

IN THE MATTER OF  
FRANK EDWARD GAINER  
Respondent

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS  
\* Case Number: 2220-0046B

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**CHARGES UNDER THE MARYLAND NATUROPATHIC MEDICINE ACT**

Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) hereby charges Frank Edward Gainer (the “Respondent”), an unlicensed individual, under the Maryland Naturopathic Medicine Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-5F-01 *et seq.* (2014 Repl. Vol. & 2020 Supp.). Panel B charges the Respondent under the following provisions of the Act:

**Health Occ. § 14-5F-29. Unlicensed practice prohibited.**

....

(c) *Civil fine.* -- Any individual who violates . . . § 14-5F-30 of this subtitle is subject to a civil fine of not more than \$ 50,000 to be levied by a disciplinary panel.

**Health Occ. § 14-5F-30. Unauthorized practice – Representations to the public.**

- (a) *In general.* -- Unless an individual is licensed to practice naturopathic medicine, the individual may not:
- (1) Represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is licensed by the Board to practice naturopathic medicine;
  - (2) Use the title “doctor of naturopathic medicine”, “doctor of naturopathy”, “naturopathic doctor”, or “naturopath”; or
  - (3) Use the initials “N.D.”, “ND”, “NMD”, or “N.M.D.” after the name of the individual.

## **ALLEGATION OF FACT**<sup>1</sup>

Panel B bases its charges against the Respondent on the following facts that it has cause to believe are true:

### **Background & Complaint**

1. The Respondent has never been licensed to practice naturopathic medicine in the State of Maryland.

2. On or about July 23, 2019, the Board received an investigative report from a detective with a Maryland police department (the “Detective”)<sup>2</sup> describing that, among other things, the Respondent had represented himself as naturopathic doctor and used “N.D.” after his name.

3. The Detective’s report explained that an individual (“Individual A”) paid the Respondent \$1,500 for “non-linear diagnostic system” treatments, but the Respondent did not provide those treatments as agreed.

4. The Detective’s report also explained that during an interview with the Detective, the Respondent told the Detective that he had graduated from an institute of “original medicine” and was “an N.D., a doctor of natural [*sic*] medicine.” The Respondent then offered to use the “non-linear diagnostic system” on the Detective. The results, according to the Detective, “were in the form of ludicrously poor graphics,” with

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<sup>1</sup> The statements of the Respondent’s conduct set forth in this document are intended to provide the Respondent with reasonable notice of the alleged facts. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with the charges.

<sup>2</sup> For confidentiality and privacy purposes, the names of witnesses, patients, providers, facilities, and other institutions are not disclosed in this document. The Respondent may obtain the identity of the referenced individuals, facilities, or institutions by contacting the assigned administrative prosecutor.

“bogus bar graphs with red and blue lines.” The Respondent told the Detective that he had “bronchitis, tapeworms, and ‘more bad bacteria than good in his pancreas.’”

### **Board Investigation**

5. The Board opened an investigation based on the information contained in the Detective’s report.

### ***Statements of Individual A***

6. As part of its investigation, Board staff spoke to Individual A by telephone on or about September 4, 2019. Individual A told Board staff that he had worked out his disputes with the Respondent and did not want to be interviewed under oath.

7. During the call, Individual A confirmed to Board staff that the Respondent introduced himself as a “naturopathic doctor” and described a device that could alleviate Individual A’s knee problems. Individual A said that the Respondent could not afford the device and asked Individual A to pay \$1,500 for it in exchange for treatments using the device. Individual A said that he also paid an additional \$450 to the Respondent but they had an agreement for the Respondent to repay him that amount.

8. Individual A also said that the Respondent worked with a collaborating physician (“Physician A”).

### ***Interview of Individual B***

9. As part of its investigation, the Board identified a former business partner of the Respondent (“Individual B”). Board staff interviewed Individual B under oath on or about September 30, 2019.

10. Individual B said that the Respondent identified himself as “Dr. Frank E. Gainer, N.D.” and as a naturopathic doctor.

11. Individual B explained that he helped the Respondent set up a company to provide health services (“Company A”).

12. Individual B told Board staff that the Respondent treated Individual B and some of Individual B’s family members. Individual B explained that the Respondent used a “negative energy machine,” a “Chi machine,” and a “ULS machine” as treatments. According to Individual B, the Respondent charged \$200 per hour of treatment and \$700 per month of treatments.

***Documents Related to Company A***

13. As part of its investigation, the Board obtained copies of lease documents regarding Company A from an executive office suites company in Maryland.

14. The Office Application for Company A listed “Dr. Frank E. Gainer, N.D.” as the company’s “Key Officer.”

15. The Respondent also sent the leasing company a business description for Company A that stated, in part, that “Dr. Frank E. Gainer, N.D. . . . has over 14 (fourteen) years of experience providing health care and general wellness collectively.”

