



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

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Office of Professional Medical Conduct

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

PUBLIC

June 26, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Errol C. Mallett, M.D.
43 Waterside Close
Eastchester, NY 10709

Re: License No. 146738

Dear Dr. Mallett:

Enclosed please find Order #BPMC 03-167 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect July 3, 2003.

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 to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: Gerald K. Geist, Esq.
Schuman, Sall & Guest
The Gateway Building
One North Lexington Avenue, 11th Floor
White Plains, NY 10601

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

IN THE MATTER
OF
ERROL C. MALLET, M.D.

CONSENT
ORDER

BPMC No. 146738

Upon the application of (Respondent) ERROL C. MALLET, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

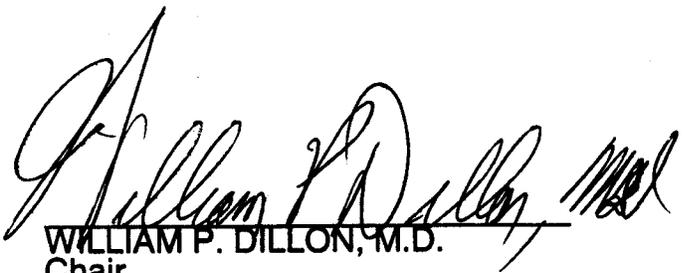
ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 6/25/03


WILLIAM P. DILLON, M.D.

Chair
State Board for Professional Medical Conduct

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

**IN THE MATTER
OF
ERROL C. MALLETT, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

ERROL C. MALLETT, M.D., representing that all of the following statements are true, deposes and says:

That on or about July 3, 1981, I was licensed to practice as a physician in the State of New York, and issued License No. 146738 by the New York State Education Department.

My current address is Brooklyn Hospital, 121 De Kalb Ave., Brooklyn, N.Y. 11201, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the First Specification, Unwarranted Treatment, in full satisfaction of the charges against me, and agree to the following penalty:

A Censure and Reprimand shall be imposed pursuant to Pub. Health Law Sec. 230-a(1).

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

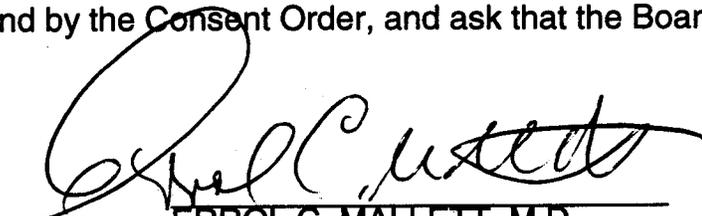
I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

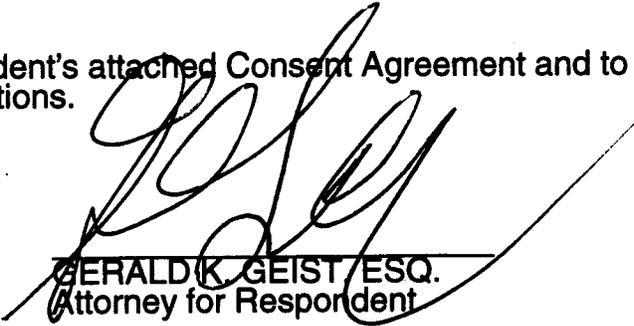
I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 6/05/03


ERROL C. MALLETT, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 6/05/03


GERALD K. GEIST, ESQ.
Attorney for Respondent

DATE: June 10, 2003


MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: June 19, 2003


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

EXHIBIT "A"

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

IN THE MATTER
OF
ERROL C. MALLET, M.D.

STATEMENT
OF
CHARGES

ERROL C. MALLET, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 3, 1981, by the issuance of license number 146738 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about January 17, 2002, at The Brooklyn Hospital Center, Brooklyn, N.Y., Respondent inappropriately performed radioactive prostate implant surgery on Patient A (identified in attached "Appendix A").

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

UNWARRANTED TREATMENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(35) by ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient, as alleged in the facts of:

1. Paragraph A.

DATED: June 10, 2003
New York, New York


Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct