

IN THE MATTER OF
PERMANENT REGISTERED NURSE
LICENSE NUMBER 808739

ISSUED TO
CHARLES ELBERT HAWKINS

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BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: CHARLES ELBERT HAWKINS
1908 SCHOOL HOUSE LANE
TEMPLE, GA 30179

During open meeting held in Austin, Texas, on **February 11, 2014**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
William A. Thomas
Executive Director of the Board

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 808739, previously issued to CHARLES ELBERT HAWKINS, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 11th day of February, 2014.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of
Permanent Registered Nurse
License Number 808739

Issued to CHARLES ELBERT HAWKINS,
Respondent

§ BEFORE THE TEXAS
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§ BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CHARLES ELBERT HAWKINS, is a Registered Nurse holding License Number 808739, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about October 4, 2012, Respondent failed to comply with the Agreed Eligibility Order issued to him on September 7, 2011, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number One (1) of the Agreed Eligibility Order which states, in pertinent part:

(1) PETITIONER SHALL, within one (1) year of licensure, successfully complete a course in Texas nursing jurisprudence and ethics....

A copy of the September 7, 2011, Agreed Eligibility Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

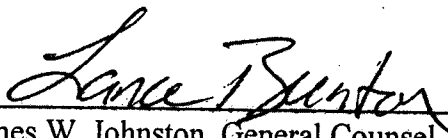
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Eligibility Order dated September 7, 2011.



this 8th day of November, 20 13.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-6811

F: (512) 305-8101 or (512)305-7401

Attachments: Agreed Eligibility Order dated September 7, 2011.

D/2012.06.19

BEFORE THE TEXAS BOARD OF NURSING



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

In the Matter of
CHARLES ELBERT HAWKINS,
PETITIONER for Eligibility for Licensure

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AGREED

ELIGIBILITY ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the E considered the Endorsement Application, which has been processed as a Petition for Declaratory Order pursuant to 22 TEX. ADMIN. CODE §217.5(e) and §213.30, and supporting documents filed by CHARLES ELBERT HAWKINS, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(8)&(10) and 301.453, Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on May 25, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about January 5, 2010, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(e) and §213.30.
2. Petitioner waived representation by counsel, informal proceedings, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Diploma in Professional Nursing from St. Louis Municipal School of Nursing, St. Louis, Missouri, on June 1, 1973.

4. Petitioner completed the Endorsement Application and answered "Yes" to the question which reads as follows: *"For any criminal offense, including those pending appeal, have you:*
- A. *been convicted of a misdemeanor?*
 - B. *been convicted of a felony?*
 - C. *pled nolo contendere, no contest, or guilty?*
 - D. *received deferred adjudication?*
 - E. *been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?*
 - F. *been sentenced to serve jail or prison time? court-ordered confinement?*
 - G. *been granted pre-trial diversion?*
 - H. *been arrested or have any pending criminal charges?*
 - I. *been cited or charged with any violation of the law?*
 - J. *been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?*
- (You may only exclude Class C misdemeanor traffic violations.)"*
5. Petitioner disclosed the following criminal history, to wit:
- On or about December 7, 1999, Petitioner was arrested by the Clayton Police Department, Clayton, Missouri, for UNLAWFUL USE OF WEAPON. Petitioner states he entered a plea of guilty and was placed on two (2) years probation.
6. There is no evidence of any subsequent criminal conduct.
7. Petitioner completed the Endorsement Application and answered "Yes" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*
8. On January 5, 2010, Petitioner was issued a Stipulation and Consent Order by the Minnesota Board of Nursing. A copy of the January 5, 2010, Stipulation and Order is attached and incorporated by reference as part of this Order.
9. After considering the action taken by the Minnesota Board of Nursing, along with Petitioner's subsequent conduct, the Executive Director is satisfied that Petitioner should be able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
10. Petitioner has sworn that, with the exception of matters disclosed in connection with the Endorsement Application, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.

11. Petitioner presented no evidence of behavior which is inconsistent with good professional character.
12. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
13. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
14. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
15. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
16. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
17. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about January 5, 2010, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(e) and §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(8)&(10), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was

imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.

6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
7. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

ORDER

NOW, THEREFORE, IT IS AGREED that the application of PETITIONER is hereby GRANTED, and upon payment of the required fees, PETITIONER SHALL be issued the applicable license to practice nursing in the State of Texas, which shall be subject to the following stipulations:

PETITIONER SHALL obtain and read the Texas Nursing Practice Act and the Rules and Regulations Relating to Nurse Education, Licensure, and Practice.

PETITIONER SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.*, and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while PETITIONER'S license is encumbered by this Order, PETITIONER may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where PETITIONER wishes to work.

(1) PETITIONER SHALL, within one (1) year of licensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license to practice nursing in the State of Texas and PETITIONER shall be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

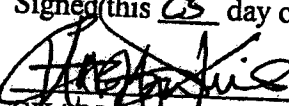
I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

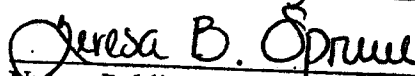
I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

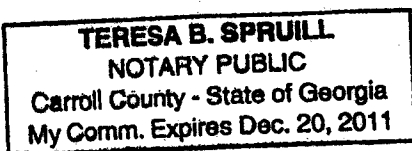
Signed this 23 day of August, 2011


CHARLES ELBERT HAWKINS, PETITIONER

Sworn to and subscribed before me this 23rd day of August, 2011.


SEAL


Notary Public in and for the State of Georgia



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Eligibility Order that was signed on the 23rd day of August, 2011, by CHARLES ELBERT HAWKINS, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 7th day of September, 2011.


Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

BEFORE THE MINNESOTA
BOARD OF NURSING

In the Matter of
Charles E Hawkins, RN
License No. 115198-7

ORDER OF
UNCONDITIONAL LICENSE

The Minnesota Board of Nursing (hereinafter "Board"), having convened on December 3, 1993, to review materials submitted by Charles E Hawkins, RN (hereinafter "Licensee"), and having determined that Licensee complied with and fulfilled all prior orders issued by the Board, does hereby issue the following ORDER:

IT IS HEREBY ORDERED that an unconditional license to practice professional nursing in the State of Minnesota be conferred upon Licensee, such license to carry all duties, benefits, responsibilities, and privileges inherent therein through Minnesota statute and rule.

Dated: December 6, 1993

STATE OF MINNESOTA
BOARD OF NURSING


JOYCE M. SCHOWALTER
Executive Director

BEFORE THE MINNESOTA
BOARD OF NURSING

In the Matter of
Charles E. Hawkins, RN
License No. 115198-7

STIPULATION AND
CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by Charles E. Hawkins, RN (hereinafter "Licensee"), and the Minnesota Board of Nursing (hereinafter "Board") that without trial or adjudication of any issue of fact or law herein and without any evidence or admission by any party with respect to any such issue:

1. On May 7, 1992, a Notice of Conference With Board of Nursing Review Panel was duly served upon Licensee, receipt of which is hereby acknowledged by Licensee;
2. On ^{just June} ~~July~~ 25, 1990 and July 27, 1992, Licensee appeared before the Board Review Panel composed of Nancy Malmon, Board member, and Joyce M. Schowalter, Executive Director of the Board, to discuss allegations made in the notice referenced above. Louis Hoffman, Special Assistant Attorney General, represented the Board at the second conference;
3. Licensee expressly waives the formal hearing and all other procedures before the Board to which he may be entitled under the Minnesota and/or United States constitutions, statutes, or rules. Although Licensee was reminded of his right to counsel, he voluntarily waived such right stating that he understood his right and his waiver;
4. This Stipulation and Consent Order shall constitute the entire record herein and shall be filed with the Board prior to its next meeting;
5. In the event the Board in its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, this stipulation is withdrawn and shall be of

no evidentiary value and shall not be relied upon nor introduced by either party. Licensee agrees that if the Board rejects this stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto;

