

## Summary of Coordinated Investigation of Student Health Physician

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In June 2016, USC's Office of Equity and Diversity (OED) received a complaint from a staff member at the student health center regarding sexually inappropriate comments made to patients in front of medical assistants by gynecologist Dr. George Tyndall. The university immediately launched an investigation and placed Dr. Tyndall on administrative leave. From that point on, he did not return to service at the student health center and was barred from further contact with students.

This was not the first complaint to OED about Dr. Tyndall. OED also conducted a review in 2013 of complaints of racially inappropriate comments made by Dr. Tyndall raised by staff members. Numerous witnesses were interviewed, including student health leadership, clinical supervisors, medical assistants, and nurses. OED concluded that there was insufficient evidence to find a violation of university policy. The 2013 interviews yielded mixed opinions of Tyndall with some witnesses stating that they "loved him" and others describing him as "creepy."

The 2016 investigation concluded that Dr. Tyndall had violated the university's policy on harassment by making repeated racially discriminatory and sexually inappropriate remarks during patient encounters. Additionally, medical assistants who assisted Dr. Tyndall during clinic visits reported concerns during interviews about the way he conducted pelvic examinations. Specifically, these medical assistants questioned Dr. Tyndall's practice of a digital insertion prior to insertion of a speculum. Dr. Tyndall vigorously defended his practices throughout the investigation. Seeking expertise on this issue, the university consulted with a gynecology expert who stated that this could be considered an acceptable practice. USC contracted with an outside medical review firm, MD Review, to review Dr. Tyndall's clinical practice. MD Review concluded that this examination practice was outdated and not current standard of care.

USC also consulted two separate external criminal law experts to evaluate whether Tyndall's alleged conduct constituted a crime that should be reported to law enforcement; both concluded that there was no criminal activity to report.

During the 2016 investigation, a box of clinical photos of cervixes and surrounding internal tissue from 1990-1991 was found during a search of Dr. Tyndall's office. The photos were immediately referred to the Office of Compliance for review and are safely secured. The photos were clinical in nature, including images depicting different states of disease or abnormalities. Consultation with gynecologists outside of the student health center indicated that these types of case photos were not unusual in a clinical setting to be used for clinical reference or patient education purposes.

The Compliance review also verified there was no breach of patient privacy since the photos had no identifiable patient information aside from a small sample of photos which were labeled with names that were not possible to accurately trace. Tyndall's computer and email were searched as a further precaution, and revealed no inappropriate material or images.

In the course of the 2016 investigation, a review of files kept by Dr. Larry Neinstein, the former health center director from 1995-2014 (who is now deceased), showed earlier patient complaints about Tyndall, including complaints about his clinical practice. The files contained eight complaints logged between 2000 and 2014 that were concerning. These included racially insensitive and other inappropriate comments, concerns that he was not adequately sensitive to patient privacy, a complaint of feeling "uncomfortable," another that Tyndall "gave me the skeevies," and another that he was "unprofessional." Several of the complaints were concerning enough that it is not clear today why the former health center director permitted Tyndall to remain in his position. Rather than elevate these complaints for proper investigation, the former director's notes indicated that in each case he took steps to address Tyndall's behavior independently, including in some instances discussing the complaints with the patients, conducting chart reviews of Tyndall's clinical practice, and bringing in outside experts to review his clinical practices. Tyndall also underwent an external credentialing process every two years.

During the 2016 investigation, our teams interviewed many individuals, including students, and attempted to identify any other students who may have had concerns. This process included reviewing the responses of a survey sent to 2,500 student patients, to learn if there were any other issues or complaints identified. Those efforts, which included additional follow-up calls to survey respondents, did not identify any related complaints about Dr. Tyndall's practice.

At the conclusion of the investigation by OED and Compliance in 2017, the university began termination proceedings. Dr. Tyndall contested those proceedings and threatened a lawsuit claiming the university retaliated against him for complaints he had made about alleged quality of care issues, as well as because of his age and gender. Rather than engage in protracted litigation, the university entered into a separation agreement with Dr. Tyndall in order to sever ties with him immediately. At that time, Dr. Tyndall stated to the university he was retiring from the practice of medicine. Then, earlier this year, Dr. Tyndall sent a letter to USC asking to return to his position at the student health center. This prompted the university to make a report to the California Medical Board on March 9, 2018.

During the university's 2016 investigation and through the ending of Tyndall's employment, USC consulted with several legal experts and medical staff professionals to confirm it did not have a reporting obligation. Although not legally required, in retrospect the university believes out of an abundance of caution, it should have filed a consumer complaint with the Medical Board at the time Dr. Tyndall separated from the university. USC is re-evaluating its processes and under what circumstances it will file a consumer complaint on employed physicians in the future.

Correspondence USC received from the *Los Angeles Times* last week raised the possibility that additional information may exist from other sources regarding Dr. Tyndall of which the

university was not previously aware. Based on this possibility, the university contacted the Los Angeles District Attorney's office the next day. The District Attorney's office directed us to the Los Angeles Police Department, which we also contacted to inform that additional information on this matter may exist.

Most recently, the university established a dedicated hotline 833-889-8833 and website, [usc.mycompliancereport.com](https://usc.mycompliancereport.com), urging anyone with additional information regarding Dr. Tyndall's behavior to report their concerns.