16. On or about May 2, 2019, the Respondent signed an office lease agreement as “Dr. Frank E. Gainer, N.D.”

***Documents Related to Company B***

17. As part of its investigation, the Board obtained incorporation documents for another company that the Respondent filed with the State on or about October 3, 2019 (“Company B”).

18. Company B’s Articles of Incorporation listed “Frank E. Gainer, N.D.” and Physician A as the only corporate directors. The stated purpose of the company was, in part, to “provide Naturopathic Medicine . . . via various health care professionals with emphasis on prevention and wellness of the total person . . . .”

19. As part of its investigation, the Board also obtained email correspondence between a property manager and the Respondent. The emails showed that the Respondent used the email address “dr.gainer@[Company B].com.”

### *Company B’s Website*

20. As part of its investigation, Board staff accessed a website maintained for Company B on or about February 12, 2020.

21. Company B’s website listed the Respondent as “Frank Gainer, ND.” A description of the Respondent said, “Original Medicine[.] Over thirty (30) years in the technology area. Began biohacking using computers and other hitech [*sic*] devices to maintain health and improve performance.”

22. Company B’s website also described services that the Respondent provided, including “Herbal Medicine,” “Natural Pain Relief,” and “Homeopathy.”

23. Under a section titled “Natural Pain Relief,” the website stated that, among other things, “We specialize in non-narcotic practices in healing pain such as headaches, chronic pain, joint pain, and back pain. We use an array of proven methods such as trigger point injections, chiropractic care, and rehabilitation.”

24. Under a section titled “Homeopathy,” the website stated that “Homeopathy treatments [are] to locate the root of your health issues and reverse them naturally. Homeopathy can treat many chronic and acute diseases, rather than managing or

suppressing them. Our doctors are able to provide a deeper healing of mental, emotional, and physical complaints.”

*Interview of Physician A*

25. As part of its investigation, Board staff interviewed Physician A under oath on or about May 21, 2020.

26. Physician A stated that she completed her residency training in physical medicine and rehabilitation and was board-certified in that specialty, though that certification lapsed in 2016.

27. Physician A said that Individual B first introduced her to the Respondent. The Respondent told Physician A at that time that he was a “naturopathic doctor and got his Degree.”

28. Physician A also said that Company B’s website was “very misleading” because she did not see patients at Company B.

29. Physician A acknowledged that she referred a patient to the Respondent at Company B for a “superficial NOF diagnostic,” which she described as “an energy test, you look at the frequency that’s going on in his body, in his aura.”

**GROUND FOR DISCIPLINE**

30. The Respondent’s conduct described above constitutes, in whole or in part, unauthorized representation to the public by title, by description of services, methods, or procedures, that the Respondent was licensed to practice naturopathic medicine in the State of Maryland in violation of Health Occ. § 14-5F-30(a)(1).

31. The Respondent's conduct described above constitutes, in whole or in part, unauthorized use of the terms "doctor of naturopathic medicine," and "doctor of naturopathy," and "naturopathic doctor," in violation of Health Occ. § 14-5F-30(a)(2).

32. The Respondent's conduct described above constitutes, in whole or in part, unauthorized use of the initials "N.D." and "ND" after his name, in violation of Health Occ. § 14-5F-30(a)(3).

### **NOTICE OF POSSIBLE SANCTIONS**

If, after a hearing, a disciplinary panel of the Board finds that there are grounds for action under Health Occ. § 14-5F-30(a)(1), (2), and/or (3), the disciplinary panel may impose a civil fine against the Respondent of not more than \$50,000 for each ground pursuant to Health Occ. § 14-5F-29(c).

### **NOTICE OF DISCIPLINARY COMMITTEE FOR CASE RESOLUTION CONFERENCE, PREHEARING CONFERENCE AND HEARING**

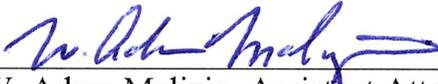
A Disciplinary Committee for Case Resolution ("DCCR") Conference in this matter is scheduled for **Wednesday, August 25, 2021, at 9:00 a.m.**, at the Board's office, 4201 Patterson Avenue, Baltimore, Maryland 21215. The nature and purpose of the DCCR is described in the attached letter to the Respondent. The Respondent must confirm in writing his intent to attend the DCCR. The Respondent should send written confirmation of his intent to participate in the DCCR to:

Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians  
4201 Patterson Avenue, 4th Floor  
Baltimore, Maryland 21215

If the case cannot be resolved at the DCCR, a pre-hearing conference and a hearing in this matter will be scheduled at the Office of Administrative Hearings, 11101 Gilroy Road, Hunt Valley, Maryland 21031. The hearing will be conducted in accordance with Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol. & 2020 Supp.).

BRIAN E. FROSH  
ATTORNEY GENERAL OF MARYLAND

May 24, 2021  
Date

  
W. Adam Malizio, Assistant Attorney General  
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