

5. The Committee's investigation revealed that Respondent admitted to writing and receiving a minimum of nine prescriptions for drugs classified as controlled substances in staff members' names for his own use from May of 2013 through October of 2015. Such drugs classified as controlled substances were as follows: Hydrocodone Bitartrate and Acetaminophen (a Schedule II controlled substance); Lorazepam (a Schedule IV controlled substance); Diazepam (a Schedule IV controlled substance); and Tramadol (a Schedule IV controlled substance).
6. Respondent wrote a minimum of four prescriptions for drugs classified as controlled substances in staff members' names for an immediate family member's use. Respondent admitted to writing prescriptions for Diazepam and Carisoprodol (both Schedule IV controlled substances) for his immediate family member to use.
7. Respondent admitted that he would, at times, alter the same staff members' medical records to include false information about the prescriptions that he would write for the controlled substances that were intended for his own or his immediate family member's use. For example, Respondent admitted that he wrote a prescription for Diazepam for a staff member that was intended for his immediate family member. In the staff member's medical record, Respondent indicated that the staff member needed the Diazepam for a specific type of anxiety that the staff member did not have.
8. Respondent has an acknowledged history of chemical dependency and substance abuse, and further admitted that he had chemical dependency relapses in 2013 and 2015.
9. Respondent voluntarily entered into a Cessation of Practice Agreement on June 21, 2016, which was approved by the Board on September 7, 2016. On June 7, 2016, Respondent

voluntarily surrendered his controlled substances privileges with the Drug Enforcement Administration.

10. On October 3, 2016, Respondent signed a monitoring agreement with the Vermont Practitioner Health Program (“VPH”). He has been closely monitored by VPH since October 3, 2016. The Committee has been receiving quarterly monitoring reports regarding Respondent’s compliance with the terms of his monitoring agreement.
11. On February 2, 2017, Respondent surrendered his Arizona medical license.

CONCLUSIONS OF LAW

12. It is unprofessional conduct for a licensee to prescribe or order any drug legally classified as a controlled substance for the licensee’s own use or to an immediate family member. 26 V.S.A. § 1354(a)(37).
13. It is unacceptable medical practice for a licensee to improperly prescribe controlled substances. Such conduct may constitute unacceptable patient care and the failure to conform to the essential standards of acceptable and prevailing practice in violation of 26 V.S.A. § 1354(b)(1).
14. Willfully making and filing false records in his or her practice as a physician constitutes unprofessional conduct. 26 V.S.A. § 1354(a)(8).
15. It is unprofessional conduct for a licensee to engage in conduct which evidences unfitness to practice medicine. 26 V.S.A. §1354(a)(7).
16. It is illegal to obtain substances classified as regulated drugs under Vermont law, by fraud or deceit. 18 V.S.A. § 4223. It is illegal under federal law to acquire or obtain possession of controlled substances through misrepresentation, fraud, or deception, or to

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assist others in such acts. 21 U.S.C. §§ 841, 843. It is unprofessional conduct to fail to comply with any federal or Vermont statute governing the practice of medicine, including the Vermont statutes regarding regulated drugs and the federal statutes regarding controlled substances. 26 V.S.A. § 1354(a)(27).

17. Respondent acknowledges that it is the Board's position that if the State were to file charges against him it could satisfy its burden at a hearing and a finding adverse to him could be entered by the Board, pursuant to 26 V.S.A. §§ 1354(a)(27), 1354(a)(37), 1354(b)(1), 1354(a)(8) & 1354(a)(7).

18. Respondent agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 11 above, and further 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.

19. 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 the instant agreement with the Board. Respondent enters no further admission 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.

20. Respondent acknowledges that he is knowingly and voluntarily entering into this Stipulation and Consent Order with the Board. He acknowledges and agrees that he has had the advice of counsel regarding this matter and in the review of this Stipulation and Consent Order. Respondent is fully satisfied with the legal representation he has received in this matter.

21. 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.
22. The parties agree that upon their execution of this Stipulation and Consent Order, and pursuant to the terms herein, the above-captioned matters shall be administratively closed by the Board. Thereafter, the Board will take no further action as to these matters absent non-compliance with the terms and conditions of this document by Respondent.
23. This Stipulation and Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. 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.
24. 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

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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.

25. 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:

1. Respondent shall be **reprimanded** for the conduct set forth above.
2. Respondent's Vermont medical license shall be **suspended** for a period of five years with time served commencing on June 21, 2016, the date that Respondent signed the Cessation of Practice Agreement. As such, the five-year suspension period will end on June 21, 2021 absent violations of the terms of this Order. At the end of the five-year suspension period, Respondent may seek relief from the license suspension only if the Committee determines that the following conditions have been completed:
 - a. The Committee's receipt of consecutive positive monitoring reports from Vermont Practitioner Health Program ("VPH") indicating that he has been fully compliant with the terms of his VPH monitoring contract during his suspension (see also paragraph 3 below).

- b. The Committee's receipt of appropriate documentation confirming that Respondent has had two consecutive years of sobriety. Such documentation shall be provided by Respondent's primary treating provider for his substance use disorder. The two consecutive years of documented sobriety must be the two years immediately preceding the petition for relief from the license suspension.
- c. Successful completion of 25 hours of live, in-person AMA PRA Category 1 continuing medical education ("CME") credits on the following topics: medical record keeping, HIPAA/patient privacy, medical ethics and boundaries, and disruptive physician behavior. Completion of the 25 hours shall occur within the two years immediately preceding the petition for relief from the license suspension. Respondent shall seek prior approval, in writing, from the Committee for each CME course. CME credits obtained through online CME courses are not acceptable and will not be approved by the Committee. Upon successful completion of each CME course, he shall provide the Committee with proof of attendance. Respondent shall also provide the Committee with a brief written narrative of each CME course which will document what he learned from each course, and how he will apply that knowledge to his practice. Respondent shall provide proof of attendance and the written narratives to the Committee within

30 days of completion of each course. Respondent shall be solely responsible for all costs associated with the CME courses.

- d. Respondent shall work with the Licensing Committee of the Board to develop a formal re-entry program that will be memorialized into a non-disciplinary Stipulation and Consent Order. The re-entry program may include, but is not limited to, such conditions as practicing medicine under the direct supervision of an approved practice monitor on a permanent basis for the entire duration that he practices medicine in Vermont, submission of reports from a practice monitor to the Committee, and a significant amount of hours of re-training/education as deemed appropriate and necessary by the Licensing Committee. The non-disciplinary Stipulation and Consent Order must be finalized and approved by the Licensing Committee prior to the submission of the petition for relief from the license suspension.
 - e. In order to seek relief from the license suspension, Respondent must submit a written request to the North Investigative Committee requesting that his license be reinstated. If Respondent's request for license reinstatement is granted, he will also be relieved from the terms and conditions of his Cessation of Practice Agreement.
3. Respondent shall have a practice monitor for the entire duration of time that he is licensed to practice medicine in Vermont. Respondent shall enter into a formal, executed Practice Monitoring Agreement prior to resuming the practice of medicine in Vermont.

The Practice Monitoring Agreement will set forth all of the requirements, terms and conditions of the practice monitoring. The monitoring of Respondent's practice shall include, but not be limited to a review of a minimum of ten random patient charts selected by the practice monitor and quarterly reports from the practice monitor provided to the North Investigative Committee. Respondent may not resume the practice of medicine in Vermont until a Practice Monitoring Agreement is fully executed. The Board shall not be responsible for any costs associated with the practice monitor.

4. Respondent shall participate fully and in good faith in care, treatment, and monitoring under the auspices of the Vermont Practitioner Health Program ("VPH") on a permanent basis for the entire duration that he practices medicine in Vermont, commencing from the date that this Stipulation and Agreement is approved by the Board. Respondent expressly agrees that he shall abide fully and in good faith with all provisions of his VPH contract. Respondent shall not cease, terminate, or interrupt his participation in VPH without the advance written approval of the Committee or Board, following presentation of a written petition from him in this regard. Respondent and VPH may agree to modifications of the provisions of his VPH contract without Committee or Board approval, except for the length of time of the contract, which is permanent. Respondent agrees that he shall take reasonable steps to ensure that the Board and/or Committee may obtain on written request to VPH, copies of all written reports, information or assessments related to his participation in VPH with regard to his care, treatment, medical history, diagnosis, test results, or other matters. Respondent expressly agrees that VPH may directly disclose such information to the Committee and/or the

Board upon receipt of a written request so as to enable the Committee and/or Board to verify the accuracy and completeness of such reports. Respondent further agrees to promptly execute any and all waivers and/or releases that may be required for VPHP to provide such reports and documentation to the Committee and/or Board.


5. Once Respondent has been granted relief from the suspension of his medical license, he shall be permitted to practice only in a structured group setting on a permanent basis for the entire duration of time that Respondent practices medicine in Vermont. Respondent must obtain the Committee's pre-approval of the practice location before beginning to practice medicine. Respondent shall submit a written request to the Committee seeking approval of a practice location and receive written approval from the Committee. Thus, any changes in Respondent's practice location must be approved by the Committee.
6. Respondent shall be permanently prohibited from prescribing Schedule II, III, IV, and V controlled substances as defined in 21 C.F.R. § 1308 for the entire duration of time that he practices medicine in Vermont. At no time shall Respondent apply for and/or obtain his DEA license to prescribe controlled substances.
7. Respondent shall pay an administrative penalty of nine thousand dollars (\$9,000.00) consistent with 26 V.S.A. § 1361(b). Payment shall be made to the "State of Vermont Board of Medical Practice," and shall be sent to the Vermont Board of Medical Practice at the following address: David Herlihy, Executive Director, Vermont Board of Medical Practice, P.O. Box 70, Burlington VT 05402-0070. The payment shall be due no later than one year from the date that this Stipulation and Consent Order is approved by the Board.

SIGNATURES


DATED at Montpelier, Vermont, this 19th day of April, 2019.

STATE OF VERMONT

THOMAS J. DONOVAN, JR
ATTORNEY GENERAL

By: 
Kassandra P. Diederich
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

DATED at BARNET, Vermont, this 9th day of APRIL, 2019.


Mark E. Logan, M.D.
Respondent

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Approved as to form:

DATED at Burlington, Vermont, this 17th day of April, 2019.

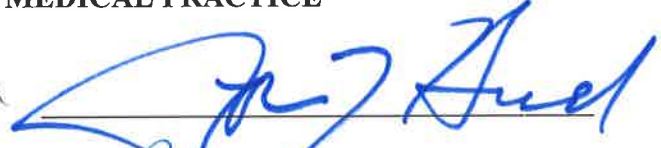


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209 Battery Street
P.O. Box 988
Burlington, VT 05402
Counsel for Respondent

AS TO MARK E. LOGAN, M.D.

APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

















Dated: May 1st, 2019

Entered and effective: May 1st, 2019

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