

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

FILED

JAN 27 2005

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

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

Case No. 04-05-2816

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

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 for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Daniel Philip Logan, M.D., Oklahoma license no. 14217, who appears in person and pro se, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code (“OAC”).

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on December 3, 2004 as set forth below and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the “Act”).

Defendant, Daniel Philip Logan, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant further acknowledges that he is entitled to have his interests represented by legal counsel and that he has elected to proceed

without legal representation, thereby waiving his right to an attorney. Defendant acknowledges that he has read and understands the terms and conditions stated herein.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

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.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
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. Bradford was unable to locate a suitable halfway house for Defendant and modified its recommendations to allow him 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 Healing 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).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant, Daniel Philip Logan, M.D., Oklahoma medical license 14217, is guilty of unprofessional conduct set forth below based on the foregoing facts:

- 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).

Order

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** for a period to run coterminous with the restrictions on his Kansas medical license under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the

Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will request all hospitals in which he anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. Defendant will not prescribe, order, administer or dispense any prescription drugs to himself, his spouse, significant other, or any family members.

F. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules I through V.

G. Defendant will keep duplicate, serially numbered prescriptions of all prescribed drugs readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Board immediately upon request.

H. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or physicians holding Defendant's records.

- I. Defendant will authorize in writing the release of any and all information regarding his treatment at Bradford and any other records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.
- J. Defendant will abide by the terms and recommendations of Bradford.
- K. Defendant will submit for analysis biological fluid specimens including, but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.
- L. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of this Board Order immediately upon initiation, or continuation, of treatment.
- M. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, including, but not limited to, alcohol.
- N. Defendant will abide by his post care contract with the Medical Advocacy Program in the State of Kansas. If and when Defendant returns to the practice of medicine in the State of Oklahoma, he shall immediately affiliate and sign a contract with the Oklahoma Health Professional's Program and abide by all provisions of the contract.
- O. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.
- P. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.
- Q. Upon his return to the practice of medicine and surgery, Defendant shall practice in a controlled environment approved in advance by the Board Secretary.
- R. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

S. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred dollar (\$100.00) per month fee during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

T. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

U. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

V. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.

W. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

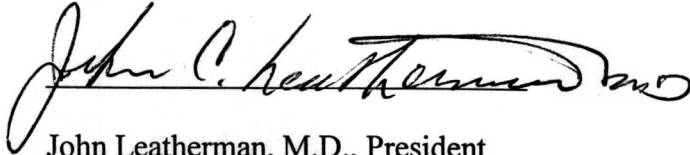
X. Defendant shall not return to the practice of medicine and surgery in the State of Oklahoma until he personally appears before the Board and the Board approves his return to practice.

Y. Defendant shall not be allowed to practice emergency medicine without the prior express approval of the Board.

Z. Defendant shall authorize the Kansas Medical Advocacy Program and the Kansas State Board of Healing Arts to send the Oklahoma State Board of Medical Licensure and Supervision the results of all drugs screens obtained for Defendant.

3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this day of January, 2005.



John Leatherman, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED

Daniel Philip Logan, M.D.
License No. 14217



Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118

Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision



Gerald C. Zumwalt, M.D.
Secretary and Medical Advisor
Oklahoma State Board of Medical
Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 31 day of January, 2005, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Daniel P. Logan, 9708 W. 118th Terrace, Overland Park, Kansas 66210-3180.




Janet Swindle

Dated this _____ day of January, 2005.

John Leatherman, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED


Daniel Philip Logan, M.D.
License No. 14211

Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118

Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision

Gerald C. Zumwalt, M.D.
Secretary and Medical Advisor
Oklahoma State Board of Medical
Licensure and Supervision

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