

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

DEC 03 2004

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 04-05-2816

DANIEL PHILIP LOGAN, M.D.,)
LICENSE NO. 14217,)

Defendant.)

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Daniel Philip Logan, M.D., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. Defendant, Daniel Philip Logan, M.D., holds Oklahoma license no. 14217.

3. In or around 1978, Defendant dropped out of his OB residency and overdosed on Lithium.

4. In 1983, Defendant moved to Oklahoma City, Oklahoma and began practicing in the emergency room at St. Anthony Hospital. In 1987, he lost his clinic and began injecting himself with Nubain.

5. Defendant subsequently moved to Tennessee and in 1990, was reported to the Tennessee Medical Foundation for possible substance abuse. Defendant agreed to obtain an evaluation at Charter Lake and remained in treatment for four (4) months for opiate dependence.

6. In or around 1994, while being monitored by the Tennessee Medical Foundation Monitoring Program, Defendant relapsed. Defendant then entered treatment at Menninger's and remained in treatment for six (6) weeks.

7. In or around 1997, Defendant moved to Kansas and agreed to monitoring by the Kansas Medical Advocacy Program.

8. In or around 2000, Defendant moved to Oklahoma City and began working at Baptist Medical Center. Defendant subsequently relapsed in 2002.

9. Defendant returned to Kansas to work in the Emergency Room at the University of Kansas. While in Kansas, Defendant continued to be monitored by the Kansas Medical Advocacy Program.

10. In or around 2003, employees at the KU emergency room found syringes in Defendant's office, at which time Defendant admitted to self-prescribing. Defendant was also confronted by an investigator from the Kansas Medical Board regarding the large numbers of prescriptions for Stadol the Defendant had written to himself. Defendant resigned from KU and was referred for evaluation and possible treatment by the Kansas Medical Advocacy Program at Bradford Health Services in Alabama. Defendant remained in treatment at Bradford from November 10, 2003 until February 2, 2004.

11. While at Bradford, Defendant admitted injecting Nubain, Stadol and Phenergan, and occasionally Demerol and Morphine from 1987 through 1990, then again from 1994 until 2003. Defendant was diagnosed with depression, post-traumatic stress disorder-chronic, and obsessive-compulsive and passive-aggressive personality.

12. At the time of discharge, Bradford recommended that Defendant obtain further treatment at a halfway house, as well as further counseling and follow-up with the Kansas Medical Advocacy Program. Defendant chose not to follow the recommendations of Bradford and was told to follow-up with the Kansas Medical Advocacy Program for further instruction.

13. On or about August 14, 2004, Defendant executed a Consent Order with the Kansas State Board of Health Arts whereby he agreed to a **RESTRICTION** on his license. Specifically, Defendant agreed that he would not return to practice without the approval of the Kansas Medical Advocacy Program, that he would not be allowed to practice emergency medicine for a minimum of two (2) years, that he would be prohibited from prescribing any medications to himself or any family members for a minimum of two (2) years, that he would be prohibited from prescribing controlled dangerous substances for a minimum of two (2) years, that he comply with his agreement with the Kansas Medical Advocacy Program, and that he be monitored for unauthorized drug use.

14. On or about September 11, 2000, Defendant submitted his Application for Reinstatement of his full medical license in the State of Oklahoma. On his Application for Reinstatement, Defendant was asked the following question: "Are you now or have you, within the past two years, been addicted to or used in excess, any drug or chemical substance including alcohol? In response to this question, the Defendant answered "NO".

15. On or about April 23, 2001, Defendant submitted his Application for Renewal of Oklahoma Medical License and was asked the following question: “(Since the last renewal) Are you now using any drug or chemical substance including alcohol which has an adverse impact on your ability to practice your profession?” In response to this question, Defendant answered “NO”.

16. On or about April 3, 2002 and on April 8, 2003, Defendant submitted his Applications for Renewal of Oklahoma Medical License and was asked the following question: “(Since the last renewal) Have you been addicted to or abused any drug or chemical substance including alcohol?” In response to this question, Defendant answered “NO”.

17. Defendant is guilty of unprofessional conduct in that he:

A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

D. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

E. Purchased or prescribed a regulated substance in Schedules I through V for the physician’s personal use in violation of OAC 435:10-7-4(5).

F. Prescribed, sold, administered, distributed, ordered or gave a drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

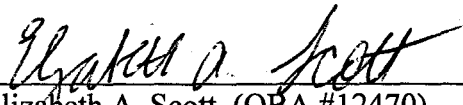
G. Engaged in fraud or misrepresentation in applying for or Procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).

- H. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).
- I. Was subject to disciplinary action of another state or jurisdiction against a license or other authorization to practice medicine and surgery based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(31).
- J. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- K. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).
- L. Wrote false or fictitious prescriptions for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. §509(11).
- M. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(12).
- N. Prescribed a controlled substance without medical need in accordance with published standards in violation of 59 O.S. §509(16) and OAC 435:10-7-4(2) and (6).
- O. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).
- P. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).
- Q. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

Conclusion

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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