

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

**IN RE: MAHLON DOUGLAS CANNON, M.D.
License No.: 0101-025481**

ORDER

In accordance with the provisions of Sections 54.1-105, 54.1-110 and 9-6.14:12 of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was convened before the Virginia Board of Medicine ("Board") on June 7, 1996, in Richmond, Virginia, to receive and act upon evidence that Dr. Cannon may have violated certain laws governing the practice of medicine in Virginia.

Pursuant to Sections 54.1-2400 and 9-6.14:14.1F of the Code, the hearing was held before panel of the Board with the Board's President presiding. The proceedings were recorded by a certified court reporter. The case was prosecuted by Frank W. Pedrotty, Assistant Attorney General. Howard M. Casway, Assistant Attorney General, was present as legal counsel for the Board. Dr. Cannon appeared at the formal administrative hearing and was represented by legal counsel, Douglas B. Schwab, Esquire, and Robert J. Wagner, Esquire.

FINDINGS OF FACT

Now, having properly considered the evidence and testimony presented, the Board finds the following facts by clear and convincing evidence:

1. On June 10, 1991, the Division of Medical Quality of the Medical Board of California revoked Dr. Cannon's license to practice medicine and prohibited him from supervising a physician assistant, effective July 10, 1991, pursuant to findings by an Administrative Law Judge that Dr. Cannon was guilty of unprofessional conduct, as set forth in the Decision and Proposed Decision of the California Board.

2. During the period between 1985 and 1988, Dr. Cannon worked as an independent contractor at Her Medical Clinic ("HMC"), Los Angeles, California, a low cost, high volume clinic for female patients which provided family planning services, including elective abortion procedures. All of the charges relating to the California disciplinary proceedings arose out of his work at HMC.

Dr. Cannon

3. On August 26, 1992, Dr. Cannon was noticed for a formal administrative hearing before the Virginia Board of Medicine. On September 16, 1992, the hearing was continued due to Dr. Cannon's appeal of his revocation in California.

4. From January 1992 through September 1993, Dr. Cannon worked for the Virginia Department of Health ("VDOH") Richmond City Health Department. According to letters from colleagues, Dr. Cannon performed his services as a physician in an exemplary manner.

5. Since September 1993, Dr. Cannon has served on a full-time basis with the VDOH Three Rivers Health District. In June 1994, Dr. Cannon was named Chief of Professional Services for the district and is currently the principal clinician for the district responsible for family planning, prenatal and other primary care clinics in ten rural counties. Letters from colleagues attest to the high quality of Dr. Cannon's work.

6. On May 26, 1993, the Superior Court of Sacramento County, California, affirmed the 1991 decision of the Medical Board of California.

7. On February 21, 1996, the Court of Appeal for the State of California, Third Appellate District, affirmed the 1991 decision to revoke Dr. Cannon's license.

8. Dr. Covia Stanley, Acting Director of the Richmond City Health Department, and Dr. Phillip Winter, Director of the Three Rivers Health District, testified as to Dr. Cannon's performance and ability.

9. By his own testimony, Dr. Cannon was not aware of the American College of Gynecology's guidelines regarding the recommended number of deliveries per physician per month.

10. By his own testimony, Dr. Cannon is not currently using, and is not aware of, pre-anesthetic risk assessment guidelines.

11. Dr. Cannon recently authored and distributed an Anaphylaxis Treatment Protocol for the Three Rivers Health clinics without including the administration of oxygen explicitly.

12. By his own testimony, Dr. Cannon stated that he has not performed a major surgical procedure since approximately mid-1988.

Dr. Cannon

13. By his own testimony, Dr. Cannon is currently working as an independent contractor at three private clinics, which activity is outside of his employment by the Virginia Department of Health. Dr. Cannon stated that the scope of this practice includes family planning care, insertion and removal of Norplant devices, and the elective termination of first trimester pregnancies.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Dr. Cannon has violated Section 54.1-2915.A(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that this matter be, and hereby is, CONTINUED GENERALLY for not more than one year upon the following terms and conditions:

1. Within one year upon entry of this Order, Dr. Cannon shall:
 - a. take and present evidence of successful completion of 50 hours of Category I, AMA approved, continuing Medical Education ("CME") relating to obstetrics and gynecology. Said CME shall be approved by the Executive Director of the Board in advance of registration.
 - b. take and present evidence of successful completion of the American Heart Association's Advanced Cardiac Life Support program.
 - c. take and successfully pass the Special Purpose Examination administered by The Federation of State Medical Boards.
 - d. take and present evidence of successful completion of a course in pre-anesthetic risk assessment and its use. Said course shall be approved by the Executive Director of the Board in advance of registration.
2. Dr. Cannon shall obtain Board approval of any change in the scope, nature and location of his practice as reflected in Findings of Fact 5 and 13.

Dr. Cannon


3. Dr. Cannon shall be noticed to appear before an Informal Conference Committee of the Board in one year from entry of this Order, or sooner should he complete all the requirements set forth above. This Informal Conference Committee shall have the authority to make a final disposition of this matter or modify the terms of this Order as it deems appropriate.

4. Dr. Cannon shall maintain a course of conduct in his practice of commensurate with the requirements of Chapter 29, Title 54.1 of the Code, as well as all other laws of the Commonwealth.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Dr. Cannon has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Warren W. Koontz, M.D., Executive Director, Board of Medicine. In the event that this decision is served by mail, three (3) days are added to that period.

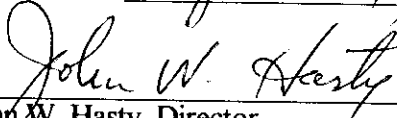
Pursuant to Section 9-6.14:14 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD


Warren W. Koontz, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: June 21, 1996

RECEIVED: June 24, 1996


John W. Hasty, Director
Department of Health Professions

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