6. Licensee admits the facts referred to below and grants that the Board may, for the purpose of reviewing the record in paragraph 4 above, consider the following as true without prejudice to him in any current or future proceeding of the Board with regard to these or other allegations:

a. In June 1987, Licensee underwent chemical dependency treatment in St. Louis, Missouri, for cocaine addiction;

b. In February 1988, Licensee began using alcohol and cocaine after his fiancée's death. Licensee stopped using these drugs in January 1989 when he moved to Minnesota, but began using them again in June 1989;

c. On a February 23, 1989, Application For Registered Nurse Licensure Without Examination, Licensee answered no to the question "Have you ever been habitually intemperate in your use of alcohol or been addicted to habit forming drugs?";

d. While Licensee was employed as a professional nurse at Metropolitan-Mount Sinai Hospital, Minneapolis, Minnesota, the following occurred:

1) On one or more occasions Licensee was counseled regarding his failing to report for duty as scheduled and/or notifying staff after his shift had started that he would not be in;

2) On August 1, 1989, Licensee received a verbal warning for sleeping while on duty on two night shifts when he was the only registered nurse on duty;

3) From August 18, 1989, through September 15, 1989, Licensee underwent chemical dependency treatment at Golden Valley Health Center,

Golden Valley, Minnesota. On October 18, 1989, Licensee returned to work under a contract with his employer and the Minnesota Nurses Association's Peer Assistance Program;

4) On February 1, 1990, staff telephoned Licensee at home after he failed to report to work as scheduled. During this conversation Licensee stated that he had "passed out after drinking" on January 29, 1990;

e. On February 2, 1990, Licensee's employment at Metropolitan-Mount Sinai Hospital was terminated based upon his violation of the contract;

f. Licensee used alcohol and cocaine until April 5, 1991 when he entered treatment at Golden Valley Health Center;

g. Licensee lived at Progress Valley Half-Way House following treatment. He remained as a House Manager and chemical dependency technician until July 7, 1992;

h. Licensee completed one year of aftercare August 5, 1992. He attends 5-6 support group meetings each week. His present job is at the Salvation Army Beacon Program, Minneapolis.

7. The Board views Licensee's illness as requiring Board action under Minn. Stat. § 148.261 (1990) and Licensee agrees that his illness constitutes a reasonable basis in law and fact to justify this Board action;

8. Licensee acknowledges and admits that proof at hearing of any one or more of the allegations set forth in the notice, including proof by the Board's introduction of admissions made by Licensee at the conference, would empower the Board to revoke or take other action against Licensee's license under Minn. Stat. § 148.261;

9. This stipulation shall not in any way or manner limit or affect the authority of the Board to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee justifying disciplinary action which occurred before or after the date of this stipulation and which is not directly related to the specific facts and circumstances set forth herein;

10. Upon this stipulation and record, as set forth in paragraph 4 above, and without any further notice of proceedings, the Board places Licensee's license in a **CONDITIONAL** status. Licensee's retention of his license is conditional upon him demonstrating that he is capable of conducting himself in a fit and competent manner in the practice of professional nursing. In order to sustain his burden of proof, Licensee shall comply with and/or submit or cause to be submitted at least the following:

a. Licensee shall completely abstain from all mood-altering chemicals, including alcohol, unless expressly prescribed in writing by a physician or dentist who is providing care and treatment to Licensee. Licensee must inform the Board in writing within 30 days after a physician or dentist prescribes mood-altering substances and the condition being treated;

b. Report from two persons who can attest to Licensee's sobriety. These reports shall be submitted every three months and at the time Licensee petitions to have the conditions removed from his license as outlined in paragraph 12. Each report shall provide and/or address:

1) Licensee's active participation in a chemical dependency rehabilitation program;

2) Licensee's sobriety, including the date he last used mood-altering chemicals, including alcohol;

3) Any other information which the reporter believes would assist the Board in its ultimate review of this matter.

