

**ALABAMA STATE BOARD OF
MEDICAL EXAMINERS,**

Complainant,

vs.

ANDRE' VONTRAL HAYNES, M.D.,

Respondent.

**BEFORE THE MEDICAL
LICENSURE COMMISSION
OF ALABAMA**

CASE NO. 2023-044

ORDER SETTING HEARING
For Contested Cases Initiated by Administrative Complaint

The Medical Licensure Commission has received the verified Administrative Complaint filed by the Alabama State Board of Medical Examiners in this matter. The Commission has determined that this matter is due to be set down for hearing under the provisions of Ala. Code § 34-24-361(e). This Order shall serve as the Notice of Hearing prescribed in Ala. Admin. Code r. 545-X-3-.03(3), (4). The Commission's legal authority and jurisdiction to hold the hearing in this matter are granted by Article 8, Chapter 24, Title 34 of the Code of Alabama (1975), and the particular sections of the statutes and rules involved are as set forth in the Administrative Complaint and in this Order.

1. Service of the Administrative Complaint

A copy of the Administrative Complaint and a copy of this Order shall be served forthwith upon the Respondent, by personally delivering the same to Respondent if he or she can be found within the State of Alabama, or, by overnight courier, signature required, to Respondent's last known address if he or she cannot be found within the State of Alabama. The Commission further directs that personal service of process shall be made by FedEx/Nicole Hardy, who is designated as the duly authorized agent of the Commission.

2. Initial Hearing Date

This matter is set for a hearing as prescribed in Ala. Code §§ 34-24-360, *et seq.*, and Ala. Admin. Code Chapter 545-X-3, to be held on Wednesday, June 28th, 2023, at 10:00 a.m., at 848 Washington Avenue, Montgomery, Alabama, 36104. Unless otherwise specified by the Commission, the hearing will be held in person. All parties and counsel are expected to appear and to be prepared for the hearing at this date, time, and place.

3. Appointment of Hearing Officer

The Commission appoints the Honorable William R. Gordon, Circuit Judge (Ret.) as the Hearing Officer in this matter, pursuant to Ala. Admin. Code r. 545-X-3-.08. The Hearing Officer shall exercise general superintendence over all pre-hearing proceedings in this matter, and shall serve as the presiding officer at the

hearing, having and executing all powers described in Ala. Admin. Code r. 545-X-3-.08(1)(a)-(g).

4. Answer

Respondent shall file an Answer, as prescribed in Ala. Admin. Code r. 545-X-3-.03(6), within 20 calendar days of the service of the Administrative Complaint. If Respondent does not file such an Answer, the Hearing Officer shall enter a general denial on Respondent's behalf.

5. Rescheduling/Motions for Continuance

All parties and attorneys are expected to check their schedules immediately for conflicts. Continuances will be granted only upon written motion and only for good cause as determined by the Chairman (or, in his absence, the Vice-Chairman) of the Medical Licensure Commission. Continuances requested on grounds of engagement of legal counsel on the eve of the hearing will not be routinely granted.

6. Case Management Orders

The Hearing Officer is authorized, without further leave of the Commission, to enter such case management orders as he considers appropriate to the particular case. Among any other matters deemed appropriate by the Hearing Officer, the Hearing Officer may enter orders addressing the matters listed in Ala. Admin. Code

r. 545-X-3-.03(5)(a)-(f) and/or 545-X-3-.08(1)(a)-(g). All parties will be expected to comply with such orders.

7. Manner of Filing and Serving Pleadings

All pleadings, motions, requests, and other papers in this matter may be filed and served by e-mail. All filings should be e-mailed to:

- The Hearing Officer, William Gordon (wrgordon@charter.net);
- The Director of Operations of the Medical Licensure Commission, Rebecca Robbins (rrobbins@almlc.gov);
- General Counsel of the Medical Licensure Commission, Aaron Dettling (adettling@almlc.gov);
- General Counsel for the Alabama Board of Medical Examiners, Wilson Hunter (whunter@albme.gov); and
- Respondent/Licensee or his or her counsel, as appropriate.

The Director of Operations of the Medical Licensure Commission shall be the custodian of the official record of the proceedings in this matter.

8. Discovery

Consistent with the administrative quasi-judicial nature of these proceedings, limited discovery is permitted, under the supervision of the Hearing Officer. *See* Ala. Code § 41-22-12(c); Ala. Admin. Code r. 545-X-3-.04. All parties and attorneys

shall confer in good faith with one another regarding discovery. If disputes regarding discovery are not resolved informally, a motion may be filed with the Hearing Officer, who is authorized to hold such hearings as appropriate and to make appropriate rulings regarding such disputes.

