

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

Composite State Board
of Medical Examiners

STATE OF GEORGIA

JAN 08 2009

IN THE MATTER OF:

*

TYRONE MALLOY, M.D.,
License No. 23086,

*

DOCKET NO.

*

DOCKET NUMBER

2009 0033

*

*

Respondent.

*

PUBLIC ORDER

The following disposition of the matter is entered pursuant to the provisions of
O.C.G.A. § 50-13-13(a)(4).

FINDINGS OF FACT

1.

Respondent is licensed to practice medicine in the State of Georgia and was licensed
as such at all times relevant to the matters stated herein.

2.

Medical records show that on or about March 21, 2008 23 year old patient S.M.
presented at Respondent's office, Summit Medical Associates, Atlanta, GA, for an elective
termination of her 25 week pregnancy. Medical records show that patient S.M. had anemia
and sickle cell trait. Medical records further show that prior to the procedure patient S.M.'s
Hgb level was 7.3 gms and repeat Hgb was 7.1 gms.

3.

Medical records show that after the procedure, while in the recovery room at
Respondent's outpatient facility, patient S.M. went into cardiac arrest and was transferred to

Atlanta Medical Center. Medical records show that CPR continued in the emergency room and gynecology was consulted because the patient had vaginal bleeding and distended abdomen. Medical records further show that patient S.M. was taken to the operating room for exploration for possible intraabdominal hemorrhage secondary to perforation. Medical records show that exploration revealed a suture on the posterior cervix. Respondent contends neither intraabdominal hemorrhage nor uterine perforation was discovered during exploratory surgery and that during this exploratory procedure, S.M. suffered an iatrogenic bowel injury.

4.

Medical records show a hysterectomy and a bowel repair were performed during the surgery at Atlanta Medical Center, and that postoperatively the patient manifested signs and symptoms of DIC. Medical records indicate vigorous blood product replacement was undertaken but patient S.M. coded in the ICU and died.

5.

A Board appointed peer reviewer evaluated Respondent's treatment of patient S.M. and concluded that it departed from and failed to conform to minimal standards of acceptable and prevailing medical practice in the following ways:

- (a) The minimum standard of care required, in light of the fact that this was an elective procedure, that the patient be transfused to a level of at least 9 gm of hgb;
- (b) The minimum standard of care required evaluation of clotting parameters (platelets, PT, PTT) prior to the procedure being performed; and
- (c) The minimum standard of care required ascertaining the exact gestational age because the risk for amniotic fluid embolus increases with increasing gestational age and

intrauterine manipulation.

6.

For the purposes only of this Order, Respondent does not contest the findings above. Respondent understands that by doing so he is neither admitting the truth of any of the allegations nor acknowledging any impropriety, but is agreeing that the Board may enter an order based on the allegations without the necessity of receiving evidence in support thereof. Respondent makes no admission herein and reserves the right to contest allegations against him in any forum, including but not limited to any civil or criminal court of law or other proceedings before another state's lawful licensing authority.

CONCLUSIONS OF LAW

In order to resolve the issues identified herein, Respondent herein waives formal conclusions of law with respect to the above-styled matter and does not contest the Board's authority to enter the following order.

ORDER

The Composite State Board of Medical Examiners, having considered the particular facts and circumstances of this case, hereby orders, and Respondent hereby agrees, to the following terms:

1.

Respondent shall obtain twenty (20) hours of continuing medical education ("CME") in the area of gynecologic surgery, including pre-operative evaluation, in addition to the CME required of all Georgia physicians. Prior to obtaining the CME, Respondent shall submit the title of the course(s) he plans to attend and information concerning the course(s)

to the Board. Within one (1) year from the effective date of this Order, Respondent shall submit proof of completion of the additional twenty (20) hours to the Board.

2.

Respondent shall submit to the Board a fine of \$10,000.00, to be paid by cashier's check or money order made payable to the Composite State Board of Medical Examiners in 4 payments of \$2,500.00 each due on January 1, 2009, March 1, 2009, May 1, 2009 and July 1, 2009. Failure to pay any or all payments shall be considered a violation of this Order and shall result in further sanctioning of Respondent's license, including revocation, upon substantiation thereof.

3.

In addition to the fine required in paragraph 2 of this Order, Respondent shall pay administrative fees in the amount of \$500.00 as reimbursement to the Board of expenses incurred in the investigation of this matter, which expenses do not include time spent by the investigative division of the Board. Said fees shall be payable by certified check or money order to the Composite State Board of Medical Examiners within thirty (30) days of the effective date of this Order. Failure to pay the entire amount by the 30th day shall be considered a violation of this Order and shall result in further sanctioning of Respondent's license, including revocation, upon substantiation.

4.

This Order and dissemination thereof shall be considered a **PUBLIC REPRIMAND** of Respondent by the Board.

5.

Respondent understands that pursuant to O.C.G.A. Title 43, Chapter 34A, the

contents of this order shall be placed on Respondent's Physician Profile. Furthermore, by executing this Order, Respondent hereby agrees to permit the Board to update the Physician's Profile reflecting this Order.

6.

Respondent acknowledges that he is represented by counsel and that he has read this Order and understands its contents. Respondent understands that he has the right to a hearing in this matter and freely, knowingly and voluntarily waives that right by entering into this Order. Respondent understands and agrees that a representative of the Department of Law may be present during the Board's consideration of this Order and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Order. Respondent further understands that this Order will not become effective until approved and docketed by the Composite State Board of Medical Examiners. Respondent understands that this Order, once approved and docketed, shall constitute a public record, evidencing disciplinary action by the Board. However, if this Order is not approved, it shall neither constitute an admission against interest in this proceeding, nor prejudice the right of the Board to adjudicate this matter.

Approved, this 8th day of January, 2008.

**COMPOSITE STATE BOARD OF
MEDICAL EXAMINERS**

(BOARD SEAL)

BY: Jean Rawlings Sumner M.D.
JEAN RAWLINGS SUMNER, M.D.
President

[Signatures continued on next page]

ATTEST: *Lasharn Hughes*
LASHARN HUGHES
Executive Director

CONSENTED TO:

Tyrone Malloy MD
TYRONE MALLOY, M.D.
Respondent

[As to Dr. Malloy's signature:]
Sworn to and subscribed
before me this 22nd day
of December, 2008.

Brandis L. Woods
NOTARY PUBLIC
My commission expires:

Brandis L. Woods
My Commission Expires Jan 8th, 2012
Notary Public Douglas County, GA