



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

November 26, 1991

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Michael George Alleyne, M.D.
208 Southwood Drive
Buffalo, New York 14223

EFFECTIVE DATE: 12/2/91
RE: License No. 153318

Dear Dr. Alleyne:

Enclosed please find Order #BPMC 91-14 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER :
OF : ORDER
MICHAEL GEORGE ALLEYNE, M.D. : BPMC #91-14

-----X

Upon the application of MICHAEL GEORGE ALLEYNE, M.D.,
which application is made a part hereof, it is
ORDERED, that the application and the provisions thereof
are hereby adopted and so ORDERED, and it is further
ORDERED that this order shall take effect as of the date
of the personal service of this order upon the respondent or seven
days after mailing by certified mail.

SO ORDERED,

DATED: 19 November 1991

Charles J. Vacanti
CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

I admit guilt to the ninth, tenth and fifteenth specifications.

I agree to the penalty that my license to practice medicine be revoked for seven years and that said revocation be stayed to become a period of probation under the terms and conditions annexed hereto, made part hereof, and marked as Exhibit B.

I hereby make this application to the New York State Board of Professional Medical Conduct and request that it be granted.

I understand that, in the event that this application is not granted, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me; such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a committee on professional conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the New York State Board for Professional Medical Conduct grants my application, as set forth herein, an order may be issued in accordance with same.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

MD
Michael George Alleyne
MICHAEL GEORGE ALLEYNE, M.D.
Respondent

Sworn to before me this
25 day of Oct, 1991.

Sharon Brewer

NOTARY PUBLIC
SHARON BREWER
Notary Public, State of New York
Qualified in Erie County
Commission Expires August 31, 1992

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER : APPLICATION
OF : FOR
MICHAEL GEORGE ALLEYNE, M.D. : CONSENT
: ORDER

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: Nov 1 1991 *Michael George Alleyne* M.D.
MICHAEL GEORGE ALLEYNE, M.D.
Respondent

Date: Nov 1 1991 *Mark Farrell*
MARK FARRELL, ESQ.
Attorney for Respondent

Date: Nov 8, 1991 *Kevin C. Roe*
KEVIN C. ROE
Associate Counsel, Bureau of
Professional Medical Conduct

Date: 19 Nov. 1991 *Charles J. Vacanti*
CHARLES J. VACANTI, M.D.
CHAIRPERSON, State Board for
Professional Medical Conduct

Date: Nov. 8, 1991 *Kathleen M. Tanner*
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

EXHIBIT B

TERMS OF PROBATION

1. Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to all federal, state and local laws, rules and regulations regarding the practice of medicine.
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Empire State Plaza, Tower Building, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in respondent's employment, practice, residence, or telephone number within or without the State of New York.
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees. Said proof from DPLS to be submitted by Respondent to NYSDOH, addressed as aforesaid, within the first three months of the period of probation.
4. Respondent shall submit written proof to the NYSDOH, addressed as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon respondent by the Board of Regents; said proof of the above to be submitted within the first two months of the period of probation;
5. Respondent shall cooperate with the regular monitoring and supervision of his practice by a physician licensed to

practice in the State of New York chosen by Respondent and previously approved in writing by NYSDOH. Such supervision and monitoring shall include quarterly review of a random sample of Respondent's patient records. The monitoring of Respondent's practice may also include actual observation of Respondent's treatment of patients, interviews of Respondent and such other means of monitoring and supervising as the monitor deems reasonable and appropriate.

6. Respondent shall authorize in writing and cause the physician supervising and monitoring his practice of medicine to submit to NYSDOH, addressed as aforesaid, quarterly written reports regarding Respondent's practice of medicine. The authorizations required by these terms of probation shall be submitted by Respondent within the first thirty days of the period of probation.
7. Respondent shall, at his own expense, enroll in, begin by July 2, 1992 and diligently pursue two years of full-time residency training in a ACGME accredited program selected by him and previously approved, in writing, by NYSDOH. Respondent must successfully complete such program within the first three years of probation. Written verification of successful completion must be submitted to NYSDOH, addressed as aforesaid.
8. In the event Respondent fails to comply with any term or condition of probation, Respondent shall be subject to disciplinary action and/or a violation of probation proceeding. If a committee on professional conduct determines that Respondent has violated any term or condition of probation, they may impose any penalty authorized pursuant to N.Y. Public Health §230-a (L. 1991, c. 606).

