BEFORE THE ARKANSAS STATE MEDICAL BOARD

IN THE MATTER OF: JAMES MERLIN HAWK, M.D.

EMERGENCY ORDER OF SUSPENSION AND NOTICE OF HEARING

Pursuant to Ark. Code Ann. § 25-15-201, et seq., of the Administrative Procedures Act, and Ark. Code Ann. §17-95-410 of the Medical Practices Act, the Arkansas State Medical Board issues the following Emergency Order of Suspension and Notice of Hearing alleging that James Merlin Hawk, M.D. has violated the Medical Practices Act, more specifically:

1. A.C.A. § 17-95-409(a)(2)(p), that is, violating a Regulation of the Board, more specifically Regulation 2.4, that is, prescribing an excessive amount of controlled substances for his patients, and

2. Regulation 2.6, that is, prescribing Schedule medication for pain not associated with malignancy or terminal illness for more than 6 months, and without keeping proper records and monitoring the condition of his patients to justify the ongoing prescribing of said medication; and

The allegations upon which the above charges are based are as follows:

I.

James Merlin Hawk, M.D. is a licensed physician in the State of Arkansas under the provisions of the Medical Practices Act.

II.

James Merlin Hawk, M.D., prescribed an excessive amount of controlled substances for a patient identified as MO, and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.
III.

James Merlin Hawk, M.D., prescribed an excessive amount of controlled substances for a patient identified as VC, and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.

IV.

James Merlin Hawk, M.D., prescribed an excessive amount of controlled substances for a patient identified as MM, and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.

V.

James Merlin Hawk, M.D., prescribed an excessive amount of controlled substances for a patient identified as BW and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.

VI.

James Merlin Hawk, M.D., prescribed an excessive amount of controlled substances for a patient identified as TK, and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.

VII.

James Merlin Hawk, M.D., prescribed an excessive amount of controlled substances for a patient identified as JS, and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.

Pursuant to the Administrative Procedure Act, ACA § 25-15-211(c), and upon an affirmative vote of the majority of the Arkansas State Medical Board, the Board finds that the acts of James Merlin Hawk, MD, present a danger to the public health, safety and welfare of the citizens of Arkansas; and therefore the license to practice medicine in the State of Arkansas of
James Merlin Hawk, M.D., is suspended on an emergency basis, pending a disciplinary hearing in this matter or further Orders of the Board.

WHEREFORE, IT IS CONSIDERED, ORDERED, AND ADJUDGED by the Arkansas State Medical Board that the license to practice medicine in the State of Arkansas of James Merlin Hawk, M.D., is suspended on an emergency basis pending a disciplinary hearing in this matter or further Orders of the Board.

IT IS FURTHER ORDERED by the Arkansas State Medical Board that a hearing should be conducted to determine whether James Merlin Hawk, M.D., has violated the Medical Practices Act, and the Rules and Regulations of the Board. If it is found that he has, in fact, violated the Medical Practices Act, then the Board should determine whether the license of James Merlin Hawk, M.D., to practice medicine in the State of Arkansas should be revoked or suspended, or whether other sanctions should be given as punishment, pursuant to the authority granted to the Board in ACA §17-95-410. Said hearing will be conducted at 1:00 p.m. clock on the 4th day of April, 2014, at the offices of the Arkansas State Medical Board, Suite 340, 1401 W. Capitol, Little Rock, Arkansas.

James Merlin Hawk, M.D., is hereby advised that he may be represented by counsel at the hearing, and that he will be given the opportunity to examine all of the evidence offered to the Board, cross-examine witnesses, and offer evidence and witnesses in his own behalf.
IT IS SO ORDERED.

ARKANSAS STATE MEDICAL BOARD

JOSEPH M. BECK, M.D., Chairman

DATE: 2/25/14

APPROVED AS TO FORM:

Kevin M. O'Dwyer
Attorney for Arkansas State Medical Board
BEFORE THE ARKANSAS STATE MEDICAL BOARD

IN THE MATTER OF:  JAMES MERLIN HAWK, M.D.

