

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

In the Matter of the
Medical License of
Martin C. Hinz, M.D.
Year of Birth: 1954
License Number: 31,670

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Martin Charles Hinz, M.D. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by Edward F. Kautzer, Ruvelson & Kautzer, Ltd., 1912 Lexington Avenue North, Suite 300 Roseville, Minnesota 55113, (651) 645-9359 and Joshua S. Casper, Casper Law, PLLC, 1912 Lexington Avenue North, Suite 300, Roseville, Minnesota 55113, (651) 998-9687. The Committee was represented by Keriann L. Riehle, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101, (651) 757-1449.

FACTS

3. For the purpose of this Stipulation, the Board may consider the following facts as true:

a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on May 14, 1988.

b. Respondent has a history of Board Orders due to a mental impairment, beginning in 1996 and ending in 2005 when the Board issued an Order of Unconditional License for Respondent.

c. In March 2018, the Board received a complaint alleging that Respondent was engaging in false or misleading advertising and unethical claims including professional superiority. Specifically, the complaint alleged Respondent stated he has “reinvented the medical science foundation of Parkinson’s disease” on a website. The website further stated, “[w]e treat and do things for our Parkinson’s disease patients that most doctors of the world believe are impossible.”

d. In December 2018, the Board received a complaint alleging that Respondent was practicing telemedicine outside the U.S. and providing medical consults from his home in another state without a valid medical license in that state.

e. In written and in person responses, Respondent stated that he does not practice telemedicine and his consultations are not patient care. Respondent acknowledged that he removed the “impossible” statement from his website.

f. Based upon the complaints, the Board initiated an investigation into Respondent’s practice of medicine. The investigation revealed:

i. Respondent formerly owned a nutrition supplement distribution company, West Duluth Distribution d/b/a CHK Nutrition of Duluth (“CHK”). CHK is now owned by Respondent’s family member. Respondent owns Neuro Research Centers, Inc., a company that promotes seminars and provides telemedicine consultations. Respondent also owns DBS Laboratories, a company for testing “centrally acting mono amine assays” in the urine of the Parkinson’s patients who are treated through Respondent’s business.

ii. Respondent does not disclose his financial or economic interest in the companies to patients or other providers.

iii. In 2011, the Food and Drug Administration (“FDA”) filed a Consent Decree for Permanent Injunction (“FDA Consent Decree”) against CHK, NeuroResearch Clinics, Inc., Respondent, and Respondent’s family member. The FDA Consent Decree indicated Respondent owned and operated NeuroResearch Clinics, Inc. with the same street address as Respondent’s other companies.

g. On August 15, 2019, Respondent met with the Committee to discuss his conduct. Respondent stated he interacts and talks directly with patients, as a physician, using a telemedicine communications platform. Respondent acknowledged that he is compensated through an ongoing royalty agreement with CHK, which is the source of the supplements Respondent recommends during his telemedicine consultations.

h. After the conference, the Committee continued its investigation and requested additional information. In response, Respondent provided the Committee with an August 9, 2018 letter from the FDA to Respondent, which alleged Respondent failed to comply with the Food, Drug, and Cosmetic Act (“Act”) and the FDA Consent Decree. In the letter, the FDA stated that CHK supplements that Respondent recommended were “drugs” under the Act based on Respondent’s advertising of such products as being used for the treatment of diseases.

STATUTES

4. The Committee views Respondent’s practices as inappropriate in such a way as to require Board action under Minnesota Statutes sections 147.091, subdivision 1(e), (g), and (p). Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact for disciplinary action under this statute.

REMEDY

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that the Board may make and enter an Order disciplining Respondent and conditioning Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

- a. Respondent is **REPRIMANDED**.
- b. Within six months following the effective date of this Order, Respondent shall complete coursework, preapproved by the Committee, on medical ethics.
- c. Within six months following the effective date of this Order, Respondent shall pay a civil penalty of \$7,187.80.
- d. Respondent may petition for reinstatement of an unconditional license upon satisfactory evidence of completion of paragraphs 5b and 5c.

6. Within ten days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has medical privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites. Within seven days of any change, Respondent shall provide the Board with the new addresses and telephone numbers. The information shall be sent to the Executive Director, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 500, Minneapolis, Minnesota 55414-3246.

7. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice

medicine.

8. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

9. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

10. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and

agrees that the Order to be entered pursuant to the Stipulation shall be the final Order herein.

11. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

Dated: Feb 12, 2020, 2019 ^{Errol MCA}

Dated: FEB 14, 2019 ^{MANCA} ~~2020~~
_{Errol MCA}

Martin C. Hinz MD
MARTIN C. HINZ, M.D.
Respondent

[Signature] MD JD
FOR THE COMMITTEE

ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this 14th day of March, 201~~8~~⁹.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: 

|#4642826-v1