

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

In the Matter of the
Medical License of
Matthew G. Thorson, M.D.
Year of Birth: 1976
License Number: 50,173

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Matthew Gerald Thorson, 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 Patti Skoglund and Vicki A. Hruby, Jardine, Logan & O'Brien, 3519 Eagle Point Boulevard, Suite 100, Lake Elmo, Minnesota 55042, (651) 290-7411. The Committee was represented by Karen D. Olson, Deputy Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-7575.

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 September 8, 2007.

b. Between June 2017 and October 2018, the Board received six complaints

alleging Respondent was inappropriately conducting and advertising stem cell therapy.

c. In August 2017, the Board received a complaint alleging that Respondent provided negligent healthcare, mishandled medical records, and fraudulently billed for a urinalysis lab test.

d. In May 2018, the Board received a report that Respondent received illegal "speaker fees" for promoting a fentanyl painkiller called Subsys.

e. Based upon the complaints, the Board initiated an investigation into Respondent's practice of medicine, including a chart audit. The audit found that Respondent continued to prescribe Subsys to a patient on several occasions after the patient complained the medication was not effective.

f. The investigation also revealed that Respondent used a separate entity to present marketing seminars related to stem cell therapies. Respondent's print advertising purported to offer a "cure" for conditions including COPD and neuropathy and stated that stem cells could reverse and repair damage caused by disease. Respondent provided to the Board a slide presentation dated July 2018, which included a slide that stated stem cell treatment results are "extremely successful" and a slide that stated all types of stem cell products are used at Respondent's clinics.

g. On April 8, 2019, Respondent met with the Committee to discuss his patient care and prescribing practices. Respondent stated he did not disclose his financial interests in Subsys to the patient who complained about the effectiveness of the drug. Respondent also explained he paid the stem cell seminar presenters based on the total sales of patients referred to his clinics, he did not use adipose stem cells in his practice, and research on the efficacy of stem cells is undeveloped.

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) (engaging in false or misleading advertising), (g)(1)-(4) (unethical or improper conduct including, but not limited to conduct likely to deceive or defraud the public; conduct likely to harm the public; conduct that demonstrates a willful or careless disregard for the health, welfare, or safety of a patient; and medical practice that is professionally incompetent), (k) (conduct that departs from or fails to conform to the minimal standards of acceptable and prevailing medical practice), (p)(1) (fee splitting including paying, offering to pay, receiving, or agreeing to receive, a commission, rebate, or remuneration, directly or indirectly, primarily for the referral of patients or the prescription of drugs or devices), and (s) (inappropriate prescribing including prescribing a drug or device for other than medically accepted therapeutic or experimental or investigative purposes), and 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. Respondent shall obtain written informed consent for all regenerative medicine interventions and procedures.

c. Respondent shall not engage in false or misleading advertising or fee splitting.

d. Six months following the effective date of this Order, Respondent shall submit to a random practice audit of his patient charts, created after the date of this order, to be conducted by a representative of the Board as directed by the Committee.

e. Respondent shall pay a civil penalty of \$13,351.00.

f. One year after the effective date of this Order, Respondent may petition for reinstatement of an unconditional license upon satisfactory evidence of completion of the terms and conditions of this Order.

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 address and telephone information. 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. 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.

9. 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.

10. 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: October 11, 2019

Dated: 11-9, 2019


MATTHEW G. THORSON, M.D.
Respondent


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 9th day of November, 2019.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: 

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