ORDER

On this 2nd day of October, 2014, comes on for hearing the matter of James Merlin Hawk, M.D. The Arkansas State Medical Board appeared, together by a quorum of its membership, together with its attorney, Kevin M. O'Dwyer. James Merlin Hawk, M.D., appeared together with his attorney, Bruce Tidwell. From the pleadings and evidence introduced, the Board finds that:

I. James Merlin Hawk, M.D., is licensed to practice medicine in the State of Arkansas pursuant to the provisions of the Medical Practices Act.

II. On February 25, 2014 the Board issued an Emergency Order of Suspension and Notice of Hearing alleging that James Merlin Hawk, M.D., had violated the Medical Practices Act. The disciplinary hearing was scheduled for the April 2014 Board Meeting.

III. After discussion the Board voted to lift the suspension of Dr. Hawk’s license until a further hearing in October, based primarily on testimony by a police detective that Dr. Hawk’s office staff was being investigated and that Dr. Hawk, at the time, was not implicated in any way with the police investigation nor the prescribing that was the focus of the Board’s investigation.

IV. Subsequent to April, the board received information that the Harrison Police Department investigation had concluded with the arrest and indictment of various employees of Dr. Hawk’s
clinic, and that Dr. Hawk was not involved in any way.

WHEREFORE, it is CONSIDERED, ORDERED, and ADJUDGED that: The Emergency Order of Suspension of the license to practice medicine in the State of Arkansas of James Merlin Hawk, M.D., and all allegations against Dr. Hawk are DISMISSED.

IT IS SO ORDERED.

ARKANSAS STATE MEDICAL BOARD

JOSEPH M. BECK, M.D., Chairman

DATE: 10/16/14

APPROVED AS TO FORM:

Kevin M. O'Dwyer
Attorney for Arkansas State Medical Board
BEFORE THE ARKANSAS STATE MEDICAL BOARD

IN THE MATTER OF: JAMES MERLIN HAWK, M.D.

ORDER AND NOTICE OF HEARING

Pursuant to Ark. Code Ann. § 25-15-201, et seq., of the Administrative Procedures Act, and Ark. Code Ann. §17-95-410 of the Medical Practices Act, the Arkansas State Medical Board issues the following Order and Notice of Hearing alleging that James Merlin Hawk, M.D. has violated the Medical Practices Act, more specifically:

1. A.C.A. § 17-95-409(a)(2)(p), that is, violating a Regulation of the Board, more specifically Regulation 2.4, that is, prescribing an excessive amount of controlled substances for his patients, and

2. Regulation 2.6, that is, prescribing Schedule medication for pain not associated with malignancy or terminal illness for more than 6 months, and without keeping proper records and monitoring the condition of his patients to justify the ongoing prescribing of said medication; and

The allegations upon which the above charges are based are as follows:

I.

James Merlin Hawk, M.D. is a licensed physician in the State of Arkansas under the provisions of the Medical Practices Act.

II.

James Merlin Hawk, M.D., prescribed an excessive amount of controlled substances for a patient identified as DM, and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.
III.

James Merlin Hawk, M.D., prescribed an excessive amount of controlled substances for a patient identified as SG, and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.

IV.

James Merlin Hawk, M.D., prescribed an excessive amount of controlled substances for a patient identified as JG, and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.

V.

James Merlin Hawk, M.D., prescribed an excessive amount of controlled substances for a patient identified as JB and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.

VI.

James Merlin Hawk, M.D., prescribed an excessive amount of controlled substances for a patient identified as KF and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.

WHEREFORE, IT IS CONSIDERED, ORDERED, AND ADJUDGED by the Arkansas State Medical Board that a hearing should be conducted to determine whether James Merlin Hawk, M.D., as alleged hereinabove, has violated the Medical Practices Act, and the Rules and Regulations of the Board. If it is found that he has, in fact, violated the Medical Practices Act, then the Board should determine whether the license of James Merlin Hawk, M.D., to practice
medicine in the State of Arkansas should be revoked or suspended, or whether other sanctions should be given as punishment, pursuant to the authority granted to the Board in ACA §17-95-410.

Said hearing will be conducted at 9:45 o'clock on the 7 day of April, 2016, at the offices of the Arkansas State Medical Board, Suite 340, 1401 W. Capitol, Little Rock, Arkansas.

James Merlin Hawk, M.D., is hereby advised that he may be represented by counsel at the hearing, and that he will be given the opportunity to examine all of the evidence offered to the Board, cross-examine witnesses, and offer evidence and witnesses in his own behalf.

