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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOSEPH R. LOGIC, M.D.,
RESPONDENT.

FINAL DECISION AND ORDER
LS9911221MED

The State of Wisconsin, Medical Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Medical Examining Board.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs with the Department General Counsel within 15 days of this decision. The Department General Counsel shall mail a copy thereof to respondent or his or her representative.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 19th day of January, 2000.

Ronald Grossman, M.D.

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST

JOSEPH R. LOGIC, M.D.
RESPONDENT

PROPOSED DECISION AND ORDER
LS 9911221 MED

:

PARTIES

The parties to this action for the purposes of section 227.53 Stats., are:

Joseph R. Logic
3316 Tartan Lane
Birmingham, AL 35242

PROCEDURAL HISTORY

A hearing in the above-captioned matter was held on December 13, 1999, before Administrative Law Judge William A. Black. The Division of Enforcement appeared by Attorney Steven M. Gloe. The respondent did not appear.

Based on the entire record of this case, the undersigned administrative law judge recommends that the Medical Examining Board adopt as its final decision in this matter, the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Joseph R. Logic, M.D. (DOB 04/23/35) is licensed to practice medicine and surgery in the state of Wisconsin (license #14062). This license was first granted on July 20, 1961.
2. Dr. Logic's most recent address on file with the Wisconsin Medical Examining Board is University of Alabama Medical Center, Department of Nuclear Medicine, Birmingham, AL 35233. Dr. Logic's most recent address known to the Division of Enforcement is 3316 Tartan Lane, Birmingham, AL 35242.
3. On October 12, 1998, the Alabama State Board of Medical Examiners (hereinafter "Alabama Board") filed an Administrative Complaint against respondent concluding there existed probable cause to believe respondent practiced medicine in such a manner as to constitute immoral, unprofessional or dishonorable conduct and practiced medicine in such a manner as to endanger the health of respondent's patients. The factual basis for the administrative complaint involved a diagnosis of alcohol dependence.
4. On December 14, 1998, respondent signed a voluntary surrender of his certificate of qualification and license to practice medicine in the state Alabama.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this matter pursuant to section 448.02(3), Stats.
2. By failing to file an Answer as required by Wis. Adm. Code § RL 2.09, and by failing to appear at the hearing, respondent is in default under Wis. Adm. Code § RL 2.14, and the Medical Examining Board may make findings and enter an order on the basis of the Complaint and the evidence presented at the hearing.
3. The conduct described in the findings of fact constitutes a violation of Wis. Adm. Code § Med 10.02(2)(q).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Joseph R. Logic, license number 14062, to practice medicine and surgery in the State of Wisconsin is REVOKED, costs awarded to Complainant.

OPINION

Section RL 2.14 of the Wisconsin Administrative Code provides that a respondent who fails to answer a complaint or fails to appear at a hearing is in default. If found to be in default, the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence against the respondent. In this case, the respondent did not file an answer to the above-captioned complaint, nor did he appear at the scheduled hearing. As a result, the respondent is in default.

1. Violation of Wis. Adm. Code § Med 10.02(2)(q)

"(q) Having a license, certificate, permit, registration, or other practice credential granted by another state or by any agency of the federal government to practice medicine and surgery or treat the sick, which becomes limited, restricted, suspended, or revoked, or having been subject to other adverse action by the state licensing authority or by any agency of the federal government, including but not limited to the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct."

The December 14, 1998 surrender of respondent's certificate of qualification and license to practice medicine in the state of Alabama constitutes a violation by the respondent of Wis. Adm. Code § Med 10.02(2)(q). The respondent's surrender of the Alabama credential therefore constitutes a sole and sufficient basis for revocation

of his Wisconsin license. Moreover, the basis for the respondent's surrender of his Alabama license revocation illustrates the need to impose revocation as discipline in Wisconsin.

The respondent is alleged to be alcohol dependent in the Alabama administrative complaint. Rather than face discipline for conduct posing a threat to the health of patients, respondent has chosen to surrender his Alabama license.

Revocation of the respondent's license has been recommended. It is well established that the objectives of professional discipline include the following: (1) to promote the rehabilitation of the licensee; (2) to protect the public; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 209 (1976). Punishment of the licensee is not an appropriate consideration. *State v. McIntyre*. 41 Wis. 2d 481, 485 (1969).

There is nothing in the record to suggest that imposing any discipline short of revocation would have a rehabilitative effect on respondent or that he even has an interest in being rehabilitated. The respondent has not come forward to show remorse, an explanation, or to dispute the findings of the Alabama complaint, which preceded his voluntary surrender of his license in that forum.

Absent some mitigating evidence (of which none has been presented), imposing anything less than revocation would not aid in deterrence. To not revoke respondent's license would instead wrongly signal others to engage in similar conduct without consequence. Revocation remains as the only way in which to safeguard the public. By revoking respondent's license the public will be adequately protected from any further misconduct by him.

Dated at Madison, Wisconsin, this 3rd day of January, 2000.

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DEPARTMENT OF REGULATION & LICENSING
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William Anderson Black
Administrative Law Judge