

FILED

DEPARTMENT OF PROFESSIONAL REGULATION

Department of Professional Regulation

AGENCY CLERK

BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL  
REGULATION,

CLERK

*Joel Cope*

Petitioner,

DATE

*2 21 89*

-vs-

DPR CASE NUMBER: 0078575

GARY C. HANKINS, M.D.,

LICENSE NUMBER: ME 00020707

Respondent.

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on February 4, 1989, in Dania, Florida, for consideration of a Stipulation (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Stipulation, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises, the Board rejected the Stipulation proposed and offered an amendment at the hearing, which amendment was accepted on the record without objection by Petitioner. Upon request, Respondent was given five days to decide whether to accept or reject the offered amendment. If Respondent affirmatively accepted the proposed amendment within the five days, counsel for the Board was directed to prepare a final order reflecting the agreement. Less than five days after the hearing, counsel for Respondent contacted counsel for the Board and stated Respondent's acceptance of the proposal. The written acceptance is attached hereto as Exhibit B.

IT IS HEREBY ORDERED AND ADJUDGED that the Stipulation as submitted be and is hereby approved and adopted in toto and incorporated by reference herein with the following amendment:


Respondent's license to practice medicine in Florida is suspended indefinitely. After not less than three years from the date of the Final Order Respondent may petition for a stay of the suspension. At that time, he must demonstrate his ability to practice medicine with skill and safety. If the Board grants the stay, Respondent's license shall thereupon be placed on probation subject to terms and conditions to be set at that time.

Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Stipulation.

This Order takes effect upon filing with the Clerk of the Department of Professional Regulation.

DONE AND ORDERED this 18 day of Feb., 1989.

BOARD OF MEDICINE

  
FUAD S. ASHKAR, M.D.  
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Gary C. Hankins, M.D., 3326 Northwest 5th Avenue, Gainesville, Florida 32607 and William M. Furlow, Attorney at Law, Suite 800, Barnett Bank Building, 315 South Calhoun Street, Tallahassee, Florida 32301, and by interoffice delivery to Stephanie A. Daniel, Attorney at Law, Department of Professional Regulation, 130 North Monroe Street, Tallahassee, Florida 32399-0750, at or before 5:00 P.M., this 21 day of February, 1989.

Maureen J. Fairclough

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF PROFESSIONAL REGULATION,	:	
	:	
Petitioner,	:	
	:	
vs.	:	DOAH Case No: 87-3996
	:	DPR Case No: 0078575
GARY C. HANKINS, M.D.,	:	
	:	
Respondent.	:	
<hr/>		

STIPULATION (AMENDED)

Gary C. Hankins, M.D., hereinafter referred to as Respondent, and the Department of Professional Regulation, hereinafter referred to as Department, hereby stipulate and agree to the following joint Stipulation and Final Order of the Board of Medicine, hereinafter referred to as Board, incorporating this Stipulation and Agreement in the above-styled matter.

STIPULATED FACTS

1. For all times pertinent herein, Respondent was a licensed physician in the State of Florida, having been issued license number ME 0020707.

2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. The Respondent admits that he engaged in inappropriate sexual contact with patient S.H., including sexual intercourse, and further admits that his conduct violated the statutory subsections set forth in Counts I, II and III of the Administrative Complaint, attached hereto as Exhibit A.

4. As to Count IV of the Administrative Complaint, the Respondent neither admits nor denies the allegations of fact contained in Count IV. Respondent admits that the factual allegations contained in Count IV would constitute a violation as charged in Count IV if established at hearing.

#### STIPULATED CONCLUSIONS OF LAW

5. Respondent, in his capacity as a licensed physician admits that in such capacity he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

6. Respondent admits that the facts set forth in the foregoing Stipulated Facts constitute violations of Chapter 458, Florida Statutes as alleged in the Administrative Complaint.

#### STIPULATED DISPOSITION

1. Respondent shall not in the future violate Chapters 455 or 458, Florida Statutes, or the rules promulgated pursuant thereto or any other state or federal law.

