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8 BEFORE THE DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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11 In the Matter of the)	No. D-5657
Accusation Against,)	
12)	DEFAULT DECISION
William Howard Porter, M.D.)	
13 8934 Lakewood Dr., #104)	
Windsor, CA 95492)	
14)	
Physician and Surgeon)	
15 Certificate No. G20728)	
16 Respondent.)	
17)	

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19 JURISDICTION

20 1. January 25, 1994, Accusation No. D-5657, Statement
21 to Respondent, form Notices of Defense, copy of Government Code
22 sections and Request for Discovery forms as provided by
23 Government Code sections 11503 and 11505 (hereafter "Accusation
24 and supporting document") were mailed to respondent William
25 Howard Porter, M.D. (hereafter "respondent"), at his then current
26 address of record, c/o Eugene Porter, 1107 W. Blvd., Marion,
27 Illinois 62959, and at his prior address of record, 8934 Lakewood

1 Drive, #104, Windsor, CA 95492, by certified mail. Thereafter, a
2 return receipt was received by the Medical Board (hereafter "the
3 Board") indicating that the certified mail packet was received on
4 Dr. Porter's behalf on February 4, 1994.

5 2. By letter dated February 28, 1994, a second set of
6 the Accusation and supporting documents was transmitted by
7 certified mail to both of the aforementioned addresses. The
8 letter advised respondent that the Board would proceed with a
9 default decision in Case No. D-5657, pursuant to Government Code
10 section 11520 unless a Notice of Defense was filed by respondent
11 within ten days. As of March 14, 1994, no Notice of Defense has
12 been filed by respondent.

13 3. A true and accurate copy of each of the above-
14 referenced documents is attached hereto as Exhibit A.

15 4. Respondent has been duly served with said
16 Accusation, Statement to Respondent, form Notices of Defense,
17 copy of Government Code sections, and request for discovery forms
18 pursuant to Government Code sections 11503 and 11505 and has
19 failed to file a Notice of Defense within the time allowed by
20 Government Code section 11506. The default of respondent is duly
21 entered pursuant to Government Code section 11520.

22 5. The Board has determined that respondent waived his
23 right to a hearing and to contest the merits of the Accusation,
24 and that the Board may take full action on the Accusation, the
25 affidavits, and documentary evidence on file herein, without a
26 hearing as provided by Government Code section 11520.

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1 any physician who performed radial keratotomies in the Santa
2 Barbara area to monitor the patient or to perform additional
3 surgery as might be required.

4 10. Respondent never completed the radial keratotomy
5 procedures on T.N.'s right eye, despite T.N.'s payment in full
6 for such procedures. Furthermore, other radial keratotomy
7 surgeons in the Santa Barbara area are unwilling to make
8 corrections on respondent's surgery. Effectively, respondent has
9 abandoned patient T.N.

10 DETERMINATION OF ISSUES

11 I.

12 Respondent's conduct as set forth in the Findings of
13 Fact above constitutes gross negligence, and is therefore grounds
14 for disciplinary action, pursuant to Business and Professions
15 Code section 2234(b).

16 ORDER

17 Wherefore, the following order is hereby made:

18 1. Physician and surgeon certificate No. G20728,
19 heretofore issued to respondent William Howard Porter, M.D., is
20 hereby revoked.

21 2. Respondent shall not be deprived of making any
22 further showing by way of mitigation; however, such showing must
23 be made to the Board, Department of Consumer Affairs, 1426 Howe
24 Avenue, Sacramento, California 95825, prior to the effective date
25 of this decision.

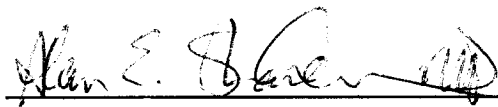
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3. This decision shall become effective on July 14, 1994,
1994.

IT IS SO ORDERED, this 14 day of June, 1994.


ALAN E. SHUMACHER, M.D.
Secretary
Medical Board of California
State of California

Default Decision
William Howard Porter, M.D.

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 VIVIAN HARA HERSH, Supervising
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In the Matter of the Accusation Against:)	No. D-5657
WILLIAM HOWARD PORTER, M.D.)	<u>ACCUSATION</u>
8934 Lakewood Dr., #104)	
Windsor, CA 95492)	
Physician and Surgeon)	
Certificate No. G20728)	
Respondent.)	

Complainant, Dixon Arnett, alleges that:

1. He is the Executive Director of the Medical Board of California, State of California (hereinafter referred to as the "Board"), and makes these charges and allegations in his official capacity and not otherwise.
 2. On or about July 8, 1971, respondent William Howard Porter, M.D. (hereinafter referred to as "respondent"), was issued Physician and Surgeon Certificate No. G20728 by the Board. Said certificate was in full force and effect at all times material hereto and is currently renewed through August 31, 1993.
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1 STATUTES

2 3. Business and Professions Code section 2004^{1/} provides that the Board
3 has the responsibility for the enforcement of disciplinary provisions of the Medical
4 Practices Act and for reviewing the quality of medical practice carried out by physician
5 and surgeon certificate holders.

6 4. Section 2234 provides that the Division of Medical Quality shall take
7 action against any licensee who is charged with unprofessional conduct. Unprofessional
8 conduct is defined therein to include, but not to be limited to, (b) gross negligence.

9 CAUSE FOR DISCIPLINARY ACTION

10 5. On or about November 2, 1989, respondent, whose practice was then
11 located in Santa Barbara, accepted payment of \$1,650.00 from patient T.N., and
12 performed a radial keratotomy on the patient's left eye. This surgical procedure is one
13 which requires that the physician be available for, and perform, as necessary, various
14 forms of follow-up care, including further surgery as needed. In this case, respondent
15 performed additional care on the patient's left eye on February 1, 1990 and May 17,
16 1990.

17 6. On or about May 17, 1990, the patient paid an additional \$1,650.00
18 and respondent performed a radial keratotomy on the patient's right eye. Although
19 respondent knew that he planned to leave the Santa Barbara area, and also knew that
20 the patient probably would require follow-up care on this second radial keratotomy, he
21 did not inform the patient of his plans to leave the area and he made no arrangement
22 with any physician in the area who performed radial keratomies to monitor the
23 patient or to perform additional surgery as might be required.

24 7. Respondent never completed the radial keratotomy procedures on
25 T.N.'s right eye despite T.N.'s payment in full for such procedures. Furthermore, other
26

27 1. All statutory references are to the Business and Professions Code unless otherwise indicated.

1 radial keratotomy surgeons are unwilling to make corrections on respondent's surgery.
2 Effectively, respondent has abandoned patient T.N.

3 8. Respondent's conduct as alleged in paragraph 6 through 8, is gross
4 negligence in violation of section 2234(b).

5 WHEREFORE, complainant requests that the Division of Medical
6 Quality schedule a hearing in this matter and thereafter issue an order suspending or
7 revoking Physician and Surgeon Certificate No. G20728, and take such other action as
8 the Board deems proper.

9 DATED: January 25, 1994



10 DIXON ARNETT
11 Executive Director
12 Medical Board of California
13 Department of Consumer Affairs
14 State of California
15 Complainant

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