BEFORE THE STATE MEDICAL BOARD

IN THE MATTER OF :

:

CHARLES VERNON PORTER, M.D. :

ENTRY NUNC PRO TUNC

On March 9, 2003, Charles Vernon Porter, M.D. executed a Voluntary Surrender of his certificate to practice medicine and surgery in the State of Ohio with consent to revocation of his certificate. Thereafter, on March 11, 2003, the Board entered an Order revoking the certificate of Dr. Porter and stated that such revocation became effective on March 11, 2003.

Upon further review, it has been determined that the Voluntary Surrender became effective 30 days from the date of the last signature on the Surrender form, that being March 11, 2003. Therefore, the Order of the Board became effective on April 9, 2003.

WHEREFORE, it is hereby ORDERED that the Final Order of the State Medical Board of Ohio in the matter of Charles Vernon Porter, M.D. be and hereby is CORRECTED to read as follows:

> On March 9, 2003, Charles Vernon Porter, M.D. executed a Voluntary Surrender of his Certificate to practice medicine and surgery in the State of Ohio with a consent to revocation, which document is attached hereto and fully incorporated herein.
>
> In consideration of the foregoing and of Dr. Porter's express waiver of the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board members vote to revoke said certificate, it is hereby ORDERED that Certificate No. 35-039340P authorizing Charles Vernon Porter, M.D., to practice medicine be permanently REVOKED, effective April 9, 2003.

So Ordered this 26st day of November, 2003.

(SEAL)

Lance A. Talmage, M.D. /TAD

Lance A. Talmage, M.D.
Secretary

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF :

:

CHARLES VERNON PORTER, M.D. :

ENTRY OF ORDER

On March 9, 2003, Charles Vernon Porter, M.D. executed a Voluntary Surrender of his Certificate to practice medicine and surgery in the State of Ohio with a consent to revocation, which document is attached hereto and fully incorporated herein.

In consideration of the foregoing and of Dr. Porter's express waiver of the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board members vote to revoke said certificate, it is hereby ORDERED that Certificate No. 35-039340P authorizing Charles Vernon Porter, M.D., to practice medicine be permanently REVOKED, effective March 11, 2003.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 11th day of March, 2003, and the original thereof shall be kept with said Journal.

Anand G. Garg, M.D. /TRD
Anand G. Garg, M.D.
Secretary

(SEAL)

March 11, 2003
Date

STATE OF OHIO
THE STATE MEDICAL BOARD
SURENDER OF CERTIFICATE
OF CHARLES VERNON PORTER, M.D.
TO PRACTICE MEDICINE AND SURGERY

I, Charles Vernon Porter, M.D., am aware of my rights to representation by counsel, and do hereby freely execute this document and choose to take the actions described herein.

I, Charles Vernon Porter, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, No. 35-039340P, to the State Medical Board of Ohio, thereby relinquishing all rights to practice medicine and surgery in Ohio.

I understand that as a result of the surrender herein that I am no longer permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement of certificate to practice medicine and surgery No. 35-039340P, or issuance of any other certificate pursuant to Chapters 4730., 4731., 4760. or 4762., Ohio Revised Code, on or after the date of signing this Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice medicine and surgery, No. 35-039340P, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.

I, Charles Vernon Porter, M.D., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. I, Charles Vernon Porter, M.D., agree to provide my social security number to the Board and hereby authorize the Board to utilize that number in conjunction with that reporting.

I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings pursuant to the Notice of Opportunity for Hearing letter dated February 13, 2002 and the Report and Recommendation of the Attorney Hearing Examiner issued December 20, 2002. I further stipulate and agree that I am taking the action described herein based upon the following admissions: 1) I was convicted of one count of false swearing on an affidavit in West Virginia which conviction, though a misdemeanor in West Virginia, would constitute a felony in the State of Ohio, and 2) I deviated from the standard of care in connection

with my treatment of patient 1, as referenced in the Notice of Opportunity for Hearing letter dated February 13, 2002.

This surrender shall become effective 30 days from the date of the last signature below. In that 30 day interim period, I will not undertake the care of any patient not already under my care.

Signed this 9th day of March, 2003.

CHARLES VERNON PORTER

Witness

Witness

Sworn to and subscribed before me this _____ day of _____, 2003.

Notary Public

SEAL (This form must be either witnessed OR notarized)

Accepted by the State Medical Board of Ohio:

ANAND G. GARG, M.D.
SECRETARY

3/11/03
DATE

RAYMOND J. ALBERT
SUPERVISING MEMBER

3/11/03
DATE

State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

February 13, 2002

Charles Vernon Porter, M.D.
92 North 4th Street, Suite 3.
Martins Ferry, OH 43935

Dear Doctor Porter:

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, permanently 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) In the course of your care and treatment of Patient 1 (as identified on the attached Patient Key - Key confidential and not subject to public disclosure), your care and treatment fell below minimal standards of care to include, but not be limited to, the following:

a) You failed to evaluate via endocervical curettage or cone biopsy a significantly abnormal Pap smear obtained from Patient 1 on or about February 18, 1993;

b) You failed to respond appropriately by not performing endocervical curettage or cone biopsy after obtaining subsequent abnormal Pap smears from Patient 1 in or about December 1995, July 1996 and November 1996;

c) You used cryosurgery to treat Patient 1's cervix without appropriate prior tissue diagnoses; and

d) You failed to perform procedures in 1993, such as a conization of the cervix or a simple hysterectomy, which may have increased the possibility of curing Patient 1's cervical cancer at an early stage and averting the necessity of a total hysterectomy and bilateral oophorectomy in 1997.

(2) You were named as a defendant in a medical malpractice action entitled Lilley v. Porter, Case No. 99-C-96-RE, filed in the Circuit Court of Ohio County, West Virginia, in or about 1999. In the course of this litigation, you submitted to the Court an affidavit and an amended affidavit that were used in support of a motion for summary judgment filed with the Court in the above action; both the affidavit and the amended affidavit contained statements that you knew to be false at the time you signed the affidavits.

Mailed 2-14-02

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively, constitute "[a] departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established," as that clause is used in Section 4731.22(B)(6), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "[c]ommission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2921.11, Ohio Revised Code, Perjury.

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.

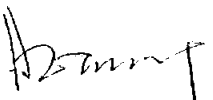
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at 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, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.
Secretary

AGG/bjs
Enclosures

CERTIFIED MAIL #7000 0600 0024 5147 0756
RETURN RECEIPT REQUESTED