2. Respondent is hereby reprimanded.

3. Respondent's license shall be suspended for five years, however four years of said suspension may be stayed from the date of the filing of the Final Order by the Board of Medicine. The Board of Medicine, at its discretion, and upon application by the Respondent, may stay the remaining four years of the Respondent's suspension if, at such time, the Respondent can prove to the Board that he is able to practice medicine with a requisite level of care, skill and safety. If after a period of one year's suspension from the date of the filing of the Final Order by the Board of Medicine, the Respondent applies for a stay of his suspension, the Respondent shall still remain on a period of probation of not less than five years from the date of the entry of the Final Order by the Board of Medicine. The period of probation shall include complete compliance with all terms and conditions of this Stipulation. It is understood that the Respondent has been out of practice since April 1988, in accordance with the provisions of the Impaired Practitioner's Program.

4. The Board shall impose an administrative fine of \$2,000.00 against the Respondent, which fine shall be paid by the Respondent to the Executive Director of the Board of Medicine within thirty (30) days of the filing of the Board's Final Order in this cause.

5. Respondent's license shall be placed on probation for a period of five years effective upon termination of the period of suspension filing of a Final Order, subject to the following terms of probation:

- a. Respondent shall not violate the provisions of Chapters 455, 458 and 893, Florida Statutes.
- b. Respondent shall not consume, inject or ingest any controlled substances unless prescribed or administered by a practitioner authorized by law to prescribe or dispense controlled substances. However, the drugs shall only be consumed, injected or ingested for a medically justifiable purpose.
- c. Respondent shall comply with all the conditions of his aftercare contract with the Florida Medical Foundation's Committee on Impaired Professionals.
- d. Respondent shall receive evaluation and treatment by a Board approved psychiatrist, on a no less than monthly basis. Respondent shall cause said psychiatrist to submit quarterly reports to the Board summarizing his evaluation and treatment. Said reports shall include a statement addressing current diagnosis, treatment plan and prognosis and a statement addressing Respondent's cooperation with the treating psychiatrist.

- e. Respondent shall appear before the Board's Probation Committee at their first meeting after he is placed on probation, the last meeting before his probation terminates, annually and at such other times as directed by the Board or Committee and shall answer questions, under oath, as posed to him by the Board members, counsel for the Board, and counsel for Petitioner.
- f. Respondent shall submit semiannual reports to the Board by affidavit (the contents of which are sworn and subscribed to by Respondent before a notary public as being true and correct) summarizing his practice activities. Such reports shall contain the following:
1. Current practice address.
  2. Current practice setting(s).
  3. Prescribing activities.
  4. Hospital admitting activities.
  5. Relationship with treating psychiatrist and other mental health professionals appointed by the Impaired Practitioner's Committee.
  6. Direct response to the specific violations which resulted in the licensee being placed on probation.
  7. Sworn statements from the individuals supervising all aftercare programs required by the Impaired Practitioner's Committee.



8. Specific statement addressing compliance with all other terms and conditions of the Final Order placing the licensee on probation, together with required supporting documentation.
- g. Respondent shall attend NA meetings on a frequency of at least one (1) meeting per week.
- h. Respondent shall submit to random blood and urine testing for the purpose of ascertaining Respondent's compliance with his probation. The term random shall mean at any time and any place that is requested by the Department of Professional Regulation or the Board of Medicine.
- i. Respondent shall pay all reasonable costs of obtaining random urine and/or blood screens.
- j. Respondent shall not examine or treat any female patients without a female employee who is a healthcare professional licensed by the Department of Professional Regulation present in the room. The Board may upon application of the Respondent permit the Respondent to electronically record the session for review by Respondent's supervisor in lieu of requiring a monitoring healthcare professional.
- k. In the event the Respondent should leave Florida to reside or practice outside of Florida or otherwise does

not engage in the practice of medicine in Florida for periods longer than thirty (30) consecutive days, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of Florida or non-practice will not apply to the reduction of the Respondent's probationary period unless otherwise approved by the Board. The Respondent shall advise the Board of any change in his residence and/or office address.

