

HIDING IN PLAIN SIGHT: Credentialing & Privileging Gone Wrong

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Premise: *Doctors are Good*



Some Doctors are Bad



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Risk to the Organization of a Bad Doctor

- Reputation
- Undesired Media Attention
- Third Party Lawsuits
- Reimbursement – Challenging Contract Negotiations
- Loss of Medical Staff
- Loss of Employees
- Unwillingness to engage in peer and quality review
- DOJ Investigation
- Loss of Accreditation

Historically Physicians Kill and Maim

- Christopher Duntsch – 36 patients - 2017
- William Husel – 38 patients - 2018
- Michael Swango – 60+ patients
- Marcel Petiot – French – 60+
- Linda Hazzard – 13 deaths – therapeutic fasting
- John Bodkin Adams – 160 patients – imprisoned for fraud
- Hu Wanlin – 146 people – China – Experimented on 1000's – received immunity at end of war
- Josef Mengele – 1000's of human experiments

Physician Serial Killers

- H.H. Holmes – 1st Serial killer – 200 + patients – 1896
- Daniele Poggiali – 38 patients – took selfies with corpses
- Harold Shipman – 250+ - House visit killer
- Shiro Ishii – 100s + - Experimental biological warfare
- Robert Clements – 4 wives w/morphine overdoses

Physician Serial Killers

- Morris Bolber – 50+ - poison
- Maxim Petrov – 12 patients and stole from them
- Donald Harvey – 87 patients – Angel of Death
- Thomas Neill Cream – 5 patients poisoned – 1892
- Louaw Omar Mohammd Ai-taei – Overdose public officials and soldiers so would bleed out
- Anders Hansson – Poisoned 27 patients

Medical Serial Murder

<http://www.ijay.cuny.edu/msm2020>

- International Conference On Medical Serial Murder



Hosted at John Jay College of Criminal Justice

New York City • March 20th, 2020

USA Today

September 20, 2019


- Yorker and other experts contend that **medical serial killers *are a known phenomenon in the health care industry and require systems to detect and prevent harm.***
- Yorker co-wrote a study identifying 131 cases worldwide since 1970 in which medical providers were prosecuted for murder or assault on patients, mostly using medications in hospitals.

MSP's are the Gatekeepers to Patient Safety



Hiding in Plain Sight



- 
- Robert Morris Levy
 - <https://kfor.com/news/former-va-pathologist-who-misdiagnosed-thousands-of-cases-sentenced-to-20-years/>



Robert Morris Levy

June 11, 2021

Former VA pathologist who agency says misdiagnosed 3,000 cases pleads guilty to manslaughter

A former Veterans Affairs pathologist who the agency says botched 3,000 cases, including at least 15 in which patients died, admitted in court Thursday that he schemed to cover up a substance abuse problem and twice misdiagnosed a cancer patient who got the wrong treatment and died.



Robert Morris Levy

- OIG investigation from 2005 – 2017
- 33,902 cases – **3619 misdiagnosis**
- 589 potential for actual harm
- 15 fatalities directly linked to Levy
- Delays in medical care
- Unnecessary treatments

Levy Look-Back

- 1996 DUI
- Only employed at prior hospital 8 months
- Only one reference going back more than two years
- Hired as locum tenens and almost immediately elevated to Chief of Pathology
- High error rate in first two years of practice

Levy Look-Back

- During reappointments peer references were not from pathologists
- Levy was chair of pathology quality management committee
- From Nov. 2009 – Sept. 2017 there were *zero* major discrepancies found by Tissue Committee
- No challenges of data

Levy Look-Back

- Hospital QM did not generate reports of major diagnostic discrepancies
- Medical Staff leadership knew of 2014 incorrect treatment due to diagnostic discrepancy
- Multiple reports of possible impairment

Levy Look-Back

- 2014 complaint of Levy smelling like alcohol
- 2015 two reports of smelling like alcohol, red glassy eyes and hand tremors
- Levy agreed to testing by HR said it was not required
- 2016 reported for signs of impairment – testing showed high blood alcohol
- Went to 3 month inpatient program