James Merlin Hawk, M.D., is further advised that any additional records and/or exhibits that he as a respondent wishes to present to the Board at his hearing MUST be supplied to the Board no later than 20 days prior to the hearing date. Failure to do so can result in the Board refusal to allow the information or documentation to be presented by the Respondent.

IT IS SO ORDERED.

ARKANSAS STATE MEDICAL BOARD

[Signature]
JOSEPH M. BECK, M.D., Chairman

DATE: 3/11/16

APPROVED AS TO FORM:

[Signature]
Kevin M. O'Dwyer
Attorney for Arkansas State Medical Board
BEFORE THE ARKANSAS STATE MEDICAL BOARD

IN THE MATTER OF:  JAMES MERLIN HAWK, M.D.

EMERGENCY ORDER OF SUSPENSION AND NOTICE OF HEARING

Pursuant to Ark. Code Ann. § 25-15-201, et seq., of the Administrative Procedures Act, and Ark. Code Ann. §17-95-410 of the Medical Practices Act, the Arkansas State Medical Board issues the following Emergency Order of Suspension and Notice of Hearing alleging that James Merlin Hawk, M.D. has violated the Medical Practices Act, more specifically ACA§17-95-409(a)(2)(j), that is, becoming physically and/or mentally incompetent to practice medicine to such an extent as to endanger the public.

The allegations upon which the above charges are based are as follows:

I.

James Merlin Hawk, M.D. is a licensed physician in the State of Arkansas under the provisions of the Medical Practices Act.

II.

The Board was notified by clinic staff that James Merlin Hawk, M.D., after exhibiting signs of mental illness had been admitted to Mercy Hospital in Rogers, Arkansas, and was then transported to a behavioral/psychological hospital in Little Rock.

III.

Pursuant to the Administrative Procedure Act, ACA § 25-15-211(c), and upon an affirmative vote of the majority of the Arkansas State Medical Board, the Board finds that the acts of James Merlin Hawk, MD, present a danger to the public health, safety and welfare of the citizens of Arkansas; and therefore the license to practice medicine in the State of Arkansas of James Merlin Hawk, M.D., is suspended on an emergency basis, pending a disciplinary hearing in this matter or further Orders of the Board.
WHEREFORE, IT IS CONSIDERED, ORDERED, AND ADJUDGED by the Arkansas State Medical Board that the license to practice medicine in the State of Arkansas of James Merlin Hawk, M.D., is suspended on an emergency basis pending a disciplinary hearing in this matter or further Orders of the Board.

IT IS FURTHER ORDERED by the Arkansas State Medical Board that a hearing should be conducted to determine whether James Merlin Hawk, M.D., has violated the Medical Practices Act, and the Rules and Regulations of the Board. If it is found that he has, in fact, violated the Medical Practices Act, then the Board should determine whether the license of James Merlin Hawk, M.D., to practice medicine in the State of Arkansas should be revoked or suspended, or whether other sanctions should be given as punishment, pursuant to the authority granted to the Board in ACA §17-95-410. Said hearing will be conducted at [11 o’clock on the __ day of October, 2016, at the offices of the Arkansas State Medical Board, Suite 340, 1401 W. Capitol, Little Rock, Arkansas.

James Merlin Hawk, M.D., is hereby advised that he may be represented by counsel at the hearing, and that he will be given the opportunity to examine all of the evidence offered to the Board, cross-examine witnesses, and offer evidence and witnesses in his own behalf.

James Merlin Hawk, M.D., is further advised that any additional records and/or exhibits that he as a Respondent wishes to present to the Board at his hearing MUST be supplied to the Board no later than 20 days prior to the hearing date. Failure to do so can result in the Board refusal to allow the information or documentation to be presented by the Respondent.
IT IS SO ORDERED.

ARKANSAS STATE MEDICAL BOARD

JOSEPH M. BECK, M.D., Chairman

DATE: 7/29/16

APPROVED AS TO FORM:

Kevin M. O'Dwyer
Attorney for Arkansas State Medical Board
BEFORE THE ARKANSAS STATE MEDICAL BOARD

IN THE MATTER OF:    JAMES MERLIN HAWK, M.D.

