

**VIRGINIA:**

**BEFORE THE BOARD OF MEDICINE**

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

**ORDER**

In accordance with the provisions of 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"), a formal administrative hearing was convened before the Virginia Board of Medicine ("Board"), on September 24, 1999, in Richmond, Virginia. The purpose of this hearing was to receive and act upon evidence that Mahlon D. Cannon, M.D., may have violated certain laws relating to the practice of medicine. These matters are fully set forth in a Notice of Formal Hearing and Statement of Particulars dated August 18, 1999.

Pursuant to Sections 9-6.14:14.1F and 54.1-2400(11) of the Code, the hearing was held before a panel of the Board with a member of the Board presiding. The proceedings were recorded by a certified court reporter. The case was presented by Suzanne T. Ellison, Assistant Attorney General. Lynne R. Fleming, Assistant Attorney General, was present as legal counsel for the Board. Dr. Cannon appeared at the formal administrative hearing and was represented by Stuart H. Dunn, 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. The California Board's action was based upon the Board's serious concerns about Dr. Cannon's ability to respond to general medical-surgical, and complicated medical-surgical situations which arose during the course of his obstetrics and gynecological practice. 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. From September 1993 until August 1999, Dr. Cannon 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 was the principal clinician for the district responsible for family planning, prenatal and other primary care clinics in ten rural clinics in ten rural counties.

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 engaged in general medical practice and treated, without supervision, a broad range of medical problems for men, women, and children. He also provided supervision of a nurse practitioner and students and residents from the Medical College of Virginia, Richmond, Virginia.

14. Dr. Cannon worked part-time, without supervision, as an independent contractor at three Richmond, Virginia women’s clinics until August 1999.

15. Dr. Cannon testified that he had not engaged in hospital practice since 1991.

16. Dr. Cannon did not provide sufficient evidence to the Board that he possessed adequate expertise in the practice of medicine or surgery.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board concludes that Dr. Cannon is in violation of Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A(10).

### **ORDER**

WHEREFORE, it is hereby ORDERED that Dr. Cannon’s license be, and hereby is, SUSPENDED for not less than one (1) year. Should, after the expiration of at least one (1) year from the date this Order is entered, Dr. Cannon seek reinstatement of said license, he shall be noticed to appear before the Board, in accordance with the Administrative Process Act, and present evidence that he is capable of resuming the practice of medicine in a safe and competent manner.

Pursuant to Section 54.1-2920 of the Code, upon entry of this Order, Dr. Cannon shall forthwith give notice, by certified mail, of the suspension of his license to practice medicine to all patients to whom he is currently providing services. Dr. Cannon shall cooperate with other practitioners to ensure continuation of

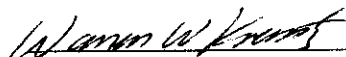
treatment in conformity with the wishes of the patient. Dr. Cannon shall also notify any hospitals or other facilities where he is currently granted privileges, and any health insurance companies, health insurance administrators or health maintenance organization currently reimbursing him for any of the healing arts.

Violation of this Order shall constitute grounds for the revocation of the license of Dr. Cannon. In the event Dr. Cannon violates this Order, an administrative proceeding may be convened to determine whether the license of Dr. Cannon should be revoked.

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, at 6606 West Broad St., Richmond, Virginia 23230. 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

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

ENTERED: Sept 30, 1999