

IN THE MATTER OF
George S. G. Lakner, M.D.,
Respondent.
License No. D25404

* BEFORE THE MARYLAND
* STATE BOARD OF
* PHYSICIANS
* Case No. 2001-0826

* * * * *

FINAL DECISION AND ORDER AFTER REMAND

PROCEDURAL BACKGROUND

This case was remanded to the Board by the Circuit Court of Baltimore City acting pursuant to a ruling by the Court of Special Appeals of Maryland. The Board in its Final Decision and Order of August 29, 2005, had sanctioned Dr. Lakner for fraudulently or deceptively obtaining or attempting to obtain a license within the meaning of § 14-404 (a) (1), unprofessional conduct in the practice of medicine within the meaning of 14-404 (a) (3), willfully making or filing a false report in the practice of medicine within the meaning of 14-404 (a) (11), willfully making a false representation when seeking or making application for licensure or any other application related to the practice of medicine within the meaning of 14-404 (a) (36), and for being disciplined by a licensing authority of another state for an act which would be grounds for discipline in this State within the meaning of 14-404 (a) (21), the latter offense based on the underlying grounds of 14-404 (a) (1) and (36).

The Court of Special Appeals affirmed the Board's findings and its conclusions that Dr. Lakner violated each of these statutes. That court, however,

affirmed in part and reversed in part the Board's sanctions for these offenses. The Court of Special Appeals held that the reciprocity provision in § 14-404 (a) (21) does not authorize the Board to impose as a condition of lifting of his suspension that Dr. Lakner attain full and unrestricted licensure in California. The Court of Special Appeals nevertheless ruled that "[t]he Board is free to fashion a new sanction that does not contain an unlawful delegation of authority to the licensing body of another state." The court then remanded the case for the imposition of a new sanction for the offense for which Dr. Lakner was sanctioned by the medical board of California.

The circuit court's order thus followed the higher court's ruling and:

ORDERED that the portion of the sanction in the Final Decision and Order of the Maryland State Board of Physicians, which suspended Dr. Lakner until he was reinstated to full and unrestricted licensure in California, be, and hereby is, **VACATED**; and it is further

ORDERED that this case be remanded to the State Board of Physicians, and that, in lieu of the portion of the sanction vacated immediately above, the State Board of Physicians issue a new order on remand containing a sanction, which shall be consistent with the opinion and judgment of the Court of Special Appeals; and it is further

ORDERED that the remainder of the Final Decision and Order of the State Board of Physicians, dated August 29, 2005, including the one-year suspension, be, and hereby is, **AFFIRMED**.

The full Board considered this case at its meeting of February 27, 2008.

The Board did not consider any evidence outside of the same administrative record upon which its previous decision was based. The Board also considered the orders and instructions of the courts that heard this case on appeal. This

ruling is intended to be the Board's final order on Case No. 2001-0826, and on no other issue.

FINDINGS OF FACT

The Board adopts the findings of fact set out in its previous Final Order of August 29, 2005, and upheld by the Court of Special Appeals. The Board's previous order is attached as Attachment A to this decision and is hereby incorporated by reference.

CONCLUSIONS OF LAW

The Board adopts the Conclusions of Law set out in its previous Final Order of August 29, 2005, and upheld by the Court of Special Appeals.

SANCTION

The Board also adopts the comments set out in the "Sanction" portion of that decision, except for those comments that deal with the sanction for Dr. Lakner's falsification of his application for medical employment in California. The Board notes again that Dr. Lakner has a long history of making false and deceptive statements on applications for employment and licensure. He has not accepted responsibility for this conduct; instead, he has consistently blamed others. His actions were intentionally dishonest.

Dr. Lakner's disreputable conduct in altering a California medical board document while applying for medical employment in that state undermines public confidence in the integrity and dignity of the medical profession. This act dishonors the reputation and credibility of the great majority of physicians who

practice with honesty. Dr. Lakner deserves a significant sanction that will deter other physicians from committing similar deliberately dishonest conduct.

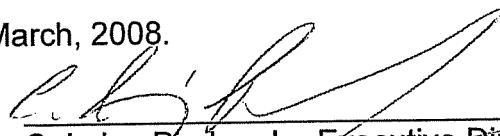
The Board will impose a suspension of a definite term and a fine. Although Dr. Lakner may not have directly profited financially from the particular offense he committed in California, this was only because his alteration of a critical document was discovered in time. The Board has also taken into consideration and weighed heavily the willfully deceptive nature of Dr. Lakner's conduct, and the potential for public harm inherent in credentialing physicians based upon altered documents.

ORDER

It is therefore **ORDERED** that Dr. Lakner be **SUSPENDED** from the practice of medicine in Maryland for three years, beginning with the date of the Board's Original Final Decision and Order of August 29, 2005, and it is further

ORDERED that Dr. Lakner be **FINED** \$10,000 under § 14-405.1 (a) (2) and COMAR 10. 32.02.06 C (4) (b).

SO ORDERED this 19th day of March, 2008.


C. Irving Pinder, Jr., Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO APPEAL

Pursuant to Maryland Health Occ. Code Ann. § 14-408 (b), Dr. Lakner has the right to take a direct judicial appeal. Any appeal shall be filed within 30 days from the receipt of this Final Decision and Order and shall be made as provided

for judicial review of a final decision in the Maryland Administrative Procedure Act, State Gov't Article § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Dr. Lakner files an appeal, the Board is a party and should be served with the court's process. In addition, Dr. Lakner should send a copy to the Board's counsel, Thomas W. Keech, Esq., at the Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201. The Administrative Prosecutor is not involved in the case at this point and need not be served with or copied on the pleadings.