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7 **BEFORE THE ARIZONA MEDICAL BOARD**

8  
9 In the Matter of:

**MD-02-0627**

10 **MARK E. LOGAN, M.D.**

11 Holder of License No. 22621  
12 For the Practice of Allopathic  
12 Medicine In the State of Arizona,

**CONSENT AGREEMENT AND ORDER  
FOR SUSPENSION AND PROBATION**

13 Respondent.

14 **CONSENT AGREEMENT**

15 RECITALS

16  
17 In the interest of a prompt and judicious settlement of the above-captioned matter  
18 before the Arizona Medical Board (Board) and consistent with the public interest,  
19 statutory requirements and responsibilities of the Board and under A.R.S. § 41-  
20 1092.07(F)(5), MARK E. LOGAN, M.D. (Respondent), holder of license number 22621  
21 to practice allopathic medicine in the State of Arizona, and the Board enter into the  
22 following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent  
23 Agreement") as the final disposition of this matter.

24 1. Respondent has read and understands this Consent Agreement as set forth  
25 herein, and has had the opportunity to discuss this Consent Agreement with an attorney  
26 or has waived the opportunity to discuss this Consent Agreement with an attorney.

1 Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding  
2 the expense and uncertainty of an administrative hearing.

3 2. Respondent understands that he has a right to a public administrative  
4 hearing concerning each and every allegation set forth in the above-captioned matter, at  
5 which administrative hearing he could present evidence and cross-examine witnesses.  
6 By entering into this Consent Agreement, Respondent freely and voluntarily relinquishes  
7 all right to such an administrative hearing, as well as all rights of rehearing, review,  
8 reconsideration, appeal, judicial review or any other administrative and/or judicial action,  
9 concerning the matters set forth herein. Respondent affirmatively agrees that this  
10 Consent Agreement shall be irrevocable.

11 3. Respondent agrees that the Board may adopt this Consent Agreement or  
12 any part of this agreement, under A.R.S. § 32-1451(I)(6). Respondent understands that  
13 this Consent Agreement or any part of the agreement may be considered in any future  
14 disciplinary action against him.

15 4. Respondent understands that this Consent Agreement does not constitute a  
16 dismissal or resolution of other matters currently pending before the Board, if any, and  
17 does not constitute any waiver, express or implied, of the Board's statutory authority or  
18 jurisdiction regarding any other pending or future investigation, action or proceeding.  
19 Respondent also understands that acceptance of this Consent Agreement does not  
20 preclude any other agency, subdivision or officer of this state from instituting other civil  
21 or criminal proceedings with respect to the conduct that is the subject of this Consent  
22 Agreement.

23 5. Respondent acknowledges and agrees that, upon signing this Consent  
24 Agreement and returning this document to the Board's Executive Director, Respondent  
25 may not revoke his acceptance of the Consent Agreement or make any modifications to  
26

1 the document, regardless of whether the Consent Agreement has been issued by the  
2 Executive Director. Any modification to this original document is ineffective and void  
3 unless mutually approved by the parties in writing.

4 6. Respondent understands that the foregoing Consent Agreement shall not  
5 become effective unless and until adopted by the Board and signed by its Executive  
6 Director.

7 7. Respondent understands and agrees that if the Board does not adopt this  
8 Consent Agreement, he will not assert as a defense that the Board's consideration of this  
9 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense.

10 8. Respondent understands that this Consent Agreement is a public record  
11 that may be publicly disseminated as a formal action of the Board, and shall be reported  
12 as required by law to the National Practitioner Data Bank and the Healthcare Integrity  
13 and Protection Data Bank.

14 9. Respondent understands that any violation of this Consent Agreement  
15 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(r)([v]iolating a  
16 formal order, probation, consent agreement or stipulation issued or entered into by the  
17 board or its executive director under the provisions of this chapter) and may result in  
18 disciplinary action pursuant to A.R.S. § 32-1451.

19 ACCEPTED BY:

20 DATED: 2/28/03

21 Mark E. Logan  
22 MARK E. LOGAN, M.D.

23 REVIEWED AND APPROVED AS TO FORM  
24 BY:

25 Holly R. Gieszl  
26 HOLLY R. GIESZL, ESQ.  
Counsel for Respondent

1 FINDINGS OF FACT

2 By stipulation of the parties, the following Findings of Fact, Conclusions of Law  
3 and Consent Order are entered for final disposition of the matters described therein.

4 Respondent acknowledges that sufficient evidence exists for the Board to make the  
5 following Findings of Fact:

- 6 1. The Board is the duly constituted authority for the regulation and control of the  
7 practice of allopathic medicine in the State of Arizona.
- 8 2. Respondent is the holder of License No. 22621 for the practice of allopathic  
9 medicine in the State of Arizona.
- 10 3. Respondent has an extensive history with the Board involving substance abuse.  
11 In February, 1996, Respondent requested inactivation of his license with cause as  
12 a result of impairment and/or relapse; in November, 1996, Respondent entered  
13 into a Consent Agreement with the Board that limited his practice to no more than  
14 40 hours per week. This Consent Agreement was terminated in 1998. In January,  
15 1998, Respondent was given a letter of reprimand and placed on probation  
16 requiring him to participate in the Board's Monitored Aftercare Program (MAP).  
17 In March, 1999, Respondent again requested that his license be inactivated with  
18 cause as a result of impairment and/or relapse. On September 25, 2000,  
19 Respondent's license was re-activated when he entered into a Consent Agreement  
20 (2000 Agreement) with the Board.
- 21 4. The 2000 Agreement required Respondent to participate in MAP and, among  
22 other things, submit quarterly declarations under penalty of perjury stating he was  
23 compliant with all terms of probation; limit his clinical practice to 120 hours per  
24 month; and provide to Board Staff by the 10th of each month, a record of the  
25 hours he actually worked the previous month. The record of hours worked was  
26

- 1 required to be signed by his supervisor.
- 2 5. The 2000 Agreement provided the Respondent's license would be automatically  
3 summarily suspended if he violated any term of probation.
- 4 6. Respondent submitted declarations of compliance with all terms of probation and  
5 monthly records of hours worked.
- 6 7. Respondent appeared before a meeting of the Board's Diversion Committee  
7 (Committee) the evening of September 26, 2002 for the Committee to consider  
8 Respondent's request that it recommend to the Board that the 2000 Agreement be  
9 amended to allow him to increase his clinical work hours.
- 10 8. Michael Sucher, M.D., the Board's contracted addictionologist testified at the  
11 Board meeting that he had reviewed Respondent's request prior to Respondent's  
12 appearance at the Committee meeting and, in an attempt to determine whether the  
13 request should be granted, contacted Dr. Donald Human, Respondent's  
14 supervisor, to inquire as to Respondent's work environment and hours. Dr.  
15 Sucher testified that Dr. Human relayed to him that he was not aware that the  
16 2000 Agreement was in effect as of April, 2001, and that he had not signed all of  
17 record of hours worked submitted by Respondent.
- 18 9. Dr. Sucher informed the Board that since signing the 2000 Agreement,  
19 Respondent had been working in excess of the hours required.
- 20 10. Dr. Sucher testified that Respondent had been confronted with his dishonest  
21 behavior at the September 26th Committee meeting and had admitted that he  
22 knowingly forged his supervisor's signature on many monthly report of hours  
23 worked that he had submitted to the Board after April, 2001.
- 24 11. Respondent admits to filing false quarterly reports to the Board stating that he was  
25 compliant with all terms of probation.
- 26

- 1 12. Respondent admits to filing false records of hours worked with the Board.
- 2 13. Respondent admits that working in excess of the hours mandated by the 2000  
3 Agreement is a violation of the probationary terms of the 2000 Agreement.
- 4 14. Respondent admits that falsely stating in quarterly reports to the Board that he was  
5 compliant with the terms of the 2000 Agreement is a violation of the probationary  
6 terms of the 2000 Agreement.
- 7 15. Respondent's admits that filing a false record of hours worked is a violation of the  
8 probationary terms of the 2000 Agreement.
- 9 16. Respondent admits that he has a prior history of addictive behavior placing himself  
10 in stressful situations which contribute to relapse.
- 11 17. On September 27, 2002, pursuant to authority granted by A.R.S. § 32-1451(D), the  
12 Board acted to summarily suspend Respondent's license number 22621 pending a  
13 formal hearing.
- 14 18. Respondent admits that the above described conduct violates the provisions of the  
15 Arizona Medical Practices Act and constitutes professional misconduct as set forth  
16 in that Act.

#### CONCLUSIONS OF LAW

- 19 1. The Board possesses jurisdiction over the subject matter and over Respondent.
- 20 2. The conduct and circumstances described above in paragraphs 3 through 18  
21 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(r) "violating a  
22 formal order, probation, consent agreement ... entered into by the board ..."
- 23 3. The conduct and circumstances described above in paragraphs 3 through 18  
24 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(jj)  
25 "knowingly-making a false or misleading statement to the board or on a form  
26

1 required by the board ... including attachments, with the board.”

2 CONSENT ORDER

3 **IT IS THEREFORE ORDERED** that:

4 1. License no. 22621, issued to Respondent MARK E. LOGAN, M.D., is  
5 suspended for a period of 6 months. This suspension shall run until May 31, 2003.

6 (Respondent has been under Summary Suspension since September 27, 2002.)

7 2. The Respondent shall not return to practice in Arizona until such time that  
8 Respondent meets with the Board and affirmatively receives the Board's approval to  
9 return to practice. The Board may require any combination of staff approved physical  
10 examination, psychiatric and/or psychological evaluations or successful passage of a  
11 competency examination/evaluation (or an approved examination/evaluation taken  
12 within six months of the Board's acceptance) or interview it finds necessary to assist it in  
13 determining Respondent's ability to safely and competently return to the active practice  
14 of medicine.

15 3. Upon conclusion of the suspension, Respondent's license no. 22621 shall  
16 be placed on probation for 5 years with the following terms and conditions.

17 A. Respondent shall continue consulting with a treating psychiatrist approved  
18 by Board staff and shall remain in treatment with the psychiatrist for a  
19 minimum of 12 months. Respondent shall comply with the psychiatrist's  
20 recommendations for continuing care and treatment. Respondent shall  
21 instruct the psychiatrist to submit quarterly written reports to the Board  
22 regarding diagnosis, prognosis, and recommendations for continuing care  
23 and treatment. The reports shall be submitted on or before the 15th day of  
24 March, June, September and December of each year. Respondent shall  
25 provide the psychiatrist with a copy of this order. Respondent shall pay the  
26

1 expenses of all the psychological care and be responsible for paying for the  
2 preparation of the quarterly reports. After **12 months**, respondent may  
3 submit a written request to the Executive Director requesting that the Board  
4 terminate the requirement that respondent remain in treatment with a  
5 psychiatrist. The Board's decision to terminate will be based, in part, upon  
6 the treating psychiatrist's recommendation for continued care and treatment.

7 D. Respondent shall obey all federal, state, and local laws and all rules  
8 governing the practice of medicine in Arizona, and remain in full  
9 compliance with any court ordered criminal probation, payments and other  
10 orders.

11 E. Respondent shall submit quarterly declarations under penalty of perjury on  
12 forms provided by the Board, stating whether there has been compliance  
13 with all the conditions of probation. The declarations shall be submitted on  
14 or before the 15th of March, June, September and December of each year.

15 F. Respondent shall be subject to the Monitored After-Care Program as set  
16 forth following:

17 **DEFINITIONS:**

18 "**Medication**" means "prescription-only drug, controlled substance, and over-the  
19 counter preparation, other than plain acetaminophen."

20 "**Emergency**" means a "serious accident or sudden illness that, if not treated  
21 immediately, may result in a long-term medical problem or loss of life."

22 **TERMS:**

23 1. Participation the Monitored Aftercare Program

24 Respondent Mark E. Logan, M.D., License No. 22621 shall promptly enroll in and  
25 participate in the Board's confidential substance abuse treatment and rehabilitation



1 program (the "program"). As part of the participation in the program, the Respondent  
2 shall cooperate with Board staff and contracting program supervisors. Respondent shall  
3 remain in the program for a period of five years from the effective date of the Order.

4 2. Group Therapy

5 Respondent shall attend the program's group therapy sessions one time per week  
6 for the duration of this Order, unless excused by the group therapist for good cause such  
7 as illness or vacation. Respondent shall instruct the program group therapist to release to  
8 the Board, upon its request, all records relating to his treatment, and to submit monthly  
9 reports to the Board regarding attendance and progress. The reports shall be submitted on  
10 or before the 10th day of each month.

11 3. 12 Step or Self-Help Group Meetings

12 A. Respondent shall attend ninety (90) 12-step meetings or other self-  
13 help group meetings appropriate for substance abuse and approved by the Board, for a  
14 period of ninety (90) days beginning not later than either (a) the first day following his  
15 discharge from chemical dependency treatment or (b) the effective date of this Order.

16 B. Following completion of the ninety (90) meetings in ninety (90)  
17 days, Respondent shall participate in a 12-step recovery program or other self-help  
18 program appropriate for substance abuse as recommended by the group therapist and  
19 approved by the Board. Respondent shall attend a minimum of three (3) 12-step or other  
20 self-help program meetings per week.

21 4. Board-Approved Primary Care Physician

22 A. Respondent shall promptly obtain a primary care physician and shall  
23 submit the name of the physician to Board staff in writing for approval.

24 B. The Board-approved primary care physician shall be in charge of  
25  
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1 providing and coordinating Respondent's medical care and treatment. Except in an  
2 *Emergency*, Respondent shall obtain his medical care and treatment only from the Board-  
3 approved primary care physician and from health care providers to whom the Board-  
4 approved primary care physician refers Respondent from time to time. Respondent shall  
5 request that the Board-approved primary care physician document all referrals in the  
6 medical record.

7 C. Respondent shall promptly inform the Board-approved primary care  
8 physician of his rehabilitation efforts and provide a copy of this Consent Agreement to  
9 that physician. Respondent shall also inform all other health care providers who provide  
10 medical care or treatment that she is participating in the Board's rehabilitation program.

#### 11 5. Medication

12 A. Except in an *Emergency*, Respondent shall take no *Medication*  
13 unless the *Medication* is prescribed by his Board-approved primary care physician or  
14 other health care provider to whom the Board-approved primary care physician makes  
15 referral. Respondent shall not self-prescribe any *Medication*.

16 B. If a controlled substance is prescribed, dispensed, or is administered  
17 to Respondent by any person other than the Board-approved primary care physician,  
18 Respondent shall notify the Board-approved primary care physician in writing within 48  
19 hours. The notification shall contain all information required for the medication log entry  
20 specified below. Respondent shall request that the notification be made a part of the  
21 medical record. This paragraph does not authorize Respondent to take any *Medication*  
22 other than in accordance with paragraph A.

#### 23 6. Medication Log

24 A. Respondent shall maintain a current legible log of all *Medication*  
25 taken by or administered to Respondent, and shall make the log available to the Board  
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1 and its staff upon request. For *Medication* (other than controlled substances) taken on an  
2 on-going basis, Respondent may comply with this paragraph by logging the first and last  
3 administration of the *Medication* and all changes in dosage or frequency. The log, at a  
4 minimum, shall include the following:

- 5 i. Name and dosage of *Medication* taken or administered;
- 6 ii. Date taken or administered;
- 7 iii. Name of prescribing or administering physician;
- 8 iv. Reason *Medication* was prescribed or administered.

9 This paragraph does not authorize Respondent to take any *Medication*  
10 other than in accordance with paragraph 5.

11 7. No Alcohol or Poppy Seeds

12 Respondent shall not consume alcohol or any food/substance containing poppy  
13 seeds.

14 8. Biological Fluid Collection

15 A. During all times that Respondent is physically present in the State of  
16 Arizona and such other times as Board staff may direct, Respondent shall promptly  
17 comply with requests from Board staff, the group therapist, or the program director to  
18 submit to witnessed biological fluid collection. If Respondent is directed to contact an  
19 automated telephone message system to determine when to provide a specimen, he/she  
20 shall do so within the hours specified by Board staff. For the purposes of this paragraph,  
21 in the case of an in-person request, "promptly comply" means "immediately". In the case  
22 of a telephonic request, "promptly comply" means that, except for good cause show,  
23 Respondent shall appear and submit to specimen collection not later than two hours after  
24 telephonic notice to appear is given. The Board in its sole discretion shall determine  
25 good cause.

1           B.       Respondent shall provide Board staff in writing with one telephone number  
2 which shall be used to contact Respondent on a 24 hours per day/seven days per week  
3 basis to submit to biological fluid collection. For the purposes of this section, telephonic  
4 notice shall be deemed given at the time a message to appear is left at the contact  
5 telephone number provided by Respondent. Respondent authorizes any person or  
6 organization conducting tests on the collected samples to provide testing results to the  
7 Board and the program director.

8           C.       Respondent shall cooperate with collection site personnel regarding  
9 biological fluid collection. Repeated complaints from collection site personnel regarding  
10 Respondent's lack of cooperation regarding collection may be grounds for termination  
11 from the program.

12           9.       Payment for Services

13           Respondent shall pay for all costs, including personnel and contractor costs,  
14 associated with participating in the Monitored Aftercare Program (MAP) at time service  
15 is rendered, if required, or within 30 days of each invoice set to him.

16           10.      Examination

17           Respondent shall submit to mental, physical, and medical competency  
18 examinations at such times and under such conditions as directed by the Board to assist  
19 the Board in monitoring his ability to safely engage in the practice of medicine and  
20 compliance with the terms of this Order.

21           11.      Treatment

22           Respondent shall submit to all medical, substance abuse, and mental health care  
23 and treatment ordered by the Board, or recommended by the program director.

24           12.      Obey All Laws

25           Respondent shall obey all federal, state and local laws, and all rules governing the  
26

1 practice of medicine in the State of Arizona.

2 13. Interviews

3 Respondent shall appear in person before the Board and its staff and committees  
4 for interviews upon request, upon reasonable notice.

5 14. Address and Phone Changes, Notice

6 Respondent shall immediately notify the Board in writing of any change in office  
7 or home addresses and telephone numbers. Respondent shall provide Board staff at least  
8 three business days advance written notice of any plans to be away from office or home  
9 for more than five (5) consecutive days. The notice shall state the reason for the intended  
10 absence from home or office, and shall provide a telephone number that may be used to  
11 contact Respondent.

12 15. Relapse, Violation

13 In the event that Respondent violates any term of this Order, Respondent's license  
14 will automatically be summarily suspended. Alternatively, Respondent may request to  
15 Surrender of License. If Respondent's license is revoked Respondent shall be prohibited  
16 from reapplying for a license for five (5) years.

17 16. Notice Requirements

18 A. Respondent shall immediately provide a copy of this Order to all  
19 hospitals and free standing surgery centers at which Respondent has any privileges.  
20 Within 30 days of the effective date of this Order, Respondent shall provide the Board  
21 with a signed statement that Respondent has complied with this notification requirement.

22 B. Respondent is further required to notify, in writing, all hospitals and  
23 free standing surgery centers at which Respondent has any privileges of a chemical  
24 dependency relapse, use of drugs or alcohol in violation of this Order and/or entry into  
25 treatment program. Respondent shall provide the Board, within seven days of any of  
26

1 these events, written confirmation that Respondent has complied with this notification  
2 requirement.

3 17. Public Record

4 This Order is a public record.

5 18. Out-of-State

6 In the event, Respondent resides or practices medicine in a state other than  
7 Arizona, Respondent shall participate in the physician rehabilitation program sponsored  
8 by that state's medical licensing authority or medical society. Respondent shall cause the  
9 other state's program to provide written reports to the Board regarding his attendance,  
10 participation, and monitoring. The reports shall be due on or before the 15th day of  
11 March and September of each year, until the Board terminates this requirement in  
12 writing.

13 19. Work-Hour Restriction

14 Respondent shall limit his clinical practice to 120 hours per month during the  
15 period of the probation. He may not petition for removal of this restriction until after at  
16 least one year of verified compliance.

17 DATED AND EFFECTIVE this 4<sup>th</sup> day of APRIL, 2003.

18 [SEAL]



19 ARIZONA MEDICAL BOARD

20 *Barry A. Cassidy*  
21 Barry A. Cassidy, Ph.D., P.A.,-C  
22 Executive Director

23 Original of the foregoing filed this  
24 4<sup>th</sup> day of APRIL, 2003, with:

25 Arizona Medical Board  
26 9545 E. Doubletree Ranch Road

1 Scottsdale, Arizona 85258

2 Executed Copy of the foregoing mailed  
mailed by U.S. Certified Mail, this  
3 ~~the~~ day of APRIL, 2003, to:

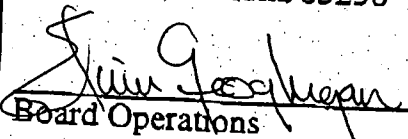
4 Mark E. Logan, M.D.  
4647 East Francisco Drive, Apt. 230  
5 Phoenix, Arizona 85044-5346  
Respondent

6  
7 Copy of the foregoing mailed this  
~~the~~ day of APRIL, 2003, with:

8 Holly R. Gieszl  
221 East Indianola Avenue  
9 Phoenix, Arizona 85012  
Attorney for Respondent

10  
11 Dean E. Brekke  
Assistant Attorney General  
1275 W. Washington, CIV/LES  
12 Phoenix, Arizona 85007  
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14 Christine Cassetta, Esq.  
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Board Operations

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