State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

July 8, 1998

Francisco Deleon Ponce, M.D.
600 18th Street, Suite 213
Parkersburg, WV 26101

Dear Doctor Ponce:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 8, 1998, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 233 839 096
RETURN RECEIPT REQUESTED

Mailed 7/16/98

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on July 8, 1998, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Francisco Deleon Ponce, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

Anand G. Garg, M.D.
Secretary

(SEAL)

July 8, 1998
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

FRANCISCO DELEON PONCE, M.D. *

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on July 8, 1998.

Upon the Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that the allegations against Francisco Deleon Ponce, M.D., as specified in the Board's March 11, 1998, Notice of Opportunity for Hearing, are DISMISSED.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.

Anand G. Garg, M.D.
Secretary

(SEAL)

July 8, 1998
Date

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REPORT AND RECOMMENDATION
IN THE MATTER OF FRANCISCO DELEON PONCE, M.D.

The Matter of Francisco Deleon Ponce, M.D., was heard by Sharon W. Murphy, Attorney Hearing Examiner for the State Medical Board of Ohio, on May 21, 1998.

INTRODUCTION

I. Basis for Hearing

A. By letter dated March 11, 1998, the State Medical Board of Ohio [Board] notified Francisco Deleon Ponce, M.D., that it proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board's action was based on the following allegations:

(1) On or about August 9, 1995, Dr. Ponce entered into a Consent Order with the West Virginia Board of Medicine [West Virginia Board] which publicly reprimanded him "for making 'inappropriate and repugnant comments' to the complainant, and ordered [Dr. Ponce] to 'cease and desist from making any and all such inappropriate and repugnant remarks to any patient.'"

(2) On or about April 23, 1996, Dr. Ponce signed an application for renewal of his certificate to practice medicine and surgery in Ohio, certifying that the information provided therein was true and correct in every respect. In the application, Dr. Ponce denied having had any disciplinary action initiated against him by any state board.

The Board alleged that the West Virginia Consent Order constitutes "(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

The Board further alleged that Dr. Ponce's denial of disciplinary action constitutes "'fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board,' as that clause is used in Section 4731.22(A), Ohio Revised Code; [and/or] 'publishing a false, fraudulent, deceptive, or misleading statement,' as that clause is used in Section 4731.22(B)(5), Ohio Revised Code."

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Accordingly, the Board advised Dr. Ponce of his right to request a hearing in this matter. (State's Exhibit 1).

B. On April 7, 1998, Dr. Ponce submitted a written request for a hearing. (State's Exhibit 2).

II. Appearances

A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Rebecca J. Albers, Assistant Attorney General.

B. On behalf of the Respondent: Dr. Ponce, having been apprised of his right to attend the hearing or to be represented by counsel, did not appear in person or by representation.

EVIDENCE EXAMINED

I. Testimony Heard

No testimony was presented.

II. Exhibits Examined

In addition to State's Exhibits 1 and 2, noted above, the following exhibits were identified by the State and admitted into evidence:

A. State's Exhibits 3-4: Procedural exhibits.

B. State's Exhibit 5: Certified copy of the August 9, 1995, Consent Order signed by Dr. Ponce and representatives of the West Virginia Board of Medicine. (6 pp.)

C. State's Exhibit 6: Certified copies of Dr. Ponce's renewal applications for 1994 and 1996. (3 pp.)

D. State's Exhibit 7: Copy of a May 5, 1998, letter to the Assistant Attorney General from Dr. Ponce.

E. State's Exhibit 8: Copy of a May 8, 1998, letter to Dr. Ponce from the Assistant Attorney General.

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SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. On August 9, 1995, Francisco Deleon Ponce, M.D., entered into a Consent Order with the West Virginia Board of Medicine [West Virginia Board]. The West Virginia Board action was based on a Complaint that Dr. Ponce "had made several inappropriate comments to complainant." Dr. Ponce appeared before the Complaint Committee of the West Virginia Board and admitted making the remarks. The Complaint Committee determined that the remarks were "inappropriate and repugnant." (State's Exhibit [St. Ex.] 5 at 2).

   [Note: the Complaint did not set forth the comments made by Dr. Ponce. Moreover, the complaint did not specify that the complainant was a patient.]

   The West Virginia Board concluded that probable cause existed to support the filing of charges against Dr. Ponce for violations of West Virginia statutes relating to "unprofessional conduct." Moreover, the West Virginia Board found that "[p]ermitting Dr. Ponce to continue the practice of medicine and surgery without certain appropriate conditions, restrictions and limitations upon such license being attached to the same could adversely affect the health and welfare of a patient." (St. Ex. 5 at 3).

   The West Virginia Board publicly reprimanded Dr. Ponce and ordered him to "cease and desist from making any and all such inappropriate and repugnant remarks to any patient." (St. Ex. 5 at 4-5).

2. On April 23, 1996, Dr. Ponce signed an application for renewal of his certificate to practice medicine and surgery in Ohio, certifying that the information provided therein was true and correct in every respect. In the application, Dr. Ponce answered "No" to the following question.

   > At any time since signing your last application for renewal of your certificate have you * * * Had any disciplinary action taken or initiated against you by and state licensing board other than the State Medical Board of Ohio?

   (St. Ex. 6 at 2). Dr. Ponce had last signed an application for renewal in May 1994. (St. Ex. 6 at 3).

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3. On May 5, 1998, Dr. Ponce wrote to the Board as follows:

> The consent order form I signed from the West Virginia Board of medicine (sic) was sent nationwide several times. If this was not mentioned in my application it was an inadvertent omission.
>
> I have maintained my license in Ohio since 1974 when I took the flex (sic) exam in that State. I have not practiced medicine in Ohio for the last 12 years.
>
> My lawyer in West Virginia agrees with me that no disciplinary action was taken against me. I was publicly reprimanded but no suspension of privileges ever occurred.
>
> If at all possible I would really appreciate very much if you would reconsider renewal of my license without my appearance at any hearing. I have about 3½ years to practice medicine before retiring and I seriously doubt I will need to move my West Virginia practice out of state.

(St. Ex. 7).

FINDINGS OF FACT

1. On August 9, 1995, Francisco Deleon Ponce, M.D., entered into a Consent Order with the West Virginia Board of Medicine which publicly reprimanded him "for making 'inappropriate and repugnant comments' to the complainant, and ordered [Dr. Ponce] to 'cease and desist from making any and all such inappropriate and repugnant remarks to any patient.'"

2. On April 23, 1996, Dr. Ponce signed an application for renewal of his certificate to practice medicine and surgery in Ohio, certifying that the information provided therein was true and correct in every respect. In the application, Dr. Ponce denied having had any disciplinary action initiated against him by any state board during the preceding biennium.

CONCLUSIONS OF LAW

1. The evidence does not support a conclusion that the Consent Order entered into by Francisco Deleon Ponce, M.D., and the West Virginia Board of Medicine constitutes a violation of Section 4731.22(B)(22), Ohio Revised Code, as cited by the Board in the March 11, 1998, Notice of Opportunity for Hearing. The West Virginia Consent Order

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became effective on August 5, 1995. Section 4731.22(B)(22), as in effect at that time, allowed the Board to discipline a licensee for the following reasons:

> The limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, *for an action that also would have been a violation of this chapter*, except for nonpayment of fees.

R.C. 4731.22(B)(22), as in effect in August 1995. [1]

In its March 11, 1998, Notice of Opportunity for Hearing, the Board misstated the language of Section 4731.22(B)(22), as in effect at the time of the West Virginia Consent Order. The Board erroneously quoted language that was not effective until several months after the effective date of Dr. Ponce's Consent Order.

Significantly, the statute in effect in August of 1995 did not authorize the Board to take disciplinary action against a licensee for any of the facts at issue in this matter. At the time Dr. Ponce entered into the West Virginia Consent Order, the Board was not authorized to take disciplinary action based solely on the reprimand of a licensee by another state.

The Board was authorized, however, to take disciplinary action for a "limitation" of a certificate imposed by another state. Nevertheless, the limitation must have been based on an action by the licensee that also would have been a violation of Chapter 4731, Ohio Revised Code. The only limitation imposed upon Dr. Ponce's certificate by the West Virginia Board was the order to "cease and desist from making any and all such inappropriate and repugnant remarks to any patient." At hearing, the State failed to cite any section of Chapter 4731 which Dr. Ponce's comments would have violated. Moreover, the State did not provide any evidence as to the specific comments made by Dr. Ponce. Accordingly, the evidence is

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[1] Prior to August 1995, two inconsistent amendments to Section 4731.22, Ohio Revised Code, had been passed by the legislature: one by the House of Representatives, one by the Senate. Both were given effect. Pursuant to Section 1.52, Ohio Revised Code, inconsistent amendments to a statute, if not irreconcilable, must by harmonized to give effect to each amendment. The language quoted above takes into account the directive of Section 1.52, Ohio Revised Code.

See *Baldwin's Ohio Revised Code Annotated*, 1995, Section 4731.22(B)(22), Historical and Statutory Notes, p. 526. ("**Ed. Note:** A special endorsement by the Legislative Service Commission states, 'Comparison of these amendments [1994 H 391, eff. 7-21-94 and 1994 S 279, eff. 10-20-94] in pursuance of section 1.52 of the Revised Code discloses that they are not irreconcilable, so that they are required by that section to be harmonized to give effect to each amendment.' In recognition of this rule of construction, changes made by 1994 H 391, eff. 7-21-94, and 1994 S 279, eff. 10-20-94, have been incorporated in the above amendment. See *Baldwin's Ohio Legislative Service*, 1994 Laws of Ohio, pages 5-1132 and 5-914, for original versions of these Acts.")

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insufficient to find a violation of Section 4731.22(B)(22), Ohio Revised Code, as in effect in August 1995.

2. The evidence is insufficient to support a conclusion that Dr. Ponce's denial of disciplinary action constitutes "fraud, misrepresentation or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code, or "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code. Under Ohio law, it is necessary for the State to prove that such a misrepresentation had been made with an intent to deceive or mislead the Board.[2]

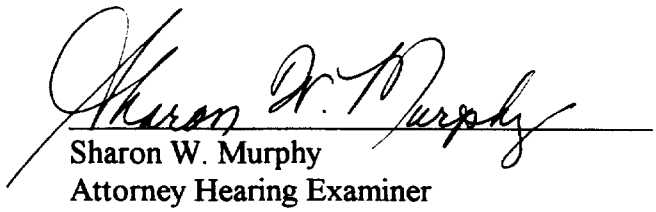
   The only evidence presented pertaining to Dr. Ponce's state of mind at the time he completed the application for renewal is contained in Dr. Ponce's May 5, 1998, letter to the Board. In the letter, Dr. Ponce stated that his failure to report the West Virginia Consent Order was inadvertent, and that he had been aware that the Consent Order had been publicized "nationwide."

   In addition, Dr. Ponce stated that he had discussed this matter with his attorney, who agreed that the West Virginia Consent Order did not constitute "disciplinary action." It is an accepted legal principle that the mistake of an attorney may be imputed to the client. In this case, however, it is the state of mind of Dr. Ponce that is at issue. The fact that Dr. Ponce consulted his attorney may outweigh any inference that Dr. Ponce intended to deceive the Board, or that his conduct in completing the application was reckless in that regard. In evaluating the evidence, it is significant that the State presented nothing to rebut Dr. Ponce's assertions.

PROPOSED ORDER

It is hereby ORDERED that the allegations against Francisco Deleon Ponce, M.D., as specified in the Board's March 11, 1998, Notice of Opportunity for Hearing, are DISMISSED.

This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.



Sharon W. Murphy
Attorney Hearing Examiner

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[2] *Rajan v. State Medical Board of Ohio* (1997), 118 Ohio App.3d 187.

State Medical Board of Ohio

EXCERPT FROM THE DRAFT MINUTES OF JULY 8, 1998

REPORTS AND RECOMMENDATIONS

Dr. Buchan announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Buchan asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Wilfred L. Anderson, M.D.; Frank Paul Bongiorno, M.D.; Edward L. Botnik, M.D.; James E. Gadek, M.D.; Mark K. Greathouse, M.D.; Archibald W. Hutchinson, M.D.; and Francisco Deleon Ponce, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Somani	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Ms. Noble	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Steinbergh	- aye
	Dr. Buchan	- aye

Dr. Buchan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Somani	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Ms. Noble	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Steinbergh	- aye
	Dr. Buchan	- aye

Dr. Buchan advised that the matter of Reinhard A. W. Westphal, M.D., was also scheduled for today's agenda; however, due to Dr. Westphal's desire to address the Board, and his inability to be present today due to injury, this matter will be considered at the Board's August 1998 meeting.

In accordance with the provision in Section 4731.22(C)(1), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Dr. Buchan stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....

FRANCISCO DELEON PONCE, M.D.

.....

DR. BHATI MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF FRANCISCO DELEON PONCE, M.D. DR. STEINBERGH SECONDED THE MOTION.

.....

A vote was taken on Dr. Bhati's motion to approve and confirm:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Heidt	- aye
	Dr. Somani	- aye
	Dr. Egner	- aye
	Mr. Sinnott	- aye
	Ms. Noble	- aye
	Dr. Stienecker	- aye
	Dr. Agresta	- aye
	Dr. Steinbergh	- aye
	Dr. Buchan	- aye

The motion carried.

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43266-0315 • (614) 466-3934 • Website: www.state.oh.us/med/

March 11, 1998

Francisco Deleon Ponce, M.D.
600 18th Street
Suite 213
Parkersburg, WV 26101

Dear Dr. Ponce:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

(1) On or about August 9, 1995, you entered into a Consent Order with the West Virginia Board of Medicine which publicly reprimanded you for making "inappropriate and repugnant comments" to the complainant, and ordered you to "cease and desist from making any and all such inappropriate and repugnant remarks to any patient."