Levy Look-Back

- Reinstated but no active monitoring
- He obtained substance on internet that would mask blood alcohol
- No comprehensive review of prior cases done before returning to work
- 2018 – arrested for DUI
- Terminated
- OIG Investigation

VA Serial Murders

- Reta Mays

Sentenced to Life Imprisonment

- **"You are the monster no one sees coming," said U.S. District Judge Thomas Kleeh on Tuesday, sentencing Mays to life in prison for each murder victim, plus 20 years for the eighth victim she tried to kill.**
 - May 11, 2021

Discovering a Serial Killer

- USA Today Investigates String of Deaths
- Our 2019 investigation found hospital oversights may have cost veterans their lives. Insulin wasn't adequately tracked. The ward had no surveillance cameras. Staff didn't conduct tests to find out why patients experienced severe low blood sugar. They did not file reports that could have triggered investigations.

Discovering a Serial Killer

- “serious, pervasive, and deep-rooted clinical and administrative failures” at the hospital allowed the killings to go undetected for nearly a year.

Discovering a Serial Killer

- “While responsibility for these criminal acts clearly lies with Ms. Mays, the OIG found inattention and missed opportunities at several junctures, which, if handled differently, might have allowed earlier detection of Ms. Mays’ actions or possibly averted them altogether,” the inspector general's office concluded.

How Does it Happen?

***Deviation from the Process....Not
the performance of any individual***





The video player shows a news report with a woman in a white coat speaking in front of a USC University of Southern California sign. The video is paused at 00:00. The title bar reads "NEW THIS MORNING MASSIVE SETTLEMENT USC TO PAY \$1.1 BILLION OVER CLAIMS OF SEX ABUSE". The video duration is 03:01. The CBS eye logo is visible in the bottom right corner of the video frame.

00:00

NEW THIS MORNING
MASSIVE SETTLEMENT
USC TO PAY \$1.1 BILLION OVER CLAIMS OF SEX ABUSE

03:01

CBS

George Tyndal, M.D.

- former gynecologist. In 2019 he was under investigation in the Los Angeles Police Department's largest investigation of sexual abuse by a single perpetrator.^{[1][2][3]}
- 1967 Joined the Navy, stationed in Phillipines
- Discharged 1971
- Resumed at SUNY – graduated summa cum laude

George Tyndall, M.D.

- 1980 – started medical school in the Philippines and later transferred to Drexel University in PA
- Residency in OB/GYN at Kaiser LA – focused on preventative care
- Hired at USC Student Health in August 1989
- Resigned June 21, 2016

George Tyndall, M.D.

- LA Times investigation 2018
- June 26, 2019 Tyndall arrested for sexual abuse of 18 women
- Multiple complaints over the years




George Tyndall, M.D.

- In 1991, a student reported Tyndall for taking improper photographs, including close-up photos of her genitals and full body pictures.^[1]
- In 2000, a student complained when Tyndall told her a story of the rock guitarist from Megadeth having sex in public on the streets of Chicago. A letter from the student says that it was "degrading and humiliating."^[11]
- In both September 2003 and February 2004, it was reported that George Tyndall did not permit chaperones (medical assistants and nurses) access behind the curtain during gynecological exams;
 - Neinstein had a conversation with Tyndall regarding the concern. In response to the 2004 complaint, Neinstein documented that the men had a conversation and Tyndall "understood."
 - Tyndall continued to block chaperones access until eventually the physical layout of the exam rooms were altered.^[11]

George Tyndall, M.D.