c. Report from Licensee's professional nurse supervisor, if Licensee is employed in nursing. A report shall be submitted every three months and at the time Licensee petitions to have the conditions removed from his license as outlined in paragraph 12. Each report shall provide and/or address:

1) In the first report, evidence that Licensee's supervisor has received a copy of this Stipulation and Consent Order;

- 2) Licensee's attendance and reliability;
- 3) Licensee's ability to carry out assigned functions;
- 4) Licensee's ability to handle stress;
- 5) Licensee's sobriety;
- 6) Number of hours Licensee worked during the reporting period;
- 7) Any other information which the supervisor believes would assist the Board in its ultimate review of this matter.

d. Report from Licensee's supervisor, if Licensee is not employed in nursing. A report shall be submitted every three months and at the time Licensee petitions to have the conditions removed from his license as outlined in paragraph 12. Each report shall provide and/or address:

- 1) Licensee's attendance and reliability;
- 2) Licensee's ability to carry out assigned functions;
- 3) Licensee's ability to handle stress;
- 4) Licensee's sobriety;
- 5) Any other information which the supervisor believes would assist the Board in its ultimate review of this matter.

e. Report from Licensee himself. A report shall be submitted every three months and at the time Licensee petitions to have the conditions removed from his license as outlined in paragraph 12. Each report shall provide and/or address:

- 1) Licensee's sobriety, including the date he last used mood-altering chemicals, including alcohol, and the circumstances surrounding any use while this Stipulation and Consent Order is in effect;
- 2) Licensee's treatment and/or participation in a chemical dependency rehabilitation program, including Alcoholics Anonymous and Cocaine Anonymous. Evidence of participation shall include, but need not be limited to, attendance sheets (on a form provided by the Board) which have

been signed or initialed and dated by a participant who attended the weekly meeting;

- 3) Licensee's employment, if any;
- 4) Licensee's future plans for nursing;
- 5) Any other information which Licensee believes would assist the Board in its ultimate review of this matter.

f. Report from any and all physicians and/or dentists who have prescribed mood-altering chemicals for Licensee during the period this Stipulation and Consent Order is in effect. A report is due within 30 days of the prescription and shall provide and/or address:

- 1) The name, dosage, frequency, and purpose for the mood-altering chemicals for Licensee;
- 2) Confirmation that the physician and/or dentist has been informed of Licensee's chemical dependency history;
- 3) Any other information which the reporter believes would assist the Board in its ultimate review of this matter.

11. All reports shall cover the entire reporting period and provide the basis upon which conclusions were drawn;

12. Licensee may petition to have the conditions removed from his license at any regularly scheduled Board meeting following October 1, 1993. At the time of petition, Licensee shall have the burden of proving by clear and convincing evidence that he is capable of conducting himself in a fit and competent manner in the practice of professional nursing, is successfully participating in a program of chemical dependency rehabilitation, has regularly attended a chemical dependency support group, and has maintained sobriety during the 12 months immediately preceding his petition. In order to sustain his burden of proof, Licensee shall submit or cause to be submitted at least the evidence specified in paragraph 10 above;

13. The Board may, at any regularly scheduled meeting at which Licensee has petitioned in accordance with paragraph 12 above and presented evidence, take any of the following actions:

- a. Remove the conditions attached to the license of Licensee;
- b. Amend the conditions attached to the license of Licensee;
- c. Continue the conditions attached to the license of Licensee upon his failure to meet the burden of proof.

14. Licensee's violation of this Stipulation and Consent Order shall be considered a violation of Minn. Stat. § 148.261 and constitute grounds for further disciplinary action;

15. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board;

16. The Board may direct Licensee to submit to laboratory screening to determine the presence or absence of alcohol or drugs. The Board may order, without prior notice, blood and urine tests of Licensee on a random basis. The blood and urine screens shall be:

- a. Observed in their drawing;
- b. Handled through legal chain of custody methods;
- c. Paid for by Licensee;
- d. Results reported directly to the Board.

