

LICENSE NO. L-3329

IN THE MATTER OF

BEFORE THE

THE LICENSE OF

GERMAINE BERNARD HAWKINS, D.O.

TEXAS MEDICAL BOARD

AGREED ORDER

On the 5 day of March, 2021, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Germaine Bernard Hawkins, D.O. (Respondent).

On October 29, 2020, Respondent appeared via videoconference, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the Staff of the Board. The Board's representatives were Robert Gracia, a member of the Board, and Courtney Mack Townsend, Jr., M.D., a member of a District Review Committee (Panel). Jared Brehmer represented Board Staff. Respondent was represented by Mary Jean Geroulo, J.D.

BOARD CHARGES

Board Staff charged that Respondent was providing preceptorship for seven nurse practitioner students using the name, credentials, and license of a nurse practitioner, to log over 900 hours of student preceptorship without her consent or knowledge.

BOARD HISTORY

Respondent has previously been the subject of action by the Board.

On August 28, 2015, the Board entered a Remedial Plan requiring Respondent to complete 32 hours of Continuing Medical Education (CME) divided as follows: eight hours in medical recordkeeping; eight hours in risk management, eight hours in patient communication, and eight hours in supervision and delegation. Respondent was further required to pay an administrative fee of \$500. This action was based on Respondent's failure to adequately supervise staff regarding responses to patient calls and requests for appointments, failure to adequately communicate with patients, and failure to maintain adequate medical records.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds the following:

1. General Findings:

- a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the Act) or the Rules of the Board.
- b. Respondent currently holds Texas Medical License No. L-3329. Respondent was originally issued this license to practice medicine in Texas on February 8, 2002. Respondent is not licensed to practice medicine in any other states.
- c. Respondent is primarily engaged in the practice of Psychiatry. Respondent is not board certified.
- d. Respondent is 47 years of age.

2. Specific Panel Findings:

- a. Respondent claimed that the 900 hours logged with Walden University were completed "with other nurse practitioners," but failed to provide any evidence of the identity of the purported "other nurse practitioners".
- b. Respondent admitted that his staff used the complainant's credentials to log hours under the complainant's name.
- c. At one point, Respondent admitted that he was responsible for logging preceptorship hours under the complainant's credentials, but claimed that it was a non-malicious administrative oversight.
- d. Respondent went on to admit that he had intended to use the complainant's credentials as a solution for the students to log hours and complete their preceptorship.
- e. The complainant stated that she never agreed to act as a preceptor and that she agreed only to be shadowed by the students.

f. The Board was provided with no evidence of the identity of any preceptor other than the complainant.

3. Mitigating Factors:

a. In determining the appropriate sanctions in this matter, the Panel considered, as mitigating, that Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based his committing an act prohibited under §164.052 of the Act.
3. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by §164.053, or injure the public.
4. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.
5. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.

2. Within 30 days of the date of the entry of this Order, Respondent shall obtain Board approval from the Executive Director of the Board for a qualified individual, not otherwise employed by Respondent, to serve as a monitor to oversee any preceptorships that Respondent undertakes at his practice. Upon receiving Board approval for the monitor, Respondent's provision of preceptorships shall be monitored for three years. The monitor shall provide quarterly reports after completion of each three-month period to the Compliance Department of the Board. The reports should document: (1) the individuals assigned as preceptors during the particular review period, including the school(s) that each preceptor is enrolled in; (2) the activities and hours logged for each preceptor; and (3) confirmation that the hours are logged and other documentation is provided to and exchanged with the school in association with the preceptorship, and provided to the Board. The monitor may require Respondent and the preceptors to keep any records necessary and to compile and provide the information required for the monitor's quarterly reports. Any costs incurred by the monitor shall be paid by Respondent. Respondent shall not charge the compensation and costs paid to the monitor to any preceptor or patients.

3. Within one year following the date of the entry of this Order, Respondent shall take and pass with a score of 75 or above the Medical Jurisprudence Examination ("JP Exam") given by the Texas Medical Board. Respondent is allowed three attempts to successfully pass this examination.

Respondent's failure to take and pass the JP Exam within three attempts within one year following the date of the entry of this Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's medical license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Respondent from the Executive Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Medical Practice Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE**

OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL. Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

4. Within in one year following the date of the entry of this Agreed Order, Respondent shall enroll in and successfully complete at least 16 hours of continuing medical education (CME), divided as follows: eight hours in the topic of ethics; four hours in the topic of risk management; and four hours in the topic of professionalism. The CME shall be approved for Category I credits by the American Medical Association or American Osteopathic Association and approved in writing in advance by the Executive Director or their designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least reasonable detail description of the course content and facility, as well as the course location and dates of instructions. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

5. Respondent shall pay an administrative penalty in the amount of \$3000 within 60 days of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

6. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities in Texas where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

7. Pursuant to Board Rule 189.15, the time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) this Order is stayed or enjoined by Court Order; or (c) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine and such cessation in practice is NOT due to a suspension of Respondent's license. Respondent shall immediately notify the Board in writing in the event that Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days. Upon Respondent's return to active practice or return to Texas, Respondent shall notify the Board in writing. Upon return to Texas or active practice, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling. Tolling shall be in accordance with Board Rule 189.15.

8. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

9. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

10. Respondent shall inform the Board in writing of any change of Respondent's practice or mailing address within 10 days of the address change. This information shall be submitted to the Registrations Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days' notice of a

Probationer Show Compliance Proceeding to address any allegation of non-compliance with this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent agrees that any proceeding related to this Order may be held in person, by teleconference, or by videoconference at the discretion of the Board.

11. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

12. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

13. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for one year following the date of the entry of this Order. If, after the passage of the one-year period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

(SIGNATURE PAGES FOLLOW)

I, GERMAINE BERNARD HAWKINS, D.O., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 2/02, 2021.



GERMAINE BERNARD HAWKINS, D.O.
Respondent

STATE OF _____ §

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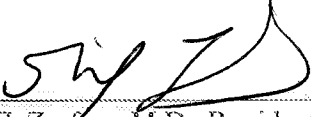
COUNTY OF _____ §

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this _____ day of _____, 2021.

Signature of Notary Public

(Notary Seal)

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
5 day of March, 2021.



Sherif Z. Zafran, M.D., President
Texas Medical Board