

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

BOARD OF REGISTRATION
IN MEDICINE

Adjudicatory Case No.
2021-042

In the Matter of

Tony Tannoury, M.D.

CONSENT ORDER

Tony Tannoury, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order with all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact described below and agrees that the Board may make conclusions of law and impose a sanction in resolution of investigative Docket No. 17-024.

FINDINGS OF FACT

1. The Respondent was born on October 18, 1967. He is certified by the American Board of Orthopaedic Surgery. The Respondent graduated from Lebanese University in 1993. He has been licensed to practice medicine in Massachusetts since December 21, 2005 under certificate number 226942. The Respondent is affiliated with Boston Medical Center (BMC).
2. On November 22, 2016, the Respondent was covering for night orthopedic trauma emergencies as the Orthopedic Attending at BMC.
3. Patient A, who required emergency ankle surgery, presented to the Emergency Department and was taken to the Operating Room (OR) at approximately 9:30 P.M. by the Respondent and the Chief Resident.

4. The Respondent left the OR when the patient was being prepped for surgery and before the surgery began, intending to get something to eat prior to performing the surgery. The Respondent left the hospital, bought something to eat in his parked car, and fell asleep in the vehicle. The Respondent called the hospital when he woke up and was informed that the surgery had been completed. He did not return to the hospital that night.

5. The Chief Resident performed the surgery while the Respondent was not present in the OR.

6. The Respondent, as the attending physician, was not present for the critical portions of the surgery as required by hospital policy.

7. The Respondent did not return to the hospital until the following day.

8. The Respondent received a written reprimand from BMC for this incident.

CONCLUSIONS OF LAW

A. The Respondent has violated 243 CMR 1.03(5) (a) 18 by committing misconduct in the practice of medicine.

B. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession. *See Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982).

SANCTION

The Respondent's license is hereby reprimanded, he is ordered to pay a fine in the amount of \$5,000.00, complete five (5) Continuing Professional Development credits in the area of professionalism, and affirm review of the ACGME Regulations relative to supervision of residents.

EXECUTION OF THIS CONSENT ORDER

Complaint Counsel, the Respondent, and the Respondent's counsel agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent's counsel are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the entire document shall be null and void; thereafter, neither of the parties nor anyone else may rely on these stipulations in this proceeding.

As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; the state licensing boards of all states in which he has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Unit. The Respondent shall also provide this notification to any such designated entities with which he becomes associated within one year of

the imposition of the reprimand. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

tony tannoury
Tony Tannoury, M.D., Respondent

9/15/2021

Date

W. Scott Liebert
W. Scott Liebert, Respondent's Counsel

9/15/2021

Date

Stephen C. Hctor
Stephen C. Hctor, Complaint Counsel

9/16/2021

Date

Accepted by the Board of Registration in Medicine on this 21 day of October, 2021.

Julian Robinson
Julian Robinson, M.D.
Board Chair