9. Publicity and Confidentiality

Under Alabama law, the Administrative Complaint is a public document. The hearing itself is closed and confidential. The Commission's written decision, if any, will also be public. *See* Ala. Code § 34-24-361.1; Ala. Admin. Code r. 545-X-3-.03(10)(h), (11).

10. Stipulations

The parties are encouraged to submit written stipulations of matters as to which there is no basis for good-faith dispute. Stipulations can help to simplify and shorten the hearing, facilitate the Commission's decisional process, and reduce the overall costs of these proceedings. Written stipulations will be most useful to the Commission if they are submitted in writing approximately 10 days preceding the hearing. The Hearing Officer is authorized to assist the parties with the development and drafting of written stipulations.

11. Judicial Notice

The parties are advised that the Commission may take judicial notice of its prior proceedings, findings of fact, conclusions of law, decisions, orders, and judgments, if any, relating to the Respondent. *See* Ala. Code § 41-22-13(4); Ala. Admin. Code r. 545-X-3-.09(4).

12. Settlement Discussions

The Commission encourages informal resolution of disputes, where possible and consistent with public interest. If a settlement occurs, the parties should notify the Hearing Officer, the Commission's Director of Operations, and Commission's General Counsel. The terms of settlement are subject to the approval of the Commission. If approved, the Commission will generally incorporate the settlement terms into a Consent Decree.

13. Subpoenas

The Commission has the statutory authority to compel the attendance of witnesses, and the production of books and records, by the issuance of subpoenas. *See* Ala. Code §§ 34-24-363; 41-22-12(c); Ala. Admin. Code r. 545-X-3-.05. The parties may request that the Hearing Officer issue subpoenas for witnesses and/or documents, and the Hearing Officer is authorized to approve and issue such subpoenas on behalf of the Commission. Service of such subpoenas shall be the responsibility of the party requesting such subpoenas.

14. Hearing Exhibits

- A. Parties and attorneys should, if possible, stipulate as to the admissibility of documents prior to the hearing.
- B. The use of electronic technology, USB drives, CD's, DVD's, etc. is acceptable and encouraged for voluminous records. If the Commission members will need their laptop to view documents, please notify the Hearing Officer prior to your hearing.
- C. If providing hard copies, voluminous records need not be copied for everyone but, if portions of records are to be referred to, those portions should be copied for everyone.
- D. If a document is to be referred to in a hearing, copies should be available for each Commission member, the Hearing Officer, the Commission's General Counsel, opposing attorney, and the court reporter (12 copies).
- E. Index exhibits/documents for easy reference.
- F. Distribute exhibit/document packages at the beginning of the hearing to minimize distractions during the hearing.

15. Administrative Costs

The Commission is authorized, pursuant to Ala. Code § 34-24-381(b) and Ala. Admin. Code r. 545-X-3-.08(9) and (10), to assess administrative costs against the Respondent if he or she is found guilty of any of the grounds for discipline set forth in Ala. Code § 34-24-360. The Board of Medical Examiners [**X**]has / []has **not** given written notice of its intent to seek imposition of administrative costs in this matter.

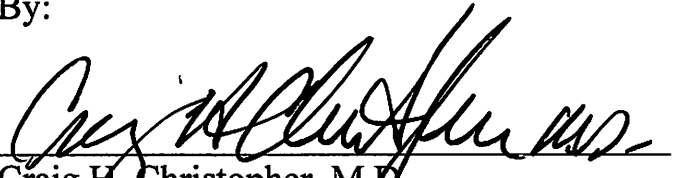
16. Appeals

Appeals from final decisions of the Medical Licensure Commission, where permitted, are governed by Ala. Code § 34-24-367.

DONE on this the 24th day of May, 2023.

THE MEDICAL LICENSURE
COMMISSION OF ALABAMA

By:


Craig H. Christopher, M.D.
its Chairman

Distribution:

- Honorable William R. Gordon (incl. Administrative Complaint)
- Rebecca Robbins
- Respondent/Respondent's Attorney
- E. Wilson Hunter
- Aaron L. Dettling

3. On or about November 9, 2013, Respondent was arrested in the state of Georgia for committing the offense of Violation of Criminal Family Violence Order, a misdemeanor, when he

knowingly and in a nonviolent manner violated the terms of a criminal family violence order PNO: 1528418 (Hamilton County, TN).

4. On or about April 25, 2014, Respondent pled guilty to the lesser charge of disorderly conduct for intentionally acting in a violent and tumultuous manner towards another person. The court ordered confinement in the Cobb County Jail for 12 months, then reduced the sentence to one month, and then eleven months and 29 days on probation/suspension.

5. Respondent completed applications to renew his medical license in Alabama at the end of each year, from 2013 to 2020. Applicants are asked whether they have been charged with any offense, felony or misdemeanor, within the past year. In each renewal application Respondent submitted from 2013 to 2020, Respondent checked "no."

6. Respondent did not apply to renew his license in 2021 and as a result, his license to practice medicine in Alabama expired on December 31, 2021.

7. On or about January 27, 2023, Respondent submitted an Application for Reinstatement of his medical license. He indicated, once again, that he had not been charged with any criminal offense, felony or misdemeanor.

8. During a review of the Application for Reinstatement, the Board discovered the charges referenced in paragraphs 3 and 4, above.

9. Respondent failed to disclose the misdemeanor charge on each renewal application submitted from 2013 to 2020, when he held an active license, and failed to disclose the charge on the Application for Reinstatement.

10. Additionally, in 2022, Respondent practiced telemedicine in Alabama though he did not have an active medical license.

11. According to a Prescription Drug Monitoring Program (“PDMP”) report, Respondent wrote 204 prescriptions for twenty-two (22) different patients in Alabama between February 7, 2022, and February 7, 2023. He did not have a license to practice medicine in the state at the time. Some of the prescriptions were for controlled substances such as Buprenorphine and Suboxone.

12. A Board representative contacted Respondent on or about February 7, 2023, and advised Respondent that he should not prescribe medications via telemedicine because he was not licensed to practice medicine in Alabama.

13. According to a PDMP report requested by the Board on February 24, 2023, Respondent wrote four additional prescriptions for patient(s) in Alabama after being told by a Board representative that he was not licensed to practice medicine in Alabama.

CHARGES

14. The Board investigated Respondent and has concluded that there is probable cause to believe that he has violated Ala. Code § 34-24-360.

COUNT ONE –FRAUD IN APPLYING FOR OR PROCURING A LICENSE TO PRACTICE MEDICINE

15. Between November 9, 2013, and December 31, 2019, ANDRE’ VONTRAL HAYNES, M.D., committed fraud when apply for and procuring a license to practice medicine in Alabama when he failed to disclose one or more pending criminal charges on his license renewal applications, in violation of Ala. Code § 34-24-360(1).

COUNT TWO – FRAUDULENT OR UNTRUE STATEMENT

16. Between November 9, 2013, and December 31, 2019, ANDRE’ VONTRAL HAYNES, M.D., made one or more fraudulent or untrue statements when he failed to disclose one

or more pending criminal charges on his license renewal applications, in violation of Ala. Code § 34-24-360(17).

COUNT THREE –UNPROFESSIONAL CONDUCT

17. Beginning on January 1, 2022, and continuing through the present, ANDRE' VONTRAL HAYNES, M.D., committed unprofessional conduct when he practiced medicine in the state of Alabama without a valid medical license, in violation of Ala. Code §§ 34-24-51 and 34-24-360(2).

COUNT FOUR –UNPROFESSIONAL CONDUCT

18. Beginning on or about February 7, 2023, and continuing through February 24, 2023, ANDRE' VONTRAL HAYNES, M.D., engaged in unprofessional conduct when he knowingly and intentionally wrote prescriptions for patients in the state of Alabama without a valid medical license, after having been informed by a Board representative that he should not be prescribing for Alabama patients, in violation of Ala. Code § 34-24-360(2).

WHEREFORE, premises considered, the Alabama State Board of Medical Examiners respectfully requests that the Commission deny Respondent's Application for Reinstatement pursuant to its authority under Ala. Code §§ 34-24-361 and 41-22-19, and order that he immediately cease and desist from the practice of medicine in the State of Alabama.

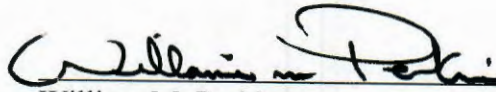
Further, the Board requests that the Commission set a hearing on this Administrative Complaint, and order that ANDRE' VONTRAL HAYNES, M.D., appear and answer the allegations contained in this Administrative Complaint. The Board requests that, at the conclusion of the hearing, the Commission deny Respondent's Application for Reinstatement, and/or take such other actions as the Commission may deem appropriate based upon the evidence presented for consideration.

The Board is continuing the investigation of Respondent and said investigation may result in additional charges being prepared and filed as an amendment to this Administrative Complaint.

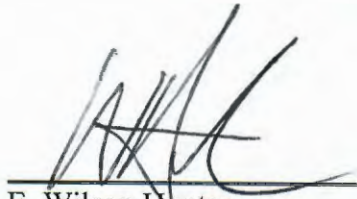
The Board requests that administrative costs be assessed against Respondent pursuant to Ala. Code § 34-24-381 and Commission Rule 545-X-3-.08(12)(e).

This Administrative Complaint is executed for and on behalf of the Board by its Executive Director pursuant to the instructions of the Board as contained in its resolution of March 16, 2023, a copy of which is attached hereto and incorporated herein.

