

IN THE MATTER OF

\*

BEFORE THE

FRANK EDWARD GAINER

\*

MARYLAND STATE

Respondent

\*

BOARD OF PHYSICIANS

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Case Number: 2220-0046B

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**CEASE AND DESIST ORDER**

Pursuant to the authority granted to Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) under the Maryland Medical Practice Act, Md. Code Ann., Health Occ. § 14-206(e)(2)(vii) (2014 Repl. Vol. & 2020 Supp.), Panel B hereby orders Frank Edward Gainer (the “Respondent”), an unlicensed individual, to immediately **CEASE AND DESIST** from representing to the public, by title, description of services, methods, procedures, or otherwise, that the Respondent is authorized to practice naturopathic medicine in the State of Maryland.

The pertinent provisions of the Maryland Medical Practice Act, Health Occ. §§ 14-101 *et seq.*, under which Panel B issues this Order provide the following:

**Health Occ. § 14-206. Judicial Powers.**

....

(e) *Cease and desist orders; injunctions.* – A disciplinary panel may issue a cease and desist order or obtain injunctive relief against an individual for:

....

(2) Representing to the public, by title, description of services, methods, procedures, or otherwise, that the individual is authorized to practice:

....

(vii) Naturopathic medicine in this State, in violation of § 14-5F-30 of this title[.]

The pertinent provisions of the Maryland Naturopathic Medicine Act, Health Occ. §§ 14-5F-01 *et seq.*, under which Panel B issues this Order provide the following:

**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.

**INVESTIGATIVE FINDINGS<sup>1</sup>**

Based on the investigatory information received by, made known to, and available to Panel B, there is reason to believe that the following facts are true:

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. The Detective’s report explained that an individual (“Individual A”) paid the Respondent \$1,500 for “non-linear diagnostic system” treatments, but the

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<sup>1</sup> The statements regarding the Board’s investigative findings are intended to provide the Respondent with reasonable notice of the basis of the Board’s action. 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 this matter.

<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.

Respondent did not provide these treatments as agreed. The Detective's report further explained that during an interview with the Respondent, the Respondent said that he had graduated from an institute of "original medicine" and was "an N.D., a doctor of natural [*sic*] medicine." The Respondent 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 "bogus bar graphs with red and blue lines." The Respondent then said that the Detective had "bronchitis, tapeworms, and 'more bad bacteria than good in his pancreas.'" The Detective's report explained that the police closed their investigation as a civil dispute.

3. The Board opened an investigation based on the information contained in the Detective's report.

4. 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. However, 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 have an agreement for the Respondent to repay him that amount. Individual A further explained that the Respondent worked with a collaborating physician ("Physician A").

5. 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. Individual B said that the Respondent identified himself as “Dr. Frank E. Gainer, N.D.” and as a naturopathic doctor. Individual B explained that he helped the Respondent set up a company to provide health services (“Company A”).

6. During his interview, Individual B told Board staff that the Respondent had treated Individual B as well as 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.

7. As part of its investigation, the Board obtained copies of lease documents regarding Company A from an executive office suites company in Maryland. An Office Application listed “Dr. Frank E. Gainer, N.D.” as the Key Officer for Company A. The Respondent also submitted 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.” On May 2, 2019, the Respondent signed a lease agreement as “Dr. Frank E. Gainer, N.D.”

8. 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”). These documents included Articles of Incorporation that listed “Frank E. Gainer, N.D.” and Physician A as the 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 . . . .”

9. 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.”

10. As part of its investigation, Board staff accessed a website maintained for Company B on or about February 12, 2020. The 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.” The website also described services that the Respondent provided, including “Herbal Medicine,” “Natural Pain Relief,” and “Homeopathy.”

11. As part of its investigation, Board staff interviewed Physician A under oath on or about May 21, 2020. Physician A said that she completed her residency training in physical medicine and rehabilitation and was board-certified in that specialty, though that certification lapsed in 2016. Physician A said that Individual B initially introduced her to the Respondent. The Respondent told Physician A that he was a “naturopathic doctor and got his Degree.” Physician A also acknowledged that she referred a patient to the Respondent for an evaluation. The evaluation, according to Physician A, included a “superficial NOF diagnostic, it’s an energy test, you look at the frequency that’s going on in his body, in his aura.”

### **CONCLUSIONS OF LAW**

Based on the foregoing Investigative Findings, Panel B concludes as a matter of law that the Respondent, while not holding a license to practice naturopathic medicine in the State of Maryland, represented to the public by title, by description of services,

methods, or procedures, that he was licensed to practice naturopathic medicine in the State of Maryland in violation of Health Occ. § 14-5F-30(a)(1); used the terms “doctor of naturopathic medicine,” and “doctor of naturopathy,” and “naturopathic doctor,” in violation of Health Occ. § 14-5F-30(a)(2); and used the initials “N.D.” and “ND” after his name, in violation of Health Occ. § 14-5F-30(a)(3).

**ORDER**

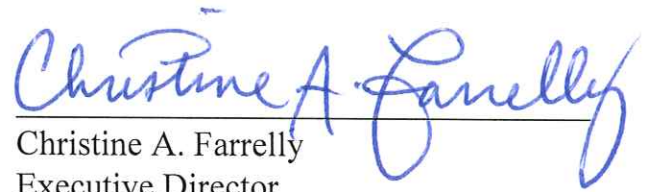
Based on the foregoing Investigative Findings and Conclusions of Law, it is, by a majority of the quorum of Panel B, hereby:

**ORDERED** that pursuant to the authority under Health Occ. § 14-206(e)(2)(vii), the Respondent, **Frank Edward Gainer**, shall **CEASE AND DESIST** from representing to the public, by title, description of services, methods, procedures, or otherwise, that the Respondent is authorized to practice naturopathic medicine in the State of Maryland; and it is further

**ORDERED** that this order is **EFFECTIVE IMMEDIATELY** pursuant to Md. Code Regs. 10.32.02.11E(1)(b), and it is further

**ORDERED** that this is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* and Md. Code Regs. 10.32.02.11E(1)(a).

05/17/2021  
Date

  
Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

**NOTICE OF OPPORTUNITY FOR A HEARING**

The Respondent may challenge the factual or legal basis of this initial order by filing a written opposition, which may include a request for a hearing, within 30 days of its issuance. The written opposition shall be made to:

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

A copy shall also be mailed to:

W. Adam Malizio, Assistant Attorney General  
Administrative Prosecutor  
Maryland Office of the Attorney General  
Health Occupations Prosecution and Litigation Division  
300 West Preston Street, Suite 201  
Baltimore, Maryland 21201

If the Respondent files a written opposition and a request for a hearing, the Board shall consider that opposition and provide a hearing if requested. If the Respondent does not file a timely written opposition, the Respondent will lose the right to challenge this Initial Order to Cease and Desist and this Order will remain in effect.