The biological fluid testing shall take place at Hennepin County Medical Center, 701 Park Avenue South, Minneapolis, Minnesota 55415. If Licensee is further than 30 miles from Hennepin County Medical Center and the blood and urine testing is to be completed through the mail, the drug screening tests used must be those obtained from Hennepin County Medical Center. All blood and urine tests processed through the mail must be directed to the attention of the toxicology supervisor at Hennepin County Medical Center;

17. Licensee shall arrange with his employer for release from work for purposes of fulfilling the requirements of the laboratory screening. The Board may contact Licensee by

telephone, letter, or through personal contact by an agent to direct him to submit to the tests within one hour after he is contacted by the Board;

18. At any time while this Stipulation and Consent Order is in effect and at the request of the Board, Licensee shall complete and sign health record waivers and/or chemical dependency waivers supplied by the Board to allow representatives of the Board to discuss Licensee's case with and to obtain written evaluations and reports and copies of all Licensee's health or chemical dependency records from his physician, chemical dependency counselor, or others from whom Licensee has sought or obtained treatment, support, or assistance;

19. Licensee hereby acknowledges that he has read, understands, and agrees to this Stipulation and Consent Order and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Licensee acknowledges that he is fully aware that the Stipulation and Consent Order must be approved by the Board. The Board may either approve the stipulation and/or order as proposed, approve the order subject to specified change, or reject it. If the changes are acceptable to Licensee, the stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the stipulation, it will be of no effect except as specified herein;

20. If the Board receives evidence that Licensee has violated the terms of the Stipulation and Consent Order, has made misrepresentations to the Board or to those required to submit reports to the Board, and/or engaged in acts or omissions which would be a violation of Minn. Stat. § 148.261, the Board shall so notify Licensee in writing at his last known address filed with the Board. Licensee shall have the opportunity to contest the allegations by submitting a written request to so contest within 30 days after service of the Notice of Opportunity to Contest Allegations:

a. If Licensee does not submit a written request to contest the allegations within 30 days of service of the notice, the issues set forth in the notice may be taken

as true or deemed proven without further evidence. Upon a report to the Board of such allegations and of Licensee's failure to contest, the Board may either impose additional disciplinary action, including revocation, or deny any petition submitted by Licensee. Any Board order issued under this paragraph shall be final and binding upon Licensee and shall not be subject to judicial or administrative review or to a judicial stay pending any attempts to seek such review;


b. If Licensee submits a written request to contest the allegations, the Board may initiate either a proceeding conducted pursuant to Minn. Stat. ch. 214 (1990) or a contested case hearing pursuant to Minn. Stat. ch. 14 (1990) to determine whether Licensee can show cause as to why additional disciplinary action should not be imposed. In any such proceeding, the Board shall have the burden of going forward to provide a sufficient factual basis supporting the allegations. The Board shall provide sufficient evidence to meet the substantial evidence standard used by appellate courts in reviewing administrative actions, that is, evidence demonstrating that the Board is not acting unreasonably, arbitrarily, or capriciously and that some reasonable evidence exists to support the allegations. Upon such a showing by the Board, the burden of proof as to why additional disciplinary action should not be imposed or why any petition for reinstatement should not be denied shall be upon Licensee.

21. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

CONSENT:

BOARD OF NURSING

REVIEW PANEL


CHARLES E. HAWKINS, RN
Licensee

Dated: 19 Aug, 1992.


NANCY MALMON
Board Member

Dated: October 1, 1992.

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

IT IS HEREBY ORDERED that the license of Licensee is placed in a CONDITIONAL status and that all other terms of this stipulation are adopted and implemented by the Board this 1st day of October, 1992.

MINNESOTA BOARD

OF NURSING


JOYCE M. SCHOWALTER
Executive Director

Re: Permanent Registered Nurse License Number 808739
Issued to CHARLES ELBERT HAWKINS
DEFAULT ORDER - REVOKE


CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of February, 2014, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

CHARLES ELBERT HAWKINS
1908 SCHOOL HOUSE LANE
TEMPLE, GA 30179

BY:


KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD