

FILED

FEB 13 2023

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the Matter of )  
Dwayne L. Watkins, M.D. )  
Application for Licensure to Practice )  
Medicine and Surgery )

Docket No. 23-4400022

CONSENT ORDER

COMES NOW, Disciplinary Panel #37 (“Respondent”), by and through James G. McSweyn, Associate Litigation Counsel and Matthew Gaus, Deputy Litigation Counsel, and Dwayne L. Watkins, M.D. (“Applicant”), *pro se*, and move the Board for approval of a Consent Order granting Applicant’s license to practice medicine and surgery in Kansas. The Parties stipulate and agree to the following:

1. Applicant’s last mailing address known to the Board is: **CONFIDENTIAL**  
**CONFIDENTIAL** . Applicant’s last email address known to the Board is  
**CONFIDENTIAL** .

2. Applicant submitted an original application for a license to practice medicine and surgery in Kansas on or about July 21, 2022. This application is currently pending.

3. The Board has received information and investigated the same, and has reason to believe there are grounds to take action against Applicant under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq*; to-wit:

a. On his application, Applicant disclosed he had entered into a Public Consent Order with the Georgia Composite Medical Board (“the Georgia Board”), which was filed April 13, 2022 (“the Georgia Order”).

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Consent Order  
Dwayne L. Watkins, M.D.

b. Per the Georgia Order, on or about March 12, 2018, Patient 1 presented to the Licensee for liposuction of the upper and lower abdomen, posterior and anterior flanks, and fat transfer to her bilateral hips. Patient 1 complained to the Georgia Board of postoperative complications.

c. **CONFIDENTIAL**

i. By the terms of the Georgia Order, Licensee neither admitted nor denied the above facts, but agreed that the Georgia Board was authorized to enter the Georgia Order based on such facts and waived any further finding of facts on this matter.

d. Additionally, Licensee was found to have improperly delegated the performance of cosmetic injections to an unlicensed individual in violation of Georgia law.

i. By the terms of the Georgia Order, Licensee neither admitted nor denied the above facts, but agreed that the Georgia Board was authorized to enter the Georgia Order based on such facts and waived any further finding of facts on this matter.

e. By the terms of the Georgia Order, Licensee agreed to the following discipline and limitations on his practice:

- i. Licensee was prohibited from performing any fat transfer procedures, including fat transfers that are part of other procedures, until further order of the Georgia Board.
- ii. Licensee was fined \$5,000 for unprofessional conduct.
- iii. Licensee was required to complete an additional 40 hours of continuing medical education, including 10 hours each in the areas of recordkeeping, post-surgical care and patient discharge, ethics, and liposuction.

4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Board is the sole and exclusive administrative agency in Kansas authorized to regulate the practice of the healing arts. K.S.A. 65-2801 *et seq.*

6. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

7. Applicant voluntarily and knowingly waives his right to an administrative hearing. Applicant voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of

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Consent Order  
Dwayne L. Watkins, M.D.

witnesses. Applicant voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

8. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Applicant specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

9. The Respondent has received information **CONFIDENTIAL**, and has reason to believe there are grounds to take action with respect to Applicant's application for licensure under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.* Specifically, Respondent has evidence to establish the following:

- a. Applicant is in violation of K.S.A. 65-2836(j), in that Applicant has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken by the proper licensing authority of another state.

10. Applicant acknowledges that if formal proceedings were conducted and Applicant presented no exhibits, witnesses, or other evidence, and did not in any way otherwise contest the allegations and averments made by Respondent, the Board has sufficient evidence to prove that Applicant has violated the Kansas Healing Arts Act with respect to the above allegations. Applicant further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

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Consent Order  
Dwayne L. Watkins, M.D.

11. Pursuant to K.S.A. 65-2836, the Board may deny an application for licensure where an Applicant has violated the Kansas Healing Arts Act.

12. Pursuant to K.S.A. 77-606 and K.S.A. 65-2838(b) the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

13. All pending **CONFIDENTIAL** materials in **CONFIDENTIAL** regarding Applicant were fully reviewed and considered by the individuals who served on the Board's Disciplinary Panel No. 37.

14. Applicant further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Applicant has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Applicant's license to engage in the practice of medicine and surgery in Kansas. Applicant hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Applicant has failed to comply with any of the terms or conditions set forth in this Consent Order. Respondent acknowledges that at any such hearing, Applicant retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

15. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not

covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.

16. Applicant hereby releases the Board, its individual members (in their official and personal capacity, attorneys, employees, and agents (hereinafter collectively referred to as "Releasees") from any and all claims, including but not limited to those for alleged damages, actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

17. Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

18. This Consent Order, when signed by both parties, constitutes the entire agreement in between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

19. Applicant agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Applicant is

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Consent Order  
Dwayne L. Watkins, M.D.

not present. Applicant further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

20. Applicant, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

21. Applicant acknowledges he has read this Consent Order and fully understands the contents.

22. Applicant acknowledges this Consent Order has been entered into freely and voluntarily.

23. Applicant shall obey all federal, state, and local laws and rules governing the practice of medicine and surgery in Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

24. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 77-505 and K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.

25. Applicant shall immediately notify the Board or its designees of any citation, arrest or charge filed against him or any conviction for any traffic or criminal offense excluding speeding and/or parking violations.

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Consent Order  
Dwayne L. Watkins, M.D.

26. Applicant shall immediately notify the Board or its designees of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of Columbia, or other country, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.

27. Applicant shall at all times keep Board staff informed of his current practice locations, addresses, and telephone numbers. Applicant shall provide the above information in writing to the Board within ten days of any such change.

28. This Consent Order constitutes **public disciplinary action**.

29. The Board may consider all aspects of this Consent Order in any future matter regarding Applicant.

30. In lieu of conducting a formal proceeding, Applicant, by signature affixed to this Consent Order, hereby voluntarily agrees to the following:

#### **LIMITATION**

31. Applicant shall not perform any fat transfer procedures, including fat transfers that are part of other procedures, until Applicant provides proof that the Georgia Board has lifted the limitations contained in the Georgia Order which prohibit him from performing such procedures.

#### **MISCELLANEOUS**

32. Any and all communications to the Board regarding this Consent Order, including but not limited to any and all requests for termination and/or modification of this Consent Order, must be made in writing to:

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Consent Order  
Dwayne L. Watkins, M.D.



Kansas State Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612  
KSBHA\_compliancecoordinator@ks.gov

33. This Consent Order shall terminate upon Licensee providing to the Compliance Coordinator written proof that the Georgia Board has lifted the limitations contained in the Georgia Order which prohibit him from performing fat transfer procedures. A Journal Entry of Satisfaction will be issued upon termination of this Consent Order.

**IT IS HEREBY ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

**IT IS FURTHER ORDERED** that, upon execution of this Consent Order, Applicant shall be granted his license to practice medicine and surgery in the State of Kansas.

**IT IS SO ORDERED** on this 13<sup>th</sup> day of February, 2023.

**FOR THE KANSAS STATE BOARD OF  
HEALING ARTS:**

Susan Bell

2/13/2023

Date

Dwayne L. Watkins M.D.

Dwayne L. Watkins, M.D.

*Applicant*

1/25/2023

Date

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**PREPARED BY:**

***/s James McSweyn***

James G. McSweyn, #29058  
Associate Litigation Counsel  
Matthew P. Gaus, #22609  
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james.mcsweyn@ks.gov  
matthew.gaus@ks.gov

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Consent Order  
Dwayne L. Watkins, M.D.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by e-mail and via United States mail, postage prepaid, on this 13<sup>th</sup> day of February, 2023, to the following:

Dwayne L. Watkins, M.D.  
*Applicant*

**CONFIDENTIAL**

And the original was hand-filed with:

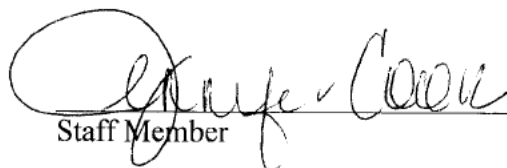
Office of the Executive Director  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

And a copy was hand-delivered to:

James G. McSweyn  
Associate Litigation Counsel  
Matthew Gaus  
Deputy Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Compliance Coordinator  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Licensing Administrator  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

  
Staff Member

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Consent Order  
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