

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In re: Mark E. Logan, M.D.)
) Docket No. MPN 004-0116
)

STIPULATION AND CONSENT ORDER

NOW COME Mark E. Logan, M.D. and the Vermont Board of Medical Practice and stipulate and agree as follows:

1. Mark E. Logan, M.D. (“Respondent”) holds Vermont medical license number 042.0006819 first issued by the Vermont Board of Medical Practice (“Board”) on July 14, 1982. Respondent is a physician.
2. Jurisdiction in this matter vests with the Board pursuant to 26 V.S.A. §§ 1353-1354, 1370-74, and 3 V.S.A. §§ 809-814, and other authority.

Findings of Fact

3. Respondent is a physician who owned and operated a family medicine and drug treatment practices in Rutland and White River Junction, Vermont from July 2011 through May 2016.
4. The Board opened this matter in January 2016 after it received information that Respondent and/or his drug treatment practice: (a) billed Medicaid on occasions for more than 24 hours of patient services in a single day delivered by a single provider; (b) filed duplicate claims for group therapy and preventative counseling on the same day for the same patients; (c) provided medically unnecessary services; (d) up-coded claims; (e) failed to substantiate claims with documentation in patient files; and (f) documented services in patient files that appeared to be copied from unrelated patient files. The Board assigned the investigation of the matter to the North Investigative Committee (“Committee”).

5. Respondent has an acknowledged history of chemical dependency and substance abuse and the conduct set forth in Paragraph 4 occurred after Respondent had chemical dependency relapses in 2013 and 2015.

6. During the pendency of the investigation, Respondent entered into a Cessation of Practice Agreement in MPN 182-1215 on June 21, 2016. He subsequently entered into a Stipulation and Consent Order in the same matter that became effective on May 1, 2019 and suspended his medical license for a five-year period that ended on June 21, 2021. Respondent has satisfied the conditions set forth in the Stipulation and Consent Order.

7. The Medicaid Fraud and Residential Abuse Unit (“MFRAU”) of the Vermont Attorney General’s Office also investigated the matters set forth in Paragraph 4.

8. MFRAU’s investigation obtained evidence that Respondent submitted or caused to be submitted through his family medicine practice improper Medicaid claims for patients of his drug treatment practice when he: (a) billed for providing 15 or 30 minutes of individual preventative medicine counseling, each week, for every patient in group therapy, even though Respondent knew or should have known, or acted in reckless disregard of the fact, that individual counseling was not provided, and (b) on occasion, billed for office visits using a code that indicated Respondent was supervising the delivery of care when he was not present and more than 15-minutes travel time from his office.

9. The State subsequently filed a civil enforcement action to recover damages related to allegations set forth in Paragraph 8. Respondent denied liability and maintained that any improper billing was the result of mistake or error and was not intentional.

10. Respondent and the State resolved the matter with a Settlement Agreement and Release that requires Respondent to personally pay the State a total sum of \$425,000 in scheduled installments.

11. Respondent cooperated with the Committee's investigation and provided relevant information. He has been fully compliant with the conditions of his stipulation of suspension and been substance free for over six years.

Conclusions of Law

12. A physician's failure to comply with the provisions of federal statutes or regulations, or the statutes or rules of Vermont or any other state, governing the practice of medicine can constitute unprofessional conduct. 26 V.S.A. § 1354(a)(27).

13. Consistent with Respondent's cooperation with the Board, he acknowledges that if the State were to file charges it could prove that he engaged in the conduct described in Paragraph 8 in violation of his and Green Mountain Family Medicine's Provider Enrollment Agreements, Government Health Care Program Requirements, and the Vermont False Claims Act, 32 V.S.A. § 630, *et seq.*, and a finding adverse to him could be entered by the Board pursuant to 26 V.S.A. § 1354(a)(27).

14. The Board adopts as its facts and conclusions in this matter Paragraphs 1 through 20 and Respondent agrees that this is an adequate basis for the Board actions set forth herein. Any representation by Respondent herein is made solely for the purposes set forth in this agreement.

15. Therefore, in the interest of Respondent's desire to fully and finally resolve the matter presently before the Board, he has determined that he shall enter into this agreement with the Board. Respondent enters no further admissions here, but to resolve this matter without

further time, expense, and uncertainty he has concluded that this agreement is acceptable and in the best interest of the parties.

16. Respondent agrees and understands that by executing this document he is waiving any right to challenge the jurisdiction and continuing jurisdiction of the Board in this matter, to be presented with a specification of charges and evidence, to cross-examine witnesses, and to offer evidence of his own to contest any allegations by the State.

17. The parties agree that upon the Board's acceptance of this Stipulation and Consent Order, and pursuant to the terms herein, the above-captioned matter shall be resolved by the Board. Thereafter, the Board will take no further action as to this matter absent non-compliance with the terms and conditions of this document by Respondent.

18. This Stipulation and Consent Order is conditioned upon its acceptance by the Board. If the Board rejects any part of this document, the entire agreement shall be considered void. Respondent agrees that if the Board does not accept this agreement in its current form, he shall not assert in any subsequent proceeding any claim of prejudice from any such prior consideration. If the Board rejects any part of this agreement, none of its terms shall bind Respondent or constitute an admission of any of the facts of the alleged misconduct, it shall not be used against Respondent in any way, it shall be kept in strict confidence, and it shall be without prejudice to any future disciplinary proceeding and the Board's final determination of any charge against Respondent.

19. Respondent acknowledges and understands that this Stipulation and Consent Order shall be a matter of public record, shall be entered in his permanent Board file, shall constitute an enforceable legal agreement, and may and shall be reported to other licensing authorities, including but not limited to the Federation of State Medical Boards Board Action

Databank and the National Practitioner Data Bank. In exchange for the actions by the Board, as set forth herein, Respondent expressly agrees to be bound by all terms and conditions of this Stipulation and Consent Order.

20. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board, it may enter an order implementing the terms and conditions herein.

ORDER

WHEREFORE, based on the foregoing and the consent of Respondent, it is hereby ORDERED that Respondent shall be REPRIMANDED for the conduct set forth above.


SIGNATURES

Dated at Jericho, Vermont, this 29th day of September, 2022.



Leo LeCours
Chair, North Investigative Committee
Vermont Board of Medical Practice

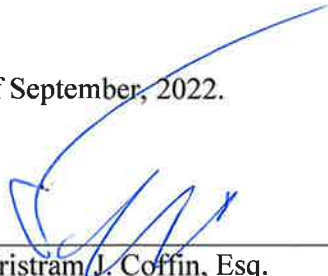
Dated at RANDOLPH, Vermont, this 21 day of September, 2022.



Mark E. Logan, M.D.

APPROVED AS TO LEGAL FORM:

Dated at Burlington, Vermont this 22nd day of September, 2022.



Tristram J. Coffin, Esq.
Downs Rachlin Martin, PLLC
P.O. Box 190
Burlington, VT 05402-0190
Counsel for Respondent


Dated at Montpelier, Vermont this 18th day of September, 2022.

Kurt A. Kuehl Digitally signed by Kurt A. Kuehl
Date: 2022.09.18 16:55:36 -04'00'

Kurt A. Kuehl
Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001

**AS TO MARK E. LOGAN, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE**

Signed on Behalf of the Vermont Board of Medical Practice

By: 

Sarah McClain
Chair, Vermont Board of Medical Practice

Vote documented in the Vermont Board of Medical Practice meeting
minutes, dated October 5, 2022.

Dated: 10/05/2022