondent.

Complainant alleges:

PARTIES

1. Barbara Johnston (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California (Board), Department of Consumer Affairs.

2. On or about July 16, 1985, the Medical Board of California issued Physician's and Surgeon's Certificate Number G 55346 to Kenneth R. Geiger, M.D. (Respondent). At all times relevant to the charges brought herein this license has been in full force and effect. Unless renewed, the certificate will expire on February 28, 2009. There is no Board record of previous disciplinary action having been taken against this certificate.

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JURISDICTION

3. This Accusation is brought before the Medical Board of California, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 of the Code provides, inter alia, that the Board is responsible for the administration and hearing of disciplinary actions involving enforcement of the Medical Practice Act (§§ 2000, et seq.) and the carrying out disciplinary actions appropriate to findings made by a medical quality review committee, the Board, or an administrative law judge with respect to the quality of medical practice carried out by physician and surgeon certificate holders.

5. Section 2227 of the Code provides, in pertinent part, that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

6. Section 822 of the Code provides that if a licensing agency determines that a licentiate's ability to practice his or her profession safely is impaired because the licensee is mentally ill, or has a physical illness affecting his or her competency, the licensing agency may take action by revoking the licentiate's certificate or license or by taking such other action as the licensing agency in its discretion deems proper.

FIRST CAUSE FOR DISCIPLINARY ACTION

(Illness Affecting Respondent's Ability to Practice Medicine Safely)

7. Dr. Geiger recently agreed to a voluntary medical evaluation. The evaluator concluded that Dr. Geiger suffers from an illness that impairs his ability to practice medicine with safety to the public.

8. This illness provides a basis for action against Dr. Geiger's California physician's and surgeon's certificate pursuant to Business and Professions Code section 822.
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 55346, issued to Kenneth R. Geiger, M.D.;

2. Revoking, suspending or denying approval of Kenneth R. Geiger, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;

3. Ordering Kenneth R. Geiger, M.D., if placed on probation, to pay the costs of probation monitoring; and,

4. Taking such other and further action as deemed necessary and proper.

DATED: March 24, 2008

BARBARA JOHNSTON
Executive-Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant