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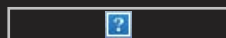
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# Abortion doc who served time for Medicaid fraud has his license back

ATLANTA-NEWS



By Johnny Edwards - The Atlanta Journal-Constitution

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SPECIAL

Last year, the Georgia medical board quietly reinstated Tyrone C. Malloy's license to practice. He's shown here in a DeKalb County jail booking photo. SPECIAL

Posted: 3:30 p.m. Wednesday, August 29, 2018

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The Georgia medical board once sanctioned gynecologist Tyrone C. Malloy over a late-term abortion that left a woman with uncontrolled bleeding, her abdomen swelling as she was rushed to an emergency room. She went into cardiac arrest and died.

Before that, the board cited him for medical mistakes in the death of a newborn just after a C-section.

Then the state Attorney General's Office spent years **aggressively prosecuting him on felony charges**, telling a DeKalb County jury that he fraudulently billed Georgia Medicaid for more than \$386,000 for office visits related to elective abortions and for ultrasounds that he never performed. He spent 21 months in prison.

Now authorities have given Malloy another chance to practice in Georgia — the latest example of the extraordinary deference shown to physicians by the state panel that regulates medical doctors.

In October, the Composite Medical Board quietly reinstated Malloy's license, which he surrendered while incarcerated. Instead of issuing a public board order that would have been posted on its website, as is typically done when a doctor's license had been surrendered or revoked, the only public record of the board's decision was a line in that month's meeting minutes.

This month, in response to what it says were numerous inquiries about how Malloy has an active license, the board issued a public order "clarifying" that it's been reinstated.

**Medical malpractice attorney Susan Witt** said the move shows, once again, that Georgia's medical regulators care more about protecting fellow physicians' livelihoods than protecting the public.

"This composite board never fails to shock me," Witt said. "It's consumer beware in Georgia, in terms of when you are out there looking for a doctor."

The board's 16 members — 13 of whom are doctors — are under no obligation to explain their decisions, and Georgia law even bars them from discussing cases. They can also issue private orders. The AJC's 2016 **Doctors & Sex Abuse series** found that even serious allegations can be handled that way.

Unlike in some other states, Georgia law also allows the medical board to license whoever it sees fit, even doctors convicted of serious crimes. Over the years, the board has reinstated the licenses of other felons, such as **south Georgia's Andrew Dekle**, who served four years in prison for writing more than 120 prescriptions to women in exchange for sexual favors and nude photos.

Malloy's reinstatement marks at least the second time this year that board has returned to practice a doctor who served time. **Lawrence E. Eppelbaum was convicted in 2013** of 27 charges health care fraud, tax fraud and money laundering, having bilked Medicaid through a scheme involving a bogus nonprofit and money funneled through a Jewish day school.

Eppelbaum got out of federal prison on supervised probation in December

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## About the Author



**JOHNNY EDWARDS** Johnny Edwards is a member of the AJC's investigative team, focusing on the private sector and state and federal regulation. He has worked at the newspaper since 2010.



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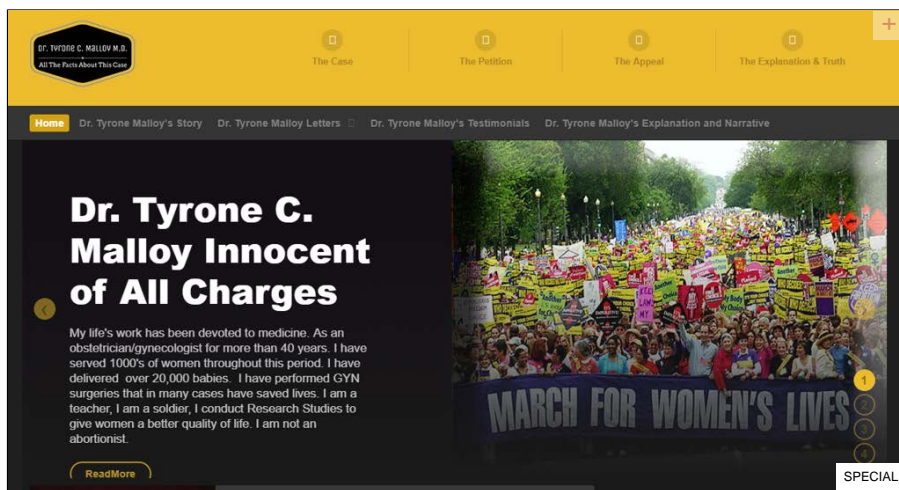
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2016. The medical board returned his license in March, imposing monitoring requirements and other conditions. It posted a public reinstatement order in his case.

Medical board Chairman J. Jeffrey Marshall and Vice Chairman Ronnie Wallace did not return calls seeking comment for this story.

Malloy, 69, who also declined to speak with The Atlanta Journal-Constitution, has said in the past that he's a victim of political persecution.

On his website, [TyroneMalloy.com](http://TyroneMalloy.com), he says, "The vicious conspiracy to destroy my reputation, my life and that of my family by the radical anti-abortion factions that used their power and influence to come after me with hatred and an unprecedented vengeance was an injustice, up to and including, the judicial system of the State of Georgia, in particular, the former Attorney General, Sam Olens."



Tyrone C. Malloy's website, at TyroneMalloy.com, purports to give "the explanation & truth" about his Medicaid fraud case.

Malloy's troubles with state started with a case that had nothing to do with abortion. In 2004, the state medical board fined him \$5,000, saying he failed to order an emergency C-section for a mother with a fever and a fetus with a decelerating heart rate, according to a public order. Instead, he left the hospital without telling the woman's primary physician about her condition, the state alleged. Hours later, the other doctor did a C-section and the baby died.

In 2009, the state fined him \$10,000 over an elective abortion where the patient died. The 23-year-old woman was nearly 6 months pregnant, the board order says, and she had anemia and sickle cell trait. The board said Malloy should have taken extra precautions in light of her condition, including determining the exact gestational age of the fetus.

Malloy focuses on the Medicaid fraud case on his website. He describes it as beginning with an honest misunderstanding between him and the Georgia Department of Community Health, which administers Medicaid. He says he argued that while Medicaid can't pay for abortions, it can be used to confirm pregnancies through lab work and sonograms.

The case went before an Administrative Law Judge, who found no evidence of fraud. Community Health did not challenge the finding. But the Attorney General's Office launched an investigation and obtained indictments in DeKalb County.

In 2014, a jury found him guilty and Judge Cynthia Becker sentenced him to four years in prison and six years on probation.

About a year into his sentence, Malloy's new attorney filed a motion for a new trial. Prosecutors struck a deal: If Malloy paid nearly \$400,000 in restitution, the Attorney General's Office would consent to early release.

"The State received monies which it was not entitled to," Malloy says on his website. "They ruined my reputation, financially devastated me and put an unbearable burden and stress on my family."

Along with investigating Medicaid fraud, Attorney General Chris Carr's office also advises regulatory boards, and meeting minutes show there were three assistant attorney generals present when the board reinstated Malloy. Asked if the AG's office objected, a spokeswoman cited attorney-client privilege and said that "reinstatement is within the discretion of the Medical Board."

Witt, the malpractice attorney, said she can fathom returning a license to a doctor who has truly been rehabilitated. But Malloy doesn't seem to be taking responsibility for his actions in his website writings, she said.

"The bar is very low in Georgia to hold a medical license, apparently," Witt said.

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## DIGGING DEEP

The Atlanta Journal-Constitution has been digging into the workings of the Georgia Composite Medical Board for the past four years, including examinations of doctors working without malpractice insurance and a prison doctor linked to inmate deaths.

In its nationwide Doctors & Sex Abuse investigation, the AJC found that two-thirds of Georgia physicians disciplined for sexually violating patients were permitted to practice again, and the board said that it would review its handling of those cases. But instead of producing a comprehensive report, the board released a **one-page statement with three bullet points** on educating, investigating and enforcing.

An investigation last year found the medical board also goes easy on **doctors who recklessly prescribe opioids**, rarely yanking their licenses.



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### 83-year-old bedridden woman, adult son killed in Georgia house fire

by Chelsea Prince, *The Atlanta Journal-Constitution*

Fire officials say cooking left unattended is to blame for a deadly fire that killed an 83-year-old bedridden woman and her adult son in central Georgia Thursday. The fire in Cochran, about 40 miles south of Macon, was ruled accidental, according to a spokesman for Insurance and Fire Safety Commissioner Ralph Hudgens. “An arson investigator with...



### Coca-Cola agrees to buy Costa Coffee chain for \$5.1 billion

by Bob D'Angelo, *Cox Media Group National Content Desk*

Coca-Cola is getting a jolt of caffeine. >> Read more trending news The company agreed to buy Costa, the largest chain in the United Kingdom, for \$5.1 billion, The Guardian reported Friday. Alison Brittain, the chief executive of Whitbread, which owns Costa, said Coca-Cola's offer led to “an absolutely stonking deal,&rdquo...



### Beach or door? Let the debate begin

by Bob D'Angelo, *Cox Media Group National Content Desk*

It's the latest internet debate. Laurel and Yanny? Nah, the latest argument is whether an image looks like a beach or a door, The Huffington Post reported. A photograph shared online by Twitter user @rebeccareilly\_\_ last week looks like a beach, with the water on the left side and the shore on the right. Others, meanwhile, believe...



### TRAFFIC UPDATE: Downtown Connector reopens after crash

by Breaking News Staff, *The Atlanta Journal-Constitution*

The southbound Downtown Connector has reopened, nearly two hours after a crash blocked multiple lanes and created a traffic nightmare for those headed toward Hartsfield-Jackson International Airport. Details about the crash at Martin Luther King Jr. Drive have not been released. At one point, there were “bumper-to-bumper delays on the connector...

### 'Bee sting times 10': Michigan woman bit by rattlesnake

by Bob D'Angelo, *Cox Media Group National Content Desk*

A Michigan woman was cleaning out her garage last week when she felt a pain that was “like a bee sting times 10” as she walked through her yard. >> Read more trending news It wasn't a bee. Laura Bowen of Pinckney had been bitten by a rattlesnake, WXYZ reported. “It was instant



fry," Bowen told the television...

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