EXECUTED this 26th day of April, 2023.



William M. Perkins
Executive Director
ALABAMA STATE BOARD OF MEDICAL EXAMINERS



E. Wilson Hunter
General Counsel
ALABAMA STATE BOARD OF MEDICAL EXAMINERS
P.O. Box 946
Montgomery, AL 36101-0946
Telephone # (334) 242-4116
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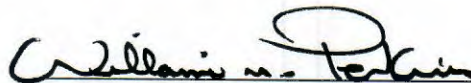
s/ Alicia Harrison

Alicia Harrison
Associate General Counsel
ALABAMA STATE BOARD OF MEDICAL EXAMINERS
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STATE OF ALABAMA)

MONTGOMERY COUNTY)

Before me, the undersigned, personally appeared William M. Perkins, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama State Board of Medical Examiners, has examined the contents of the foregoing complaint and petition and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.



William M. Perkins

Executive Director

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

SWORN TO AND SUBSCRIBED before me this the 25th day of April, 2023.



Notary Public

My commission expires: 1/20/27



STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

A F F I D A V I T

Before me, the undersigned, personally appeared William M. Perkins, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn deposes and says as follows:

The Alabama State Board of Medical Examiners in session on March 16, 2023, a quorum of the members of the Board being present, conducted an investigation into the medical practice of ANDRE' VONTRAL HAYNES, M.D. At the conclusion of the discussion, the Board adopted the following resolution:

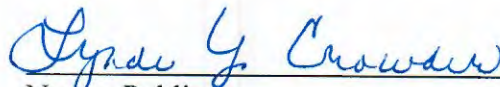
André V. Haynes, M.D., Stockbridge, GA After consideration of investigative information, the Credentials Committee recommended that a letter to cease and desist the unlicensed practice of medicine be issued to Dr. Haynes and that the Board proceed with its previous decision to file with the Medical Licensure Commission a Notice of Intent to Contest Reinstatement. The motion was adopted without objection.

I further certify that the foregoing resolution was adopted by the Alabama State Board of Medical Examiners on the 16th day of March, 2023.



William M. Perkins
Executive Director
ALABAMA STATE BOARD OF MEDICAL EXAMINERS

SWORN TO AND SUBSCRIBED before me this the 25th day of April, 2023.



Notary Public
My commission expires: 1/20/27



ALABAMA STATE BOARD OF MEDICAL EXAMINERS

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OFFICE OF THE GENERAL COUNSEL
Alicia Harrison, Associate General Counsel

Phone (334) 833-0167
Email aharrison@albmc.gov

March 22, 2023

via Federal Express

Andre' Vontral Haynes, M.D.
229 Rugged Creek Drive
Stockbridge, GA 30034

Re: Unlawful Practice of Medicine

Dear Dr. Haynes:

The Alabama State Board of Medical Examiners ("the Board") is the licensing and regulatory agency charged with protecting the health and safety of Alabama patients. In furtherance of this duty, the Board is charged with ensuring that only those persons who possess a valid medical license practice medicine in Alabama. The Board recently reviewed an investigation into your continued practice of medicine in Alabama following the expiration of your medical license on December 31, 2021.

According to our investigation, between February 2022 and February 2023, you wrote approximately 204 prescriptions for patients in Alabama, including prescriptions for controlled substances such as Buprenorphine and Suboxone, though you did not have a license to practice medicine in the state. A Board representative contacted you on or about February 7, 2023, and informed you that you were not licensed to practice medicine in Alabama. Despite this, you wrote four additional prescriptions for patient(s) in Alabama.

Under Alabama law, "any person who practices medicine or osteopathy or offers to do so in this state . . . without a license . . . shall be guilty of a Class C felony." *See* Ala. Code § 34-24-51. The Board has reviewed its licensure database and determined that you are not licensed to practice medicine in Alabama. Accordingly, it is the order of the Board that you immediately cease and desist from the unauthorized practice of medicine. If you do not immediately comply with this demand, the Board will engage all lawful means necessary to compel your compliance with Alabama law.

The Board is aware that you submitted a request for reinstatement of your medical license on January 23, 2023. The pending request for reinstatement in no way authorizes you to treat or prescribe to patients in Alabama.

If you feel the Board's investigation is in error, you may reply to this letter in writing and present any information you deem pertinent. In the meantime, you must comply with the Board's order to cease and desist the unlawful practice of medicine. If you have legal counsel, please provide him or her with a copy of this letter.

Should you have any further questions regarding this matter, please feel free to contact me.

Sincerely,
ALABAMA STATE BOARD OF MEDICAL EXAMINERS



Alicia Harrison
Associate General Counsel

AMH/cs

cc: E. Wilson Hunter, Esq.
William M. Perkins