Exhibit A

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
IN THE MATTER : STATEMENT
OF : OF
MICHAEL GEORGE ALLEYNE, M.D. : CHARGES
-----X

MICHAEL GEORGE ALLEYNE, M.D., the Respondent, was authorized to practice medicine in New York State on March 11, 1983, by the issuance of license number 153312 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 to December 31, 1991 from 208 Southwood Drive, Buffalo, New York.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A, a fifty-year old Insulin dependent diabetic, at the emergency room of Salamanca District Hospital, Salamanca, N.Y., for complaints of interscapular pain and nausea on June 4, 1989. Respondent's care and treatment of Patient A failed to meet acceptable standards of medical care in that:

1. Respondent failed to order a cardiogram.
2. Respondent failed to order cardiac enzyme tests.

3. Respondent failed to admit Patient A to a coronary care unit for observation.

B. Respondent treated Patient B at the emergency room of St. Francis Hospital, Olean, New York, for complaints of abdominal pain on November 23, 1989. Respondent's care and treatment of Patient B failed to meet acceptable standards of care, in that:

1. Respondent failed to accurately interpret an electrocardiogram.
2. Respondent failed to diagnose an acute cardiac event.
3. Respondent failed to admit Patient B to the hospital.

C. Respondent treated Patient C at the emergency room of Buffalo Columbus Hospital, Buffalo, New York, on January 8, 1990. Patient C presented with a complaint of vaginal burning, itching and discharge, a temperature of 99.6 and a history of exposure to gonorrhea. Respondent's care and treatment of Patient C failed to meet acceptable standards of medical care, in that:

1. Respondent failed to perform a vaginal examination.
2. Respondent failed to obtain vaginal cultures.
3. Respondent failed to order a complete blood count with differential and blood cultures.
4. Respondent failed to order blood tests for syphilis.
5. Respondent failed to prescribe appropriate antibiotics.

D. Respondent treated Patient D at the Buffalo Columbus Hospital, Buffalo, New York, on December 15, 1989. Patient D complained of pain in the right foot, had abrasions to his nose and right index finger and gave a history of being a victim of assault. X-rays were taken of the right foot, facial bones, nasal bones, right hand and index finger. Respondent's care and treatment of Patient D failed to meet acceptable standards of medical care, in that:

1. Respondent failed to accurately interpret the radiographs and diagnose a chipped fracture of the right fourth toe and a fractured nasal bone.
2. Respondent failed to obtain a history of previous tetanus immunization.

E. Respondent treated Patient E at the emergency room of Buffalo Columbus Hospital, Buffalo, New York, on December 15, 1989. Patient D complained of right knee pain and gave a history of feeling something "snap" in the right femur when he fell. X-rays of the right knee and right femur were obtained. Respondent's care and treatment of Patient E failed to meet acceptable standards of medical care, in that:

1. Respondent failed to accurately interpret the radiographs and diagnose a fracture of the right femur.
2. Respondent failed to obtain an orthopedic consultation.

F. Respondent treated Patient F at the emergency room of Buffalo Columbus Hospital, Buffalo, New York on December 28,

1989. Patient F complained of a forehead laceration and gave a history of alcohol ingestion and a fall downstairs. X-rays of the cervical spine and skull were obtained. Respondent's care and treatment of Patient F failed to meet acceptable standards of medical care, in that:

1. Respondent failed to accurately interpret the radiographs and diagnose a skull fracture.
2. Respondent failed to admit Patient F to the hospital for observation and evaluation by a neurologist.

G. Respondent treated Patient G at the Buffalo Columbus Hospital, Buffalo, New York, on June 16, 1989 from 8:35 A.M. to approximately 1:00 P.M. Patient G, a fifty-year old male diabetic, arrived at the emergency room via ambulance with a complaint of extreme dyspnea and was noted to be alert but unresponsive. Initial evaluation showed pulse to be 120, respirations 40 and shallow, blood pressure 80/51 and temperature 94. Laboratory tests showed severe metabolic acidosis. Respondent admitted Patient G to the hospital under the service of Dr. Gonzalez and wrote the admission orders. Dr. Gonzalez took over the care and treatment of Patient G at approximately 1:00 P.M. Respondent's care and treatment of Patient G failed to meet acceptable standards of care, in that:

1. Respondent failed to obtain a toxicology screen.
2. Respondent failed to adequately monitor blood sugar levels.

3. Respondent failed to order adequate intravenous insulin.
4. Respondent failed to adequately monitor arterial blood gases and PH levels.
5. Respondent failed to order adequate sodium bicarbonate administration.
6. Respondent failed to adequately monitor potassium levels.
7. Respondent failed to order frequent and regular monitoring of the central venous pressure readings.
8. Respondent failed to intubate Patient G in a timely manner.
9. Respondent failed to insert a nasogastric tube in a timely manner.
10. Respondent failed to order antibiotics.

H. Respondent treated Patient H at the emergency room of Buffalo Columbus Hospital, Buffalo, New York, on January 9, 1990 for complaints of severe abdominal pain for the last two days, nausea and emesis. Abdominal x-rays were performed.

Respondent's care and treatment of Patient H failed to meet acceptable standards of medical care, in that:

1. Respondent failed to accurately interpret the abdominal x-ray which showed the presence of free intraperitoneal air.
2. Respondent failed to perform a rectal examination.
3. Respondent failed to admit Patient H to the hospital.

SPECIFICATIONS

FIRST THROUGH EIGHT SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with practicing the profession with gross negligence under New York Education Law §6509(2) (McKinney 1985) in that, Petitioner charges:

1. The facts in Paragraphs A and A.1, A.2, and/or A.3.
2. The facts in Paragraphs B and B.1, B.2, and/or B.3.
3. The facts in Paragraphs C and C.1, C.2, C.3, C.4, and/or C.5.
4. The facts in Paragraphs D and D.1, and/or D.2.
5. The facts in Paragraphs E and E.1, and/or E.2.
6. The facts in Paragraphs F and F.1, and/or F.2.
7. The facts in Paragraphs G and G.1, G.2, G.3, G.4, G.5, G.6, G.7, G.8, G.9, and/or G.10.
8. The facts in Paragraphs H and H.1, H.2, and/or H.3.

EIGHTH THROUGH SIXTEENTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with practicing the profession with gross incompetence under New York Education Law §6509(2) (McKinney 1985) in that Petitioner charges:

9. The facts in Paragraphs A and A.1, A.2, and/or A.3.
10. The facts in Paragraphs B and B.1, B.2, and/or B.3.
11. The facts in Paragraphs C and C.1, C.2, C.3, C.4, and/or C.5.

12. The facts in Paragraphs D and D.1, and/or D.2.
13. The facts in Paragraphs E and E.1, and/or E.2.
14. The facts in Paragraphs F and F.1, and/or F.2.
15. The facts in Paragraphs G and G.1, G.2, G.3, G.4, G.5, G.6, G.7, G.8, G.9, and/or G.10.
16. The facts in Paragraphs H and H.1, H.2, and/or H.3.

SEVENTEENTH SPECIFICATION

Respondent is charged with practicing the profession with negligence on more than one occasion under New York Education Law §6509(2) (McKinney 1985) in that, Petitioner charges:

17. The facts in paragraph A and A.1, A.2, and/or A.3; and B, and B.1, B.2, and/or B.3; and C and C.1, C.2, C.3, C.4, and/or C.5; and D and D.1, and/or D.2; E and E.1, and/or E.2; and F and F.1, and/or F.2; and G and G.1, G.2, G.3, G.4, G.5, G.6, G.7, G.8, G.9, and/or G.10; and/or H and H.1, H.2, and/or H.3.

EIGHTEENTH SPECIFICATION

Respondent is charged with practicing the profession with incompetence on more than one occasion under New York Education Law §6509(2) (McKinney 1985) in that, Petitioner charges:

18. The facts in paragraph A and A.1, A.2, and/or A.3; and B, and B.1, B.2, and/or B.3; and C and C.1, C.2, C.3, C.4, and/or C.5; and D and D.1, and/or D.2; E and E.1, and/or E.2; and F and F.1, and/or F.2; and G and G.1, G.2, G.3, G.4, G.5, G.6, G.7, G.8, G.9, and/or G.10; and/or H and H.1, H.2, and/or H.3.

DATED: Albany, New York

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct