

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

In re: Mark E. Logan, M.D.

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Board Licensing Matter: 2005

STIPULATION AND CONSENT ORDER

NOW COME Mark E. Logan, M.D. (Respondent), and the State of Vermont, by and through Attorney General William H. Sorrell and undersigned Assistant Attorney General, James S. Arisman, and agree and stipulate as follows:

1. Mark E. Logan, M.D., Respondent, holds Vermont Medical License Number 042-0006819, issued by the Board of Medical Practice on July 14, 1982. Respondent's Vermont medical license expired on November 11, 1994, was not renewed, and has remained in lapsed status since that date.

2. Jurisdiction vests in the Vermont Board of Medical Practice (Board) by virtue of 26 V.S.A. §§ 1353, 1391, 1398 & 1400.

I. Background.

A. Application for Reinstatement of Vermont Medical License.

3. In addition to Vermont, Respondent also is licensed as a physician in the State of Arizona. Respondent is Board-certified as an emergency medicine physician. Respondent practiced in Arizona as an emergency room doctor.

4. Respondent's history in Arizona includes periods of chemical dependency that resulted in his extensive involvement with the Arizona Medical Board, beginning in 1996. More recently, on September 27, 2002, Respondent's medical license was suspende

Arizona Medical Board because he had worked in excess of the number of hours permitted by his probationary agreement with that Board and for inaccurate reporting of his work hours. Respondent's Arizona medical license was reinstated in May 2003, with conditions requiring his continued treatment for and recovery from chemical dependency, with monitoring.

5. Respondent reports that he has been continuously abstinent from the use of drugs of abuse or alcohol since February 19, 1999. No information has come to the attention of the Vermont Board to contradict Respondent's statements to this effect.

6. Respondent has returned to Vermont to be near to and support a family member who has a serious medical condition. Respondent has been in regular contact with the Board and with the undersigned Assistant Attorney General since 2000. Respondent has cooperated fully with the Board at all times, has provided detailed information regarding his treatment and recovery as requested, and has met in person with the Board's licensing committee. In January 2005, Dr. Logan formally requested reinstatement of his "lapsed" Vermont medical license. He has submitted to the Board the required application form, documentation, and reinstatement fee.

7. Respondent currently serves as the oncology programs coordinator for the Norris Cotton Cancer Center at the Dartmouth-Hitchcock Medical Center. The position does not involve the clinical care of patients but makes use of Respondent's medical training and experience. He has regularly and actively involved himself in continuing medical education programs to maintain his clinical skills.

8. Respondent recently passed the certification examination of the American Society of Addiction Medicine and plans to involve himself in the future in the care and treatment of patients with substance abuse problems or who are in recovery.

B. Respondent Agrees that His Vermont License Shall Be Conditioned.

9. Dr. Logan has affirmed his willingness to accept the imposition of reasonable conditions on his Vermont medical license so as to provide for his continued treatment and recovery and protection of the public. He agrees that the principal condition in this regard shall be his full, good faith participation in the Vermont Practitioner Health Program (VPHP) and acceptance and cooperation with all reasonable recommendations to him by that program and from those practitioners treating him or evaluating him. He also agrees to be bound by any and all conditions set forth herein.

10. Respondent has not been the subject of any prior disciplinary action by the Vermont Board of Medical Practice. No specification of charges has been filed against Respondent at any time by the State of Vermont.

II. Agreement as to Terms and Conditions of Licensure.

A. General.

11. Respondent acknowledges and agrees that he is knowingly and voluntarily agreeing to this Stipulation and Consent Order. He acknowledges and agrees that he has had the opportunity to obtain an attorney and receive legal advice regarding his medical license and the import of this Stipulation and Consent Order. He agrees and understands that by executing this document he is waiving at this time any rights of due process that he may

possess as to reinstatement of his Vermont medical license with conditions. He agrees that the Board possesses and shall continue to maintain jurisdiction in this matter, including taking action to enforce the terms herein.

12. Respondent agrees that he has read and carefully considered all terms and conditions herein and agrees to accept and be bound by these while licensed to practice medicine in the State of Vermont or elsewhere and to be bound by these until such time in the future as he may be expressly relieved of these conditions, in writing, by the Vermont Board. The Board, in its sole discretion, may consider a petition from Respondent for modification of these conditions, no earlier than 24 months following the effective date of this Stipulation and Consent Order, unless a petition for modification at any earlier date is otherwise expressly provided for, elsewhere herein.

13. Respondent's license to practice medicine in the State of Vermont shall be conditioned for a minimum of five years, following entry of the Board's Order approving the terms of this agreement. Respondent's Vermont license to practice medicine shall include the designation "Conditioned" until such time as all terms and conditions upon his medical license have been removed by express written order of the Board.

B. Basis for Board Action.

14. Respondent does not contest the facts set forth in this paragraph and in paragraphs 1 through 11, above, and agrees that the Board of Medical Practice may adopt and enter those paragraphs and the instant paragraph as uncontested findings of fact and/or conclusions of law in this matter. Respondent agrees and admits that the facts set forth in paragraphs 1 through 11 and here constitute a sufficient basis under 26 V.S.A. §§ 1354 &

1361 and 3 V.S.A. § 809 for approval by the Board of this agreement and enforcement of its terms.

15. Respondent agrees he shall comply with all terms and conditions of this Stipulation and Consent Order. Respondent understands and agrees that any substantial or repeated failure by him at any time to comply with any of the terms and conditions herein may constitute unprofessional conduct by him and, if established by the State's evidence, could result in suspension of Respondent's license to practice medicine, additional terms and conditions on his medical license, and/or such other disciplinary action as the Board might deem appropriate under the circumstances.

C. VPHP Involvement.

16. During the period that Respondent's license is conditioned he shall comply fully with all the requirements set forth herein. Respondent expressly agrees that he shall contract with and shall participate fully and in good faith in the VPHP program until relieved of this requirement by the Board. Respondent shall bear all costs.

17. Respondent agrees that the VPHP program and the Board of Medical Practice may share information and communicate freely and without limitation regarding his care, treatment, and recovery. Respondent also agrees that he shall abide by and follow all treatment and aftercare recommendations, plans, or contracts that have been or may be presented to him by evaluators, assessors, practitioners, and/or entities that have been or may be involved in his care.

18. Respondent agrees that he shall be responsible for promptly providing to the Board copies of all such treatment and aftercare recommendations, plans, or contracts. He

expressly agrees that he shall promptly sign any and all consents and/or waivers of confidentiality as to his history, dependency, diagnosis, care, and treatment so as to permit full and complete disclosure to the Board or VPHP for the purpose of permitting monitoring of his recovery and of his ability to practice medicine safely. Respondent shall bear all costs.

19. Respondent agrees that the VPHP program may report immediately to the Board of Medical Practice any apparent noncompliance by him with regard to reasonable recommendations made to him by treating practitioners or as to his obligations to VPHP. Respondent agrees that VPHP may report to the Board any concerns it may have regarding his ability to practice medicine safely.

20. Respondent agrees that upon oral or written request by the Board, its staff, or agents, he shall voluntarily and immediately cease and desist from the practice of medicine on a temporary basis, pending further proceedings before the Board. The Board shall disclose in writing the basis for its request at the time it is made. The parties agree that should Respondent so request, the Board shall promptly provide a hearing to determine whether an order of summary suspension should be entered to protect patients and the public.

D. Evaluation, As May be Needed.

21. Although Respondent has undergone evaluation and treatment for chemical dependency, he nonetheless expressly agrees that, if requested by the Board or its agents or VPHP in the future, he shall promptly undergo such additional independent chemical dependency evaluation or other assessment as may be requested. Should Respondent be requested to undergo additional evaluation or assessment, he agrees he shall bear all costs and

personally shall make all such payment arrangements as may be required, subject to the Board's review and approval, in advance.

E. Testing and Collection.

22. Respondent agrees that he shall promptly provide urine, blood, or other samples for collection and testing as required by VPHP (or the Board, if deemed necessary). VPHP shall impose such requirements in this regard as it may deem appropriate and shall monitor implementation. Respondent and VPHP shall notify the Board of the required frequency of such collection and testing. The Board, in its sole discretion, may require that the frequency of sample collections be maintained at its current level or increased. Each sample collection shall be random and may be directly observed. Respondent shall bear all costs. However, Respondent shall be permitted to share the cost of such collection and testing with his employer(s), should such arrangement be agreeable to the employer.

23. Generally, collection and testing shall occur as directed by VPHP, but in no case less frequently than twice a month. Respondent may request modification of this minimum frequency of collection at a later date, to be determined in the Board's sole discretion, upon written petition by Respondent. Respondent agrees that he shall not present any petition to the Board in this regard until the passage of at least 24 months after the effective date of this Stipulation and Consent Order. In no case shall the Board approve any change as to collection procedures that would have the possible effect of limiting the effectiveness of collection, testing, and substance monitoring. Should the Board in its sole discretion approve any change in this regard, it may at a later date withdraw any such approval and impose any and all collection and testing arrangements as it may deem appropriate, in its sole discretion.

F. Practice Site and Employment; Supervising Physician.

24. Respondent agrees that he shall practice medicine only in a structured group practice setting in which she shall have frequent and regular contact and interaction with other physicians. Respondent agrees that while so employed he shall maintain regular communication with a Board-approved Supervising Physician and agrees that other practitioners within his practice setting may communicate without limitation with his Supervising Physician and with the Board regarding his care of patients, any problems arising with respect to patient care, and Respondent's ability to practice medicine safely.

25. Respondent shall petition in writing for Board approval of the individual who is proposed to act as the Supervising Physician. The Supervising Physician shall directly observe Respondent's work with patients as frequently as practicable and shall regularly meet with Respondent to discuss his practice, care of patients, Respondent's recovery, and any problems, concerns, or questions related to these matters or Respondent's compliance with this agreement. Respondent shall maintain a written record of the dates of all such meetings, their duration, and subjects addressed. Respondent agrees that he personally shall be responsible for ensuring that the Supervising Physician shall provide quarterly written reports to the Board summarizing actions taken under this paragraph and addressing Respondent's ability to practice medicine safely. The terms and conditions set forth in this paragraph are material terms of this agreement.

26. Respondent agrees that he shall promptly petition in writing for Board approval of his proposed employer and of his proposed practice site. Such petition shall be in

a form and manner satisfactory to the Board. Respondent acknowledges that the Board may disapprove in whole or in part any practice site, at any time, if deemed warranted, in the Board's sole discretion. In this regard, Respondent expressly agrees that the Board may receive recommendations or advice from the VPHP program as to his employment setting, and the Board, in its sole discretion, may act pursuant to such recommendations or advice.

27. Any such group practice setting, as referred to above, and Supervising Physician, as referred to above, upon notification to the Board, shall be considered provisionally approved, subject to subsequent, actual approval or disapproval, at the sole discretion of the Board. Respondent agrees to present to the Board a petition identifying the actual location(s) where he shall practice and his proposed employer, as well as his proposed Supervising Physician. He agrees that she shall not see patients or practice at other locations without the approval of the Board. Moreover, Respondent agrees that he shall not practice medicine in any form or manner outside the scope of his employment agreement or affiliation with a group practice setting.

28. Respondent agrees that he shall provide a complete copy of this Stipulation and Consent Order to any employer and/or supervisor for whom he works or to any prospective employer, any State medical board, or other licensing authority in any location or jurisdiction where he may seek to practice or where he may make application, so long as this agreement remains in effect.

E. Emergency Room Practice.

29. The parties agree that Respondent may engage on a part-time basis in emergency room practice for a reasonable period, until such time as he has transitioned to another field of practice, e.g., addiction medicine. Respondent agrees that such practice shall not exceed twenty hours per week without express written Board approval. Respondent shall maintain and have countersigned by his immediate supervisor an accurate and complete record of all hours worked and the location(s) involved. Such information shall be submitted to the Board or made available for its review, upon request by the Board or its agents.

E. Prescribing.

30. Respondent agrees he shall provide to the Board on a monthly basis a copy of each prescriptions for DEA schedule controlled substances written by him. Any costs related to this requirement shall be borne by Respondent.

31. Respondent agrees and understands that he shall not at any time, under any circumstances, prescribe controlled substances or medications of any kind for himself, family members, residents or guests of his household, close friends, or intimates. Respondent may prescribe only for bona fide patients who are seen by Respondent in an office or hospital setting. In no case may Respondent prescribe any substance or medication without creating a written record to reflect that such a prescription has been provided to the patient and the rationale therefore.

32. Respondent may personally possess and consume only those medications lawfully prescribed for him. Respondent promptly shall report to VPHP all controlled

substances or intoxicants used or consumed by him at any time, the name of the prescribing practitioner, and the condition(s) involved.

G. Therapy, Twelve Step Program, and Caduceus Participation.

33. Subject to VPHP direction, Respondent agrees that he shall fully and in good faith participate in therapeutic counseling and treatment for chemical dependency with a Board-approved Vermont licensed practitioner. Respondent shall attend such therapy regularly, until such time as this requirement may be modified upon his petition, at the sole discretion of the Board and upon a written recommendation from VPHP. The Board in its sole discretion may approve or disapprove such a petition from Respondent.

34. Respondent agrees he shall attend and participate fully and in good faith in a 12-Step self-help program, attending an average of three or more such meetings each week. Respondent shall not reduce such frequency without the express approval of VPHP. Respondent also agrees he shall attend at least once a month a meeting of Caduceus or a similar group meeting for practitioners. Respondent shall maintain a written record of all such attendance by him.

H. Abstention from Controlled or Prohibited Substances; Other Matters.

35. Respondent expressly agrees he shall abstain from ingesting any mind or mood altering substances, controlled substances, or prohibited substances, except as may be prescribed by his Primary Care Physician or other practitioner.

36. Respondent acknowledges and agrees that engaging in unprofessional conduct, as set forth in 26 VSA §§1354 or 1398, shall constitute prima facie evidence of a violation by him of this agreement sufficient to support findings by the Board that the circumstances of

Respondent's recovery and rehabilitation have substantially changed, that the present conditions are inadequate to protect the health, safety and welfare of the public, and that immediate suspension of Respondent's medical license is required. And see Paragraph 20.

37. The parties agree that nothing contained herein shall limit Respondent's right to present a motion at a later date for modification of the terms and conditions herein. The Board, in its sole discretion, agrees to review, consider, and determine any such motion. No hearing shall be required. Respondent agrees that the Board shall retain sole discretion to approve or disapprove any such motion from him.

III. Other Terms and Conditions as to Implementation.

A. Dissemination of this Agreement..

38. The parties agree that this Stipulation and Consent Order shall be a public document, shall be made part of Respondent's licensing file, and may be reported to other licensing authorities and/or entities including, but not limited to, the National Practitioner Data Bank and the Federation of State Medical Boards.

B. Board Approval Required.

39. This Stipulation and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this Stipulation and Consent Order, the entire agreement shall be considered void. However, should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board, the parties request that the Board enter an order conditioning Respondent's license to practice medicine, as set forth herein, and reinstating his lapsed license to practice medicine in the State of Vermont.

C. Compliance.

40. Respondent agrees to be bound by all terms and conditions of this Stipulation and Consent Order. Respondent agrees that the Board of Medical Practice shall retain jurisdiction to enforce all terms and conditions of this Stipulation and Consent Order. Respondent expressly agrees that any failure by him to comply with the terms of this Stipulation and Consent Order, specifically including, but not limited to, its record-keeping, reporting, approval, and abstention requirements may be deemed to constitute unprofessional conduct under 26 V.S.A. §1354(25) and shall subject Respondent to such disciplinary action as the Board may deem appropriate.

41. Respondent warrants his full understanding of the importance to his continued medical career of: (a) complete and uninterrupted compliance by him with all terms and conditions herein; and (b) full, good-faith compliance by him with all direction and recommendations from the Vermont Practitioner Health Program and his treating professionals.

Dated at Montpelier, Vermont, this 23rd day of February 2005.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

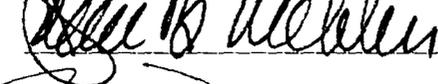
by: [Signature]
JAMES S. ARISMAN
Assistant Attorney General

Dated at RUTLAND, Vermont, this 23rd day of Feb. 2005.

[Signature]
MARK E. LOGAN, M.D.
Respondent

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

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

	Margaret Funk Martin
	Patricia A. Lay MD PhD
	Joy Sadek MD
	Peter Marasch MD
	Samuel Cahill MD
	

DATED: 3/2/05

ENTERED AND EFFECTIVE: March 2, 2005

Draft 2/05: LOGAN; by JSA/AAG; Not Approved by BMP Until Executed Above