

IN THE MATTER OF	*	BEFORE THE MARYLAND
ROBERT GERNER, M.D.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D17422	*	Case Number: 2017-0087

* * * * *

CONSENT ORDER

BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Robert Gerner, M.D., (the “Respondent”) , License Number D17422, was disciplined by the California Board of Medicine (the “California Board”). In a Decision dated July 21, 2016, the California Board disciplined the Respondent by a Stipulated Surrender of License and Order, wherein the Respondent surrendered his California medical license.

Based on the above referenced California Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-404(a):

(a) Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(24) Was subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or county for an act that would be grounds for disciplinary action under this section and the licensee:

(i) Surrendered the license issued by the state or country to the state or country

The Maryland Board has determined that the acts for which the Respondent was disciplined in California would be grounds for disciplinary action under H.O. § 14-404(a). The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

(3) Is guilty of:

(i) Immoral conduct in the practice of medicine

(ii) Unprofessional conduct in the practice of medicine

(40) Fails to keep adequate medical records as determined by appropriate peer review

Based on the action taken by the California Board, the Respondent agrees to enter into this Consent Order with the Maryland Board of Physicians, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order of reciprocal action.

I. FINDINGS OF FACT

The Board finds the following:

1. At all times relevant hereto, the Respondent is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about October 1, 1974.

2. The Respondent engaged in a sexual relationship with a patient during the time he was her psychiatrist and failed to maintain adequate and accurate medical records for this patient.

A copy of the California Board's Decision is attached hereto.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Maryland Board concludes as a matter of law that the disciplinary action taken by the California Board against the

Respondent was for an act or acts that would be grounds for disciplinary action under Health Occ. § 14-404(a)(24)(i) had those offenses been committed in this state.

III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent agrees to **SURRENDER** his license to practice in Maryland; and it be further

ORDERED that this **CONSENT ORDER** is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann. Gen. Prov. §§ 4-101 through 4-601 (2014).

09/02/2016
Date

Christine A. Farrelly
Christine A. Farrelly
Executive Director
Maryland Board of Physicians

CONSENT


I, Robert Gerner, M.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law, and I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue

and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Consent Order, and understand its meaning and effect.

8-30-16
Date


Robert Gerner, M.D.
Respondent

STATE OF Calif

CITY/COUNTY OF Los Angeles Los Angeles

I HEREBY CERTIFY that on this 30 day of August, 2016, before me, the subscriber, a Notary Public for the State and City/County aforesaid, personally appeared Robert Gerner, M.D., and made oath in due form of law that the execution of the foregoing Consent Order was His voluntary act and deed.

AS WITNESSETH my hand and my notarial seal

MY COMMISSION EXPIRES:

Notary Public

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles)

On Aug. 30, 2016 before me, Mark C. Glode Notary Public
(insert name and title of the officer)

personally appeared Robert Gennert,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)