CONSENT ORDER

On the 6th day of October, 2016, comes on for hearing the matter of James Merlin Hawk, M.D. The Arkansas State Medical Board appeared together with a quorum of its membership, together with its attorney, Kevin M. O’Dwyer. James Merlin Hawk, M.D. appeared together with his attorney, Bruce Tidwell. From the pleadings and agreement of the parties, the Board finds that:

I.

James Merlin Hawk, M.D. is a licensed physician in the State of Arkansas under the provisions of the Medical Practices Act.

II.

The Arkansas State Medical Board entered an Emergency Order of Suspension and Notice of Hearing on the 29th July, 2016, alleging that James Merlin Hawk, M.D. has violated the Medical Practices Act, more specifically ACA§17-95-409(a)(2)(j), that is, becoming physically and/or mentally incompetent to practice medicine to such an extent as to endanger the public

III.

James Merlin Hawk, M.D., makes the following offer to the Arkansas State Medical Board, pursuant to ACA § 25-15-208(b) of the Administrative Procedure Act as follows:

1. The Arkansas State Medical Board will refrain from going forward with the disciplinary hearing in this case brought on by the allegations contained in the Emergency Order of Suspension and Notice of Hearing referred to hereinabove.

2. James Merlin Hawk, M.D., will enroll and successfully complete continuing education
courses at Vanderbilt University on prescribing of medication and boundary issues with patients.

3. James Merlin Hawk, M.D., will continue to meet with his psychiatrist, Dr. Walden at Mountain Home Psychiatric Medicine.

4. James Merlin Hawk, M.D., will enter into a contract for monitoring and rehabilitation with the Arkansas Medical Foundation and abide by the terms of that contract as if it were the Board’s own Order.

5. James Merlin Hawk, M.D., will attend such meetings of the Arkansas State Medical Board as the Board requires, to provide the Board proof of his compliance or his failure to comply with this Order.

6. James Merlin Hawk, M.D., will reimburse the Board its out-of-pocket investigative costs in scheduling the hearing in the amount of $3,781.53 within one year of the date of this Order. Failure to pay the costs will be considered a violation of this Order and of the Medical Practices Act.

7. Upon James Merlin Hawk, M.D. complying with the terms of this agreement, his license will become unencumbered and he may continue to practice medicine. Upon James Merlin Hawk, M.D. failing to comply with the terms of this Order and the Board finding the same, the Board may revoke or suspend his license to practice medicine in the State of Arkansas for violating an Order of the Board, pursuant to the Medical Practices Act and the Administrative Procedure Act of the State of Arkansas.

IV.

The Arkansas State Medical Board, pursuant to ACA § 25-15-208(b) of the Administrative Procedure Act, finds that the agreement of the parties protects the health and safety of the citizens
of Arkansas and the rights of James Merlin Hawk, M.D.

WHEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED that the agreement
of the parties stated hereinabove in paragraphs III and IV is a fair and equitable agreement and the
Board adopts the same as the Board's own Order.

IT IS SO-ORDERED.

Arkansas State Medical Board

JOSEPH M. BECK, M.D., Chairman

DATE: 10/20/16

Approved as to form:

Kevin M. O'Dwyer
Attorney for Arkansas State Medical Board

James Merlin Hawk, M.D.

Bruce Tidwell
Attorney for James Merlin Hawk, M.D.
BEFORE THE ARKANSAS STATE MEDICAL BOARD

IN THE MATTER OF:  JAMES MERLIN HAWK, M.D.

ORDER AND NOTICE OF HEARING

Pursuant to Ark. Code Ann. § 25-15-201, et seq., of the Administrative Procedures Act, and Ark. Code Ann. §17-95-410 of the Medical Practices Act, the Arkansas State Medical Board issues the following Order and Notice of Hearing alleging that James Merlin Hawk, M.D. has violated the Medical Practices Act, more specifically ACA§17-95-409(a)(2)(q), that is, violating a previous Order of the Board, more specifically, the Order of October 20, 2016.

The allegations upon which the above charges are based are as follows:

I.

James Merlin Hawk, M.D. is a licensed physician in the State of Arkansas under the provisions of the Medical Practices Act.

II.

James Merlin Hawk, M.D., entered into a Consent Order with the Arkansas State Medical Board on October 20, 2016, wherein he agreed to enter a Contract for Monitoring and Rehabilitation with the Arkansas Medical Foundation. He had entered into that Contract on July 27, 2016.

