



COMMONWEALTH of VIRGINIA

Department of Health Professions Board of Medicine

John W. Hasty
Director of the Department

Warren W. Koontz, M.D.
Executive Director of the Board

6606 West Broad Street
4th Floor
Richmond, Virginia 23230-1717
(804) 662-9908
FAX (804) 662-9517

August 18, 1999

Mahlon D. Cannon, M.D.
Richmond County Health Department
102 W. Richmond Road
Warsaw, VA 22572

CERTIFIED MAIL
Z 057 544 797

RE: License No.: 0101-025481

Dear Dr. Cannon:

I enclose a certified copy of the Virginia Board of Medicine's Order of Summary Suspension entered August 18, 1999, affecting your license to practice medicine in the Commonwealth of Virginia. Effective immediately, it shall be unlawful for you to treat patients, prescribe medications, or otherwise practice medicine, or hold yourself out as a licensed physician in the Commonwealth of Virginia. Further, in accordance with Sections 54.1-105, 54.1-110, 54.1-2408.1, 54.1-2920 and 9-6.14:12 of the Code of Virginia (1950), as amended ("Code"), you are hereby given notice that the Virginia Board of Medicine ("Board") will convene a formal administrative hearing to receive and act upon evidence that you may have violated certain laws governing the practice of medicine in Virginia, as set forth in the attached Statement of Particulars.

The formal administrative hearing will be held in accordance with the provisions of Sections 54.1-2400 (11) and 9-6.14:14.1F of the Code, before a panel of the Board, with a member of the Board presiding. You have been scheduled to appear before the Board on September 24, 1999, at 8:30 a.m., in the offices of the Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. A map is enclosed for your convenience. Please register with the receptionist on the 4th floor, who will direct you to the exact location of the hearing.

You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. Should you wish to subpoena witnesses, request for subpoenas must be made in writing in accordance with the enclosed Instructions for Requesting Subpoenas.

Should you or Assistant Attorney General Suzanne T. Ellison wish to make prehearing motions, each of you is directed to file motions in writing, addressed to me at the Board office, at least ten (10) business days prior to this hearing. You have the right to the information which will be used by the Board in reaching a decision regarding this matter; therefore, I enclose Commonwealth's Exhibits 1-3 for your review. Please note that these documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. If you have any questions or objections regarding the content of this package, you should contact Patricia L. Larimer, Senior Legal Assistant, at (804) 662-7444. If you have not raised any objections by September 1, 1999, these exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates upon your case. Further, to facilitate this hearing, the Board requests that you provide to Patricia L.


Larimer, Senior Legal Assistant, Department of Health Professions, 6606 West Broad Street, 4th floor, Richmond, Virginia 23230, eight (8) copies of any documents you intend to introduce into evidence at least (10) business days before the hearing.

Absent good cause shown to support a request for a continuance, the formal administrative hearing will be held on September 24, 1999. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made in writing to me at the address listed on this letter and must be received by 5:00 p.m. on September 1, 1999. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after September 1, 1999, will not be considered.

You may be represented by an attorney at the formal administrative hearing. Further, it is your responsibility to provide the enclosed materials to your attorney.

Please indicate, by letter to this office, your intention to be present.

Sincerely,


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

WWK:fd0818N1.fah.cannon
PLL\Cannon57NFH.doc

cc: Joseph A. Leming, M.D., President, Virginia Board of Medicine
John W. Hasty, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Stuart H. Dunn, Esquire
Suzanne T. Ellison, Assistant Attorney General
Lynne R. Fleming, Assistant Attorney General
Patricia L. Larimer, Senior Legal Assistant
Reneé Dixson, Discipline Case Manager
Judi Smith, Senior Administrative Assistant

Enclosures:

Order of Summary Suspension entered August 18, 1999

Virginia Code Sections:

54.1-2914
54.1-2915
54.1-105
54.1-110
54.1-2400
54.1-2408.1
54.1-2920
9-6.14:12
9-6.14:14.1F

Statement of Particulars

Instructions for Requesting Subpoenas

Map

Commonwealth's Exhibits 1-3

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

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

STATEMENT OF PARTICULARS

The Board alleges that Mahlon D. Cannon, M.D., may have violated Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A(10) of the Code of Virginia (1950), as amended ("Code"), and Term No. 1 of the Order of the Board entered January 26, 1998, in that:

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. Specifically, the June 10, 1991, Order stated the following, "The Findings herein detail a number of breaches of varied nature of respondent's duties, obligations, and responsibilities to patients and thus demonstrate that, at present, respondent cannot safely practice medicine."

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 Dr. Cannon's work at HMC.

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 pending appeal of the revocation of his California license.

4. From January 1992 through September 1993, Dr. Cannon worked for the Virginia Department of Health ("VDOH") Richmond City Health Department.

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 clinics.

Dr. Cannon

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. By Order of the Virginia Board of Medicine entered June 24, 1996, the Board made findings of fact and found Dr. Cannon in violation of Section 54.1-2915.A(6) of the Code, and continued the final disposition of the matter with terms and conditions. Term 1.c. of the June 24, 1996, Order required that, Dr. Cannon take and successfully pass the Special Purpose Examination ("SPEX") offered by the Federation of State Medical Boards within one year from the date the Order was entered. Dr. Cannon took the SPEX on March 23, 1997, and again November 24, 1997, failing the examination each time with scores of 65 and 68, respectively. The minimum passing grade is 75.

9. Dr. Cannon met with an Informal Conference Committee of the Board on December 11, 1997, to review his compliance with the Order of June 24, 1996. That Committee continued the case generally on terms and conditions which required him to successfully pass the SPEX or a "Board approved equivalent examination in his specialty that tests a broad range of knowledge."

10. Dr. Cannon took the SPEX on July 30, 1998, and failed the examination with a score of 70. Dr. Cannon's SPEX Performance Profile was as follows:

a. Dr. Cannon scored in the "Borderline Performance" to "Lower Performance" performance bands in the following:

Clinical Encounter Categories
Well-care/Preventive Medicine; and
Emergency Conditions, Critical Care

Physician Tasks
Data Gathering; and
Managing Therapy

System classifications
Psychologic/Interpersonal

b. Dr. Cannon scored in the "Lower Performance" performance band in the following:

Clinical Encounter Categories
Acute, Circumscribed Problems;
Ill-defined Presentation or Problems;
Chronic or Progressive Illness; and
Behavioral/Emotional Problems

Physician Tasks

Diagnostic Assessment; and
Applying Scientific Concepts

System classifications

Cardiovascular/Hematologic;
Gastrointestinal;
Neurologic;
Respiratory;
Musculoskeletal/Dermatologic; and
Endocrine/Metabolic/Renal/Systemic

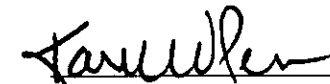
11. Dr. Cannon failed to comply with Term No. 1 of the Order of the Board entered January 26, 1998.

12. Dr. Cannon took the SPEX on June 16, 1999, as "self-sponsored," under which arrangement the scores would be reported to him and not to the Board. Dr. Cannon failed that examination.

13. Dr. Cannon's residency training was in obstetrics and gynecology and that practice area is his specialty. However, in his work for the Virginia Department of Health, Three Rivers Health District, Dr. Cannon engages in general medical practice and treats, without supervision, a broad range of medical problems for men, women, and children. He also provides supervision of a nurse practitioner and students and residents from the Medical College of Virginia, Richmond, Virginia.

14. Dr. Cannon also works part-time, without supervision, as an independent contractor at three Richmond, Virginia women's clinics.

FOR THE BOARD



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

DATE: 8-18-99