1. Respondent understands that during his period of probation, semiannual investigative reports will be compiled by the Department concerning his compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine. Respondent hereby waives confidentiality with regard to these reports as to the Board only, thus permitting the Board to review the investigative reports notwithstanding any statutory or rule provisions to the contrary.

6. Respondent shall fully reimburse all third party providers for any payments received for counseling sessions which occurred after May 7, 1986.

7. If it is established that Respondent has violated any provision of this Stipulation, the Board shall activate any

stayed portion of the Respondent's suspension and shall impose any additional penalty justified by the violation established.

8. Respondent agrees to abide by all terms and conditions of this Stipulation.

9. Respondent shall be present at the time of the Board's consideration of this Stipulation and shall, under oath, answer any questions posed by Board Members, counsel for the Board and counsel for Petitioner.

10. It is expressly understood that this Stipulation is subject to approval of the Board and the Department and has no force and effect unless an order adopting it is entered by the Board.

11. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Stipulation. Furthermore, should this Joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members for further participation, consideration or

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resolution of these proceedings. In the event that the Board fails to approve this joint Stipulation and a proceeding pursuant to Section 120.57, Florida Statutes, is held resulting in a finding that Respondent is guilty of the alleged charges, Respondent hereby waives any defense to entry of a Final Order by the Board based upon the Board's consideration of this Joint Stipulation.

12. Respondent and the Department fully understand that this Joint Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against the Respondent for acts or omissions and/or the Department against the Respondent for acts or omissions not specifically set forth in this Administrative Complaint attached as Exhibit A, issued in this cause.

13. Upon the Board's adoption of this Stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest to validity of the joint Stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said Stipulation.

14. Upon the Board's adoption of this Stipulation, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution and/or defense of this proceeding. Respondent waives the right to seek any attorney's

fees or costs from the Department in connection with this disciplinary proceeding.

SIGNED this 17 day of NOVEMBER, 1988.

William M. Furlow  
WILLIAM M. FURLOW  
Attorney for Respondent

Gary C. Hankins, M.D.  
GARY HANKINS, M.D.

SWORN TO AND SUBSCRIBED before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

\_\_\_\_\_  
NOTARY PUBLIC  
STATE OF FLORIDA AT LARGE.

My-Commission Expires:

Larry Gonzalez  
Secretary

BY: [Signature]  
Stephanie Daniel as  
Chief Attorney/Medical Section  
Dept. of Professional Regulation

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

CASE NO. 0078575

GARY C. HANKINS, M.D.

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Gary C. Hankins, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the State of Florida, having been issued license number ME 00020707. Respondent's last known address is 3326 N.W. 5th Avenue, Gainesville, Florida 32607.

3. On or about January 1986 through approximately July 3, 1987, Respondent was the treating physician for patient S.H. for among other things, panic disorder, agoraphobia, guidance and counseling in dealing with her terminally ill father, and problems with her inter-personal relationships with men.

4. On or about April 15, 1986, Respondent requested that patient S.H. come to his office for a night counseling session.

5. During aforementioned night session, Respondent told patient S.H. that "you've crossed my mind," and rubbed his genital area.

6. On or about May 5, 1986, Respondent went to patient S.H.'s apartment, took patient S.H. to dinner, and returned to the apartment.

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7. Respondent and patient S.H. subsequently engaged in mutual masturbation and heavy fondling.

8. On or about May 16, 1986, during a therapy session, Respondent told patient S.H. that he wanted to have a personal relationship with her outside the office.

9. At a later time on said date, Respondent went to patient S.H.'s apartment and engaged sexual intercourse with her.

10. From approximately May 17, 1986 through approximately May 26, 1986, Respondent engaged in sexual intercourse with patient S.H. in her apartment, on a regular basis, while continuing with the regular counseling sessions.

11. During aforementioned counseling sessions, Respondent occasionally laid on the couch with patient S.H. and engaged in kissing.

12. During the course of treatment, Respondent repeatedly kissed patient S.H. after each counseling session.

COUNT ONE

13. Petitioner realleges and incorporates paragraphs one through twelve above as if fully set forth herein this Count One.

14. Based on the foregoing, Respondent violated Section 458.331(1)(j), Florida Statutes, by exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his physician.

COUNT TWO

15. Petitioner realleges and incorporates paragraphs one through twelve above as if fully set forth herein this Count Two.

16. Respondent violated Section 458.329, Florida Statutes, by engaging in sexual misconduct in the practice of medicine in violation of the physician-patient relationship.

17. Based on the foregoing, Respondent violated Section 458.331(1)(x), Florida Statutes, by violating any provision of this Chapter, a rule of the Board or Department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the Department.

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COUNT THREE

18. Petitioner realleges and incorporates paragraphs one through twelve above as if fully set forth herein this Count Three.

19. Respondent failed to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances in his treatment of patient S.H.

20. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by gross or repeated malpractice or the failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT FOUR

21. Petitioner realleges and incorporates paragraphs one through twelve above as if fully set forth herein this Count Four.

22. Respondent billed the State of Florida, Employees Group Health Self Insurance Plan for the services provided to patient S.H. on the following dates: June 20 and 27, 1986.

23. Respondent did not treat patient S.H. on these dates.

24. Based on the foregoing, Respondent violated Section 458.331(1)(h), Florida Statutes, by making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a licensed physician.

WHEREFORE, Petitioner respectfully requests the Board of Medicine to enter an Order imposing one or more of the following penalties: revocation or suspension of Respondent's ~~000004~~ restriction of the Respondent's practice, imposition of an



administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 13<sup>th</sup> day of July, 1987

  
FOR  
Van B. Poole  
Secretary

COUNSEL FOR DEPARTMENT:

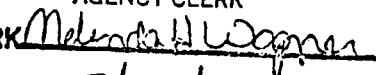
Leslie Brookmeyer  
Senior Attorney  
Department of Professional  
Regulation  
130 North Monroe Street  
Tallahassee, Florida 32399-0750  
(904) 488-0062

PCP: O'Bryan, Katims and Cooper 6/30/87

LB/MC/mk  


**FILED**

Department of Professional Regulation  
AGENCY CLERK

CLERK 

DATE 7/13/87

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STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION  
BEFORE THE BOARD OF MEDICINE

**FILED**  
AGENCY FOR  
HEALTH CARE ADMINISTRATION  
DEPUTY CLERK

CLERK *Stephanie J. Dtz*

DATE 3-27-97

AGENCY FOR HEALTH CARE  
ADMINISTRATION,  
PETITIONER

v.

AHCA CASE NO.: 00785757  
LICENSE NO.: ME 0020707

Gary C. Hankins, M.D.,  
RESPONDENT

**ORDER OF TERMINATION**

Upon review of the terms and conditions of the Final Order of the Board of Medicine rendered 3/27/92, the documentation offered on behalf of Respondent, and being otherwise fully advised in the premises, it is hereby

**ORDERED AND ADJUDGED:**

that Respondent completed his/her period of probation on 3/26/97 and has complied with all terms of the Final Order rendered 3/27/92.

**DONE AND ORDERED**

this 27 day of March, 1997.

*Edward A. Dauer, M.D.*  
Edward A. Dauer, M.D., Chairperson  
Board of Medicine

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Gary C. Hankins, M.D. at 3326 NW 5th Avenue, Gainesville, FL 32607 and to William M. Furlow, Esquire at P.O. Box 1877, Tallahassee, FL 32302 on or before 5:00 p.m. on this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Marm Harris, Executive Director  
Board of Medicine

**AMENDED CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Gary C. Hankins, M.D., at 3326 NW 5th Avenue, Gainesville, FL 32607, to William M. Furlow, Esquire, at P.O. Box 1877, Tallahassee, FL 32302, and interoffice delivery to Larry G. McPherson, Chief Medical Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, at or before 5:00 p.m., this 27 day of March, 1997.

Vicki R. Ellison