III.

James Merlin Hawk, M.D., submitted to a drug screen as required by his Contract on March 29, 2017 and tested positive for EtG, which is a violation of his Contract and therefore a violation of his Consent Order of October 20, 2016.
WHEREFORE, IT IS CONSIDERED, ORDERED, AND ADJUDGED by the Arkansas State Medical Board that a hearing should be conducted to determine whether James Merlin Hawk, M.D., as alleged hereinafter, has violated the Medical Practices Act, and the Rules and Regulations of the Board. If it is found that he has, in fact, violated the Medical Practices Act, then the Board should determine whether the license of James Merlin Hawk, M.D., to practice medicine in the State of Arkansas should be revoked or suspended, or whether other sanctions should be given as punishment, pursuant to the authority granted to the Board in ACA §17-95-410.

Said hearing will be conducted at 9:00 o'clock on the 8 day of June, 2017, at the offices of the Arkansas State Medical Board, Suite 340, 1401 W. Capitol, Little Rock, Arkansas.

James Merlin Hawk, M.D., is hereby advised that he may be represented by counsel at the hearing, and that he will be given the opportunity to examine all of the evidence offered to the Board, cross-examine witnesses, and offer evidence and witnesses in his own behalf.

James Merlin Hawk, M.D., is further advised that any additional records and/or exhibits that he as a respondent wishes to present to the Board at his hearing MUST be supplied to the Board no later than 20 days prior to the hearing date. Failure to do so can result in the Board refusal to allow the information or documentation to be presented by the Respondent.

IT IS SO ORDERED.

ARKANSAS STATE MEDICAL BOARD

[Signature]

STEVEN CATHEY, M.D., Chairman

DATE: 4/19/17
APPROVED AS TO FORM:

[Signature]

Kevin M. O'Dwyer
Attorney for Arkansas State Medical Board
BEFORE THE ARKANSAS STATE MEDICAL BOARD

IN THE MATTER OF:  JAMES MERLIN HAWK, M.D.

CONSENT ORDER

On the 6th day of April, 2017, comes on for hearing the matter of James Merlin Hawk, M.D. The Arkansas State Medical Board appeared together with a quorum of its membership, together with its attorney, Kevin M. O'Dwyer. James Merlin Hawk, M.D. appeared together with his attorney, Bruce Tidwell. From the pleadings and agreement of the parties, the Board finds that:

I.

James Merlin Hawk, M.D. is a licensed physician in the State of Arkansas under the provisions of the Medical Practices Act.

II.

James Merlin Hawk, M.D., entered into a one year Contract for Monitoring and Rehabilitation with the Arkansas Medical Foundation on July 27, 2016.

III.

The Arkansas State Medical Board were informed by the Arkansas Medical Foundation on April 5, 2017, that James Merlin Hawk, M.D., had violated his Contract.

IV.

James Merlin Hawk, M.D., makes the following offer to the Arkansas State Medical Board, pursuant to ACA § 25-15-208(b) of the Administrative Procedure Act as follows:

1. James Merlin Hawk, M.D., will refrain from the practice of medicine in the State of Arkansas until he returns to the Board, having undergone an evaluation at a facility approved by the Arkansas Medical Foundation and he regains the advocacy of the
2. Upon James Merlin Hawk, M.D. complying with the terms of this agreement, his license will become unencumbered and he may continue to practice medicine. Upon James Merlin Hawk, M.D. failing to comply with the terms of this Order and the Board finding the same, the Board may revoke or suspend his license to practice medicine in the State of Arkansas for violating an Order of the Board, pursuant to the Medical Practices Act and the Administrative Procedure Act of the State of Arkansas.

V.

The Arkansas State Medical Board, pursuant to ACA § 25-15-208(b) of the Administrative Procedure Act, finds that the agreement of the parties protects the health and safety of the citizens of Arkansas and the rights of James Merlin Hawk, M.D.

WHEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED that the agreement of the parties stated hereinabove in paragraphs IV is a fair and equitable agreement and the Board adopts the same as the Board’s own Order.

IT IS SO ORDERED.

ARKANSAS STATE MEDICAL BOARD

STEVEN CATHEY, M.D., Chairman

DATE: 4/19/17