- A 2005 complaint came from a student who was "made extremely uncomfortable by... comments about my sexual past and my sexual orientation. The comments were completely irrelevant to my appointment and made me feel uncomfortable."^[10]
- In October 2009, a student reported that Tyndall made an inappropriate comment about her pubic hair saying "This is nice. Laser hair removal?"^[10] The student said she felt uncomfortable, embarrassed, and angry. Larry Neinstein's notes say that he addressed the issue with Tyndall by recommending that "if [Tyndall] was going to talk about pubic hair...to do this when the student was dressed...if he found someone who might have a good procedure that could be recommended to other students he would phrase it this way." Neinstein noted that "[Tyndall] understood."^[10]

- 
- In October 2016, a complaint said that the "Practitioner repeatedly insinuated that I was promiscuous...and made me feel like a horrible person."[\[10\]](#)
 - In May 2016, internal notes of USC staff concerns regarding George Tyndall state "he continues to say inappropriate things to student/patients and staff...talks about nipples being perky, vaginal muscle tone" and ask if the patient is a runner.[\[12\]](#)

George Tyndall, MD

- Statements such as "Mexicans are taking over" and there would be a "reconquista."^[12]
- Statements such as "Hispanics have green thumbs so I like to ask them to care for my plant when I am off."^[12]
- Denial of an African-American student (with authorized access) to the Student Health Center after hours.^[12]
- A statement that "black women have too many children."^[12]
- A question to an African American colleague "Why do you speak so well?" and said something to the effect of "most blacks don't know proper English."^[12]

George Tyndall, M.D.

- A January 2016 student complaint states "Dr. Tyndall is a racist. He treated me like a criminal and less than a person."^[12]
- Internal staff comments of Tyndall state that it "seems when [he] gets minorities (African) Dr. Tyndall [makes them] wait longer than Asian or White patients."^[12]
- Reports that Tyndall made comments that students "looked like [his] wife" and telling students about his "beautiful Filipina wife."^[13]

George Tyndall, M.D.

- 2013 investigation by Office of Equity and Diversity
 - Insufficient evidence of policy violation to continue investigation
- June 2, 2016 again reported to OED
 - Inappropriate comments to patients
 - Full body checks of patients without entry in medical record
- MDReview External Review – November 2016



George Tyndall, M.D.

- Did not wash hands between patients
- Asked patients if could keep removed IUDs
- June 2016 – Tyndall on vacation but bug infestation led to findings photos and IUDs in locked cabinet in office
- Placed on paid administrative leave



George Tyndall, M.D.

- Inappropriate comments during exams
- Inappropriate exams (use of fingers before speculum insertion)

George Tyndall, M.D.

- Jan. 31, 2017 – OED presented results of investigation to Student Health Center Administration and Tyndall
- No finding of sexual harassment
- Violation of racial discrimination policies
- Recommended termination May 2017
- Settled with resignation June 2017 and severance



George Tyndall, M.D.

- No report made to MBC or NPDB
- Tyndall asked to be reinstated in March 2018
- Reported after reinstatement denied

The Aftermath

- Criminal investigation and search warrants
 - Hundreds more photos discovered in home and storage units
 - Many photos taken in clinic settings
 - Selling homemade sex tapes and photos in the Philippines

Arrested

The Aftermath

- Class Action Lawsuits

Thousands of women from 1989 to 2016

- Settlements

- June 2019 - \$215 Million

- March 25, 2021 – 710 women - \$852 million

The Aftermath

Total Settlement
\$1.1 Billion



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James Heaps, M.D.

- James Heaps, MD





James Heaps, M.D.

- **University of California agrees to \$73 million settlement over sex abuse claims against former gynecologist**
 - Claims of sexual abuse and sexual misconduct from 1983 to 2018
 - Working at student health center
 - Exams without gloves
 - Inappropriate comments

James Heaps, M.D.

- 2014 complaint filed with Medical Board and UCLA by patient
- 2015 Yelp review of inappropriate touching of breast – no investigation
- 2017 – complaint and investigation opened
 - Two years to complete investigation
 - Concluded sexual harassment and retaliation



James Heaps, M.D.

- March 2019 – UCLA settles with one patient for \$1.3 million
- May 22, 2019 – Charged criminally with 22 counts of sexual assault
- June 2019 – UCLA settles with one patient for \$2.5 million

How Does it Happen?

***Deviation from the Process....Not
the performance of any individual***





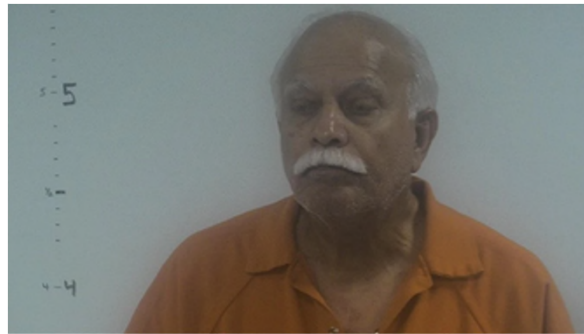
Javaid Perwaiz, M.D.

Virginia Doctor Performed Hysterectomies Without Consent, Prosecutors Say


Javaid Perwaiz, an obstetrician and gynecologist, was arrested and charged with health care fraud. In one instance, he was accused of tying one patient's fallopian tubes without her knowledge, according to court documents.

Javaid Perwaiz, M.D.

- The authorities have charged a Virginia obstetrician and gynecologist accused of performing unnecessary hysterectomies and removing one patient's fallopian tubes without her knowledge.



- 
- <https://www.youtube.com/watch?v=LM2PWViznS8>

- 
- **Altered the estimated due dates of his pregnant patients to be earlier than they actually were.** By doing this, defendant ensured the appearance of compliance with the standard of care and medical necessity, while **minimizing the chances that his patients would spontaneously deliver at a time when the defendant was not already scheduled to be at the hospital where he had privileges.** As a result, he induced patients prior to 39 weeks of gestation, contrary to the medical standard of care.
 - Persuaded women to undergo invasive and irreversible surgeries, such as **hysterectomies**, that were **not medically necessary.** For instance, he falsely told patients that if they did not undergo a hysterectomy, they would develop (or that they already had) cancer.

- The defendant routinely **billed** health care benefit programs for two in-office diagnostic procedures, namely **hysteroscopies and colposcopies**, that he did not actually perform. *He used fabricated results from both procedures to progress his patients to more invasive surgeries.*
- Finally, the defendant **performed sterilization procedures, typically bilateral tubal ligations** (more commonly known as tube-tying), **without waiting the 30-day period** that Medicaid and the Code of Federal Regulations require after a Medicaid patient initially consents to the procedure. Instead, the defendant himself inserted a false date on the sterilization forms he submitted to Medicaid.

Javaid Perwaiz

- May 18, 2021 – Sentenced to 59 years



Ronald Craig Ilg

Sex, Bitcoin and the Dark Web: Spokane doctor accused of trying to hire hitman to kidnap, assault women April 19, 2021



Ronald Craig Ilg

- Neonatologist at several large hospitals and Maddie's Place
- Used dark web to hire a hitman to break a woman's hands
- Hired a different hitman to assault and kidnap ex-wife
- Cryptocurrency used to pay



Ronald Craig Ilg

- The FBI also spoke with the first victim in the case, the one whose hands were to be broken. **She said they previously worked together and she believed Ilg had a grudge against her for a complaint that was filed against him.**
- Ilg attempted suicide after arrested but was unsuccessful. He is now awaiting trial

Scott Green, MD

- Scott Green



Scott Green, M.D.

- "In hindsight, clearly it would have been better to step out and take the call out in the hall or the breakroom, but to be perfectly frank, I was a little befuddled," said Green, 56. "
- As for Green's traffic hearing, there will be no second Zoom call with the court anytime soon. Green went ahead and paid his speeding ticket.

George Blatti, M.D.

- George Blatti, M.D.



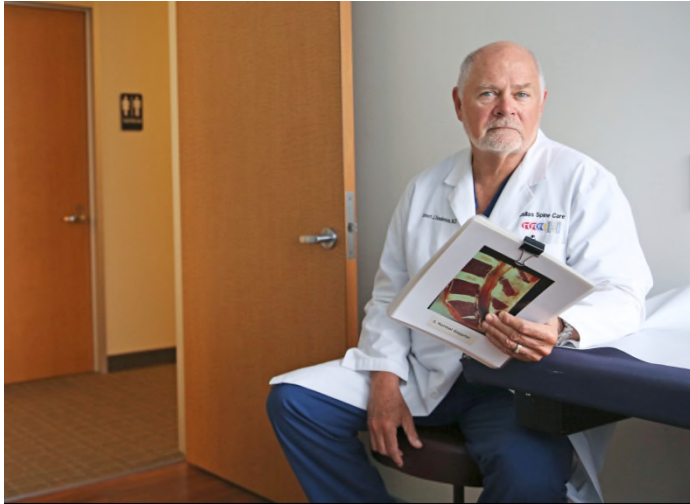
George Blatti, M.D.

- 75 year old Internist
- Previously indicted for over prescribing
- First case of second degree murder against a physician for prescribing
- Charged with the deaths of five patients

Ex-Neurosurgeon Christopher Duntsch



Dr. Robert Henderson & Dr. Randall



Christopher Duntsch

- MD & PhD – Univ. of Tenn. Health Science Center
- Neurosurgery residency – 2004-2010
 - Program Director
 - Sent to impaired MD program
 - Not allowed to operate independently
 - Graduated with less than 300 procedures
- Post residency stayed in research and ran Discgenics
- July 1, 2011 recruited to Baylor Plano

Christopher Duntsch

- Residency letter
 - *“His work ethic, character, and ability to get along with others were beyond reproach.”*
- Fired from group after first surgery
- November 2011 Kenneth Fennel – wrong site surgery
- December 30, 2011 – Robert Passmore - Asst. surgeon grabs Duntsch and begs him to stop. Nurses fail to report incident

Christopher Duntsch

- April 20, 2012 resignation letter states relocating practice
- April 20, 2012 reference letter provided to Duntsch from Baylor





PRIVILEGE
Tex. Rev. Civ. Stat. Ann. Art. 4495b and 5.06
Tex. Health & Safety Code Chp. 161.032
Medical Staff Committee Document

April 20, 2012

Christopher Duntsch, MD
4708 Alliance Blvd.
Pavilion I – Suite 830
Plano, Texas 75093

Dear Dr. Duntsch:

On behalf of the Medical Executive Committee of the Medical Staff of Baylor Regional Medical Center at Plano, I am authorized to notify you of the following:

All investigations with respect to any areas of concern regarding Christopher D. Duntsch, M.D. have been closed.

As of this date, there have been no summary or administrative restrictions or suspensions of Dr. Duntsch's Medical Staff membership or clinical privileges during the time he has practiced at Baylor Reg. Medical Center at Plano.

Yours Very Truly

A handwritten signature in black ink that reads "Patricia Sproles".

Patricia Sproles, CPCS
Director, Medical Staff Services

How Does it Happen?

- Pressure for quick results
- Presumption that everything is fine
- **Money! Profit!!!**



Deviation from Process

- Privileges granted without competence verification
- Expedited privileges
- Failure to follow-up on poor outcomes
- Proctoring?

- 
- https://youtu.be/L0yrzC_N7cc

Outpatient Facilities & Clinic



Outpatient World – Hiding

- **How can they be identified?**
- Payer Enrollment
- Managed Care – Risk Sharing
- CVO
- Outpatient Facilities
- Group Practices



Why we do what we do...

- **Blind Eye: The Terrifying Story Of A Doctor Who Got Away With Murder**, James B. Stewart, June 15, 2000
- **Coronary: A True Story Of Medicine Gone Awry**, Stephen Klaidman, June 3, 2008
- **How Peer Review Failed at Redding Medical Center and Why it is Failing Across the Country; A Congressional Report** June 1, 2008
- **Behind the Murder Curtain**, Bruce Sackman, 2018
- **Dr. Death** – Podcast - Wondery




Don't Let the Tail Wag the Dog!



Corrective Action Tenets

- Corrective action ***must be taken when necessary*** to protect current and future patients
- Corrective action should be ***based on credible facts*** capable of independent verification (e.g., documents, witness statements)
- Corrective action imposed should be the ***least restrictive to the practitioner but sufficient to protect patients***





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