(2) On or about April 23, 1996, you signed the application for renewal of your certificate to practice medicine and surgery in Ohio, certifying that the information provided therein was true and correct in every respect. You answered "No" in response to the question "at any time since signing your last application for renewal of your certificate have you:

5.) Had any disciplinary action taken or initiated against you by any state licensing board other than the State Medical Board of Ohio?"

In fact, on or about August 9, 1995, you entered into a Consent Order with the West Virginia Board of Medicine as detailed in the above paragraph (1).

The West Virginia Consent Order, as alleged in paragraph (1) above, constitutes "[t]he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, the imposition of probation by that authority, or the issuance of an order of censure or other reprimand by that authority for any reason, other than nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

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Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement,"as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Anand G. Garg, M.D.
Secretary

AGG/bjs
Enclosures

CERTIFIED MAIL #P 152 984 765
RETURN RECEIPT REQUESTED

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

FRANCISCO DELEON PONCE, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Francisco DeLeon Ponce, M.D., ("Dr. Ponce") freely and voluntarily enter into the following Order pursuant to West Virginia Code §30-3-14(n):

FINDINGS OF FACT

1. Dr. Ponce currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 10241, and his address of record with the Board is in Parkersburg, West Virginia.

2. In October 1994, a complaint was received by the Complaint Committee of the Board, which complaint was filed by Christina White alleging that Dr. Ponce had made several inappropriate comments to her.

3. Dr. Ponce responded to the complaint and was invited and appeared for a full discussion of the complaint with the Complaint Committee of the Board in July 1995.

4. Dr. Ponce admitted making remarks which Ms. White had complained of, and the Complaint Committee determined that such remarks were inappropriate and repugnant.

5. Permitting Dr. Ponce to continue the practice of medicine and surgery without certain appropriate conditions, restrictions and limitations upon such license being attached to the same could adversely affect the health and welfare of a patient.

CONCLUSIONS OF LAW

1. The West Virginia Medical Practice Act declares that the practice of medicine and surgery is a privilege and that as a matter of public policy the provisions in the act are necessary to protect the public interest (West Virginia Code §30-3-1).

2. Probable cause exists to file charges against Dr. Ponce pursuant to the provisions of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j), relating to unprofessional conduct.

3. The Board has determined that it is appropriate to waive the commencement of proceedings against Dr. Ponce and to proceed without the filing of charges or a formal Complaint and Notice of Hearing, provided that Dr. Ponce agrees to the provisions of this Consent Order and complies with its provisions.

CONSENT

Francisco DeLeon Ponce, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. Ponce acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, et seq.;

2. Dr. Ponce acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him;

3. Dr. Ponce waives all rights to such a hearing;

4. Dr. Ponce consents to the entry of this Order relative to his practice of medicine in the State of West Virginia; and,

5. Dr. Ponce understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and the foregoing consent of Dr. Ponce, the West Virginia Board of Medicine hereby ORDERS as follows:

1. Dr. Ponce is hereby publicly reprimanded for his inappropriate and repugnant comments to the complainant; and,

2. Dr. Ponce shall cease and desist from making any and all such inappropriate and repugnant remarks to any patient.

3. Within five (5) days of entry of this Consent Order, Dr. Ponce shall present a copy of this Consent Order to any employer or health care or medical facility where Dr. Ponce is practicing medicine and surgery or seeks to practice medicine and surgery.

The failure of Dr. Ponce to comply with the terms of this Consent Order may serve as a basis for further disciplinary proceedings against him pursuant to West Virginia Code 30-3-14 and 11 CSR 1A, Section 12.

Entered this 9th day of August, 1995.

WEST VIRGINIA BOARD OF MEDICINE

Jesus T. Ho, M.D.
President

William T. Wallace, Jr., M.D., M.P.H.
Secretary

Francisco DeLeon Ponce, M.D.
Date: Aug. 03, 1995

STATE OF West Virginia

COUNTY OF Wood, to-wit:

I, Stephanie A. Hitt, a Notary Public for said county and state do hereby certify that Francisco DeLeon Ponce, M.D., whose name is signed on the previous page has this day acknowledged the same before me.

Given under my hand this 3rd day of August, 1995.

My Commission expires July 15, 2002.

OFFICIAL SEAL
NOTARY PUBLIC, STATE OF WEST VIRGINIA
STEPHANIE A. HITT
Lot #148 Ryanwood Village Parkersburg, WV 26101
MY COMMISSION EXPIRES JULY 15, 2002

Stephanie A. Hitt
NOTARY PUBLIC