

**PUBLIC**

**IN THE MATTER**

**OF**

**MALACHY DEHENRE, M.D.  
CO-04-08-3861-A**

**COMMISSIONER'S  
SUMMARY  
ORDER**

**TO: MALACHY DEHENRE, M.D.  
2 Paul Harvey Road  
Laurel, MS 39443-0941**

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the Alabama State Board of Medical Examiners, Medical Licensure Commission, (hereinafter "Alabama Board") has made a finding substantially equivalent to a finding that the practice of medicine by **MALACHY DEHENRE, M.D.**, Respondent, licensed to practice medicine in New York state on September 26, 1983, by license number 155843, in that jurisdiction, constitutes an imminent danger to the health, safety, and welfare of its people, as is more fully set forth in documents of the Alabama Board, attached hereto, as Appendix "A," and made a part hereof.

It is, therefore:

**ORDERED**, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **MALACHY DEHENRE, M.D.**, Respondent, shall not practice medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine.

Any practice of medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine in violation of this Commissioner's Summary Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530 and may constitute unauthorized medical practice, a felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing that shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in the state of Alabama. The hearing will be held pursuant to the provisions of NY. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct, on a date and at a location to be set forth in a written Notice of Referral Proceeding, together with a Statement of Charges, to be provided to Respondent after the final conclusion of the Alabama proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than those set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth on this Order and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

**Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299 via Certified Mail, Return Receipt Requested, of the final conclusion of the Alabama proceeding, immediately upon such conclusion.**

**THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT YOUR LICENSE TO  
PRACTICE MEDICINE IN NEW YORK STATE BE  
REVOKED OR SUSPENDED AND/OR THAT YOU  
MAY BE FINED OR SUBJECT TO OTHER SANCTIONS  
SET FORTH IN NEW YORK PUBLIC HEALTH LAW  
SECTION 230-A. YOU ARE URGED TO OBTAIN AN  
ATTORNEY FOR THIS MATTER.**

DATE: Albany, New York

9. 3 , 2004



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DENNIS P. WHALEN  
Executive Deputy Commissioner

Inquires should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

ALABAMA STATE BOARD OF  
MEDICAL EXAMINERS,

Complainant,

vs.

MALACHY DEHENRE, M. D.

Respondent.

BEFORE THE MEDICAL LICENSURE  
COMMISSION OF ALABAMA

CASE NO. 04- 012

**ORDER TEMPORARILY SUSPENDING LICENSE AND SETTING HEARING**

Upon the verified Administrative Complaint of the Alabama State Board of Medical Examiners, and pursuant to the authority of Ala. Code §§34-24-361(f) and 41-22-19(d) (1997), it is the ORDER of the Commission that the license to practice medicine, license certificate number MD.00022722, of MALACHY DEHENRE, M. D., be, and the same is hereby, immediately suspended. MALACHY DEHENRE, M. D., is hereby ORDERED and DIRECTED to surrender the said license certificate and his Alabama controlled substances registration certificate and all controlled substances of which he has possession to Jeff Ainsley duly authorized agent of the Medical Licensure Commission. MALACHY DEHENRE, M. D., is hereby ORDERED to immediately CEASE and DESIST from the practice of medicine in the State of Alabama until such time as the Administrative Complaint of the Alabama State Board of Medical Examiners shall be heard by the Commission and a decision rendered thereon.

This action is made consistent with the Rules and Regulations of the Board of Medical Examiners and the Medical Licensure Commission and Ala. Code 34-24-361(f) (2002), based upon the request of the Alabama State Board of Medical Examiners upon the Board's finding and certification that the Board presently has evidence in its possession that the continuation in

practice of MALACHY DEHENRE, M.D., may constitute an immediate danger to his patients and the public.

It is the further ORDER of the Medical Licensure Commission that the Administrative Complaint of the Alabama State Board of Medical Examiners be, and the same is hereby, set for hearing on the 22<sup>nd</sup> day of September, 2004, at 9:30 a.m., at the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama.

The said MALACHY DEHENRE, M. D., is ORDERED to appear before the Commission at the aforesaid time and date there to answer the allegations of the Administrative Complaint filed by the Alabama State Board of Medical Examiners.

It is the further ORDER of the Commission that a copy of the verified Administrative Complaint of the Alabama State Board of Medical Examiners and a copy of this order shall be forthwith served upon the said MALACHY DEHENRE, M. D., by personally delivering the same to him at his office or at his residence or such place as he may be found in the State of Alabama, or by certified mail, return receipt requested, to his last known address if he cannot be found in the State of Alabama. The Commission further directs that the service of process shall be made by Jeff Drinsley, who is designated as the duly authorized agent of the Medical Licensure Commission.

The Honorable Wayne P. Turner is hereby designated as hearing officer in this matter. It is further ordered that the parties and their attorneys immediately check their calendars for scheduling conflicts. No requests for continuance based upon schedule conflicts of attorneys or parties will be considered unless such request is made prior to August 24, 2004

ORDERED at Montgomery, Alabama, this 28<sup>th</sup> day of July, 2004.



Jerry N. Gurley, M.D., Chairman  
Medical Licensure Commission of Alabama