

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2003-22736

CHARLES LOGAN, Ph.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Psychology against Respondent, Charles Logan, Ph.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of psychology pursuant to Section 20.43, Florida Statutes, and Chapters 456 and 490, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed psychologist within the state of Florida, having been issued license number PY 003667 on May 23, 1986.
3. Respondent's address of record is 3102 West Waters Avenue, Suite 104, Tampa, Florida 33614.
4. On or about November 30, 1999, Respondent pled nolo contendere to Driving Under the Influence (DUI) in Hillsborough County, Florida.
5. Respondent failed to report the plea of nolo contendere to DUI to the Board of Psychology within 30 days of the date that he entered it in court.

6. Section 490.009(1)(q), Florida Statutes (1999) (now at Section 490.009(1)(w), Florida Statutes), provides that violating any provision of Chapter 490 or of part II of Chapter 455 (now at Chapter 456), or any rules adopted pursuant thereto, constitutes grounds for disciplinary action by the Board of Psychology.

7. Section 455.624(1)(v), Florida Statutes (1999) (now at Section 456.072(1)(w), Florida Statutes), provides that failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction constitutes grounds for disciplinary action.

8. Respondent failed to report in writing his plea of nolo contendere to DUI that he entered in court in Hillsborough County, Florida, on or about November 30, 1999, to the Board of Psychology within 30 days of the date that he entered it in court.

9. Based on the foregoing, Respondent has violated Section 490.009(1)(q), Florida Statutes (1999), by violating Section 455.624(1)(v), Florida Statutes (1999).

WHEREFORE, the Petitioner respectfully requests that the Board of Psychology enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 23rd day of December, 2003.

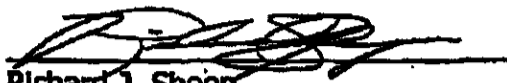
John O. Agwunobi, M.D., M.B.A.
Secretary, Department of Health

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK Weather Coleman

DATE 12/23/03



Richard J. Shoop
Assistant General Counsel
Florida Bar # 0389234
DOH, Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Tel.: (850) 414-8126
Fax: (850) 488-1855

RJS/rs

Reviewed and approved by: DKK (initials) 12/4/03 (date)

PCP Date: 12/23/03
PCP Members: Hoffman and Lewis

Charles Logan, Ph.D., DOH case no. 2003-22736

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Heather Coleman*
DATE 3/23/04

DEPARTMENT OF HEALTH,
PETITIONER,

v.

CASE NO. 2003-21223

CHARLES LOGAN, Ph.D.,
RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Psychology against Respondent, Charles Logan, Ph.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of psychology pursuant to Section 20.43, Florida Statutes, and Chapters 456 and 459, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed psychologist within the state of Florida, having been issued license number PY 3667 on May 23, 1986.

3. Respondent's last known address of record is 2901 West Busch Boulevard, Suite 407, Tampa, Florida 33618.

4. On or about December 9, 1999, L.B., a then 15 year-old female, presented to Respondent for treatment.

5. Beginning in about December 1999, Respondent treated L.B. on a weekly basis. Sometime later, however, Respondent began treating L.B. approximately three times per month until about May 5, 2001, the date of L.B.'s final visit with Respondent. Between December 1999 and May 2001, Respondent documented conducting at least 45 separate psychotherapy sessions in his office with L.B.

6. During the course of Respondent's treatment of L.B., Respondent engaged and/or attempted to engage L.B. in verbal or physical sexual activity.

7. During the course of Respondent's treatment of L.B., Respondent committed sexual battery and/or sexual misconduct upon L.B., including, but not limited to, engaging in verbal or physical behavior which is sexually arousing or demeaning to L.B., kissing, touching of L.B.'s breasts and/or genitals, and/or engaging, attempting to engage, or offering to engage L.B. in sexual intercourse, on one or more occasions.

8. Based upon the history of L.B. and Respondent's diagnosis of L.B., Respondent's behavior was outside of the planned course of treatment of L.B. and/or not in accordance with generally accepted professional standards for psychological treatment.

COUNT ONE

9. Petitioner realleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

10. Section 455.624(1)(u), Florida Statutes (1999), provides that engaging or attempting to engage a patient or client in verbal or physical sexual activity constitutes grounds for disciplinary action by the Board of Psychology. For the purposes of this

section, a patient or client shall be presumed to be incapable of giving free, full, and informed consent to verbal or physical sexual activity.

11. Respondent engaged or attempted to engage L.B. in verbal or physical sexual activity on one or more occasions during Respondent's course of treatment of L.B.

12. Based on the foregoing, Respondent has violated Section 455.624(1)(u), Florida Statutes (1999), by engaging or attempting to engage a patient or client in verbal or physical sexual activity.

COUNT TWO

13. Petitioner realleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

14. Section 456.072(1)(u), Florida Statutes (2000), provides that engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), Florida Statutes (2000), constitutes grounds for disciplinary action by the Board of Psychology.

15. Section 456.063(1), Florida Statutes (2000), provides that sexual misconduct in the practice of a health profession means violation of the professional relationship through which the health care practitioner uses such relationship to engage or attempt to engage the patient or client, or an immediate family member, guardian, or representative of the patient or client in, or