

IN THE MATTER OF
GERALD M. HAYWARD, M.D.

Respondent

License Number: D41836

BEFORE THE
MARYLAND STATE
BOARD OF PHYSICIANS

Case Number: 2225-0144

CONSENT ORDER

On December 24, 2025, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **GERALD M. HAYWARD, M.D.** (the “Respondent”), License Number D41836, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”) §§ 14-101 *et seq.* (2021 Repl. Vol. & 2024 Supp.) under the following provisions of the Act:

Health Occ. § 14-404. License denial, suspension, or revocation.

- (a) *In general.* - Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

...

- (3) Is guilty of:

...

- (ii) Unprofessional conduct in the practice of medicine[.]

Health Occ. § 1-212. Health occupations boards; regulations.¹

On April 29, 2026, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of this

¹ The sexual misconduct charges pertaining to Health Occ. § 1-212 and the Board’s regulations are dismissed.

DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B finds:

I. BACKGROUND

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on or about June 3, 1991, under license number D41836. His license is currently active through September 30, 2026, subject to renewal.

2. The Respondent is board-certified in surgery.

3. The Respondent practices medicine primarily at two hospitals where he has privileges: one in Baltimore City and one in Howard County, Maryland.

II. THE COMPLAINT

4. On or about October 23, 2024, the Board received a Mandated 10-Day Report² (the "Report") from a hospital (the "Hospital")³ in Howard County, Maryland which alleged that the Respondent's medical staff membership and clinical privileges were suspended from October 7, 2024 until October 17, 2024 due to the Respondent's inappropriate comments in the operating room.

² See Md. Code Ann., Health Occ. § 14-413(a)(1)(i)-(iv) (describing Mandated 10-Day Reports generally).

³ To ensure confidentiality and privacy, the names of individuals and entities involved in this case, other than the Respondent, are not disclosed in this document. The Respondent may obtain the identity of all individuals/entities referenced in this document by contacting the Administrative Prosecutor.

5. After reviewing the Report, the Board initiated an investigation of the Respondent.

III. THE BOARD INVESTIGATION

6. On or about October 25, 2024, the Board issued a *subpoena duces tecum* to the Hospital for the Respondent's complete quality assurance/risk management file for the last five years; a complete copy of his personnel/human resources file; and any and all information resulting in the October 2024 suspension.

7. The Hospital sent the Board the requested documentation on or about February 20, 2025, which revealed, in part, the following:

- a. By email dated October 3, 2024, a Hospital employee ("Employee 1") reported to a member of the Hospital administration (the "Hospital Administrator") that the Respondent made inappropriate comments during a procedure in the operating room on October 3, 2024. Specifically, Employee 1 reported that the Respondent asked staff to choose who they would "f***, marry, or kill" out of Joe Biden, Donald Trump, or P. Diddy.
- b. Employee 1 also reported that, during the same procedure, the Respondent told staff about a medical resident from Ghana who pronounced the word, "third," like "turd," which the Respondent explained, "means 'shit' in English." Employee 1 reported that the Respondent discussed "black people and their culture in general."
- c. By email dated October 3, 2024, the Hospital Administrator stated that he spoke to the Respondent about Employee 1's allegations and the Respondent "acknowledged he made inappropriate jokes about race" and apologized;
- d. By letter dated October 7, 2024, the Hospital informed the Respondent that all of his clinical privileges were summarily suspended as of October 7, 2024 due to his "racial and sexually inappropriate comments, in the operating room on October 3, 2024[;]"
- e. By email dated October 8, 2024, the Hospital Administrator stated

that he spoke to the Respondent and the Respondent admitted to asking staff in the operating room about who they would “f***, marry, or kill,” as described in Employee 1’s October 3, 2024 email. The Respondent also “went on to talk about another inappropriate conversation that was started in reference to the fluid we put on the laparoscopic scope and comparing it to the ‘hoktuah’ girl.” The Respondent explained that “it is in reference to some online meme about a woman who is describing oral sex.” The Hospital Administrator told the Respondent “that was clearly inappropriate and [the Respondent] responded that they were all adults and he felt the people in the room were going along with the discussion[;]”

- f. By email dated October 13, 2024, another Hospital employee (“Employee 2”) who was in the operating room with the Respondent on October 3, 2024 reported that, on that day, the Respondent asked Employee 2 if she knew what he was talking about in reference to the “viral Hawk Tuah video.” Employee 2 replied, “no,” and the Respondent “proceeded to explain the video[;]”
- g. By letter dated October 21, 2024, the Hospital informed the Respondent that, after he met with the Medical Executive Committee (“MEC”) on October 17, 2024, the MEC decided to require that the Respondent agree to a Last Chance Agreement prior to his privileges being reinstated. The Last Chance Agreement included in part that the Respondent agree to a Focused Professional Practice Evaluation (“FPPE”) Plan, which required an observer to be present for all of the Respondent’s surgical procedures for one year, and that the Respondent attend a professionalism/behavior management program through the Maryland Physician Health Program. The Respondent signed the Last Chance Agreement on or about November 5, 2024.

8. By letter dated March 25, 2025, Board staff informed the Respondent of the Report, provided him with a copy, and asked him to provide a written response to the allegations.

9. By email dated April 2, 2025, the Respondent provided a written response in which he acknowledged, *inter alia*, that during a surgical procedure in the operating room on October 3, 2024, he:

- a. Made comments to Hospital staff about the phrase, “hawk tuah,” which “involves expectoration and a sexual act[.]” The Respondent said he “explained the reference, which was followed by a discussion about the incredible popularity of the new social media star with millions of likes and followers[;]”
- b. Told Hospital staff about a third-year surgery resident from Ghana who pronounced the word, “third,” like “turd,” because “the resident’s native language did not have a pronunciation of the ‘TH’ sound.” The Respondent recounted to staff that he “explained the grammar error and the meaning of the word, ‘turd[,]’” to the resident.

10. Pursuant to its investigation, between April 14, 2025 and July 9, 2025, Board staff conducted under-oath interviews with five Hospital employees, including Employee 1 and the Hospital Administrator. Employee 1 and another Hospital employee who was present in the operating room with the Respondent on October 3, 2024 (“Employee 3”) told Board staff that the Respondent discussed the “hawk tuah girl” that day and explained that it meant an act performed during oral sex. Employee 1 and Employee 3 also told Board staff that the Respondent polled the group of employees in the operating room as to whether they would “f***, marry, or kill” certain celebrities and politicians.

11. In her under-oath interview, Employee 1 told Board staff that on that same day in the operating room the Respondent mocked a resident he knew from Africa who pronounced the word, “third,” like “turd.” The Respondent “kept laughing” about it. The Respondent’s comments made Employee 1 not want to work with the Respondent because she felt uncomfortable.

12. One of the other Hospital employees, a physician (“Physician 1”), interviewed by Board staff stated that she has heard the Respondent talk about the “hawk tuah girl” in the pre-operative area of the Hospital before. Another one of the Hospital

employees, also a physician (“Physician 2”), interviewed under-oath by Board staff stated that he knows the Respondent “has told [the] joke” about asking whether someone would “f***, marry, or kill” certain individuals.

13. Physician 1 told Board staff that the Respondent is “always joking” in the operating room, so she “tune[s] him out” to focus on the patient. She said that Hospital employees “try to ignore him,” especially female staff, because the Respondent says inappropriate and offensive things.

14. In his under-oath interview with Board staff, which took place on May 22, 2025, the Hospital Administrator stated that, while he received reports about the Respondent’s comments in the operating room on October 3, 2024 from other Hospital employees, the person that gave him “the worst information” was the Respondent himself. When the Hospital Administrator spoke to the Respondent about Employee 1’s report, the Respondent “went into a very long description of something that was completely inappropriate . . . [a]bout some meme online[.]” The Hospital Administrator confirmed that the Respondent discussed an “oral sex meme” in the operating room, and asked Hospital employees to choose whether they would “f***, marry, or kill” certain celebrities and politicians.

15. The Hospital Administrator said that, on the same day in the operating room, the Respondent made a joke about someone he used to work with who was of African descent and had a strong accent and said “something that sounded funny.”

16. On August 8, 2025, Board staff conducted an under-oath interview of the Respondent in which he stated the following in part in reference to his comments in the operating room on October 3, 2024:

- a. He explained the meaning of the “hawk tuah girl” and its relation to oral sex to employees;
- b. He asked employees who they would “f***, marry, or kill” out of P. Diddy, Joe Biden, or Donald Trump. The Respondent explained, “[O]ne of them you F, one of them you marry, one of them you kill[;]”
- c. He told employees about a resident he once worked with from Ghana who pronounced the word, “third,” like “turd,” and explained that he told the resident that “turd in English is about a round ball of feces or a piece of stool.”

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, Disciplinary Panel B concludes as a matter of law that the Respondent is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii). The charges pertaining to the Board’s sexual misconduct regulations promulgated under Health Occ. § 1-212, are dismissed.

ORDER

It is thus, on the affirmative vote of the quorum of Disciplinary Panel B of the Board, hereby:

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that this Consent Order shall not be amended or modified and future requests for modification will not be considered; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive

Director signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a public document. *See* Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

CONSENT

I, Gerald M. Hayward, M.D., acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the

Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

May 11, 2026
Date

Signature on File

Gerald M. Hayward, M.D.

NOTARY

STATE OF MARYLAND

CITY / COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 11TH day of MAY 2026, before me, a Notary Public of the foregoing State and City/County, personally appeared, Gerald M. Hayward, M.D. and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Christy Lee
Notary Public

My Commission expires: 2/2/2028

ACCEPTANCE

I, Ellen Douglas Smith, sign this **CONSENT ORDER** on behalf of Disciplinary Panel B.

5/20/2026
Date

Signature on File

Ellen Douglas Smith
Deputy Director
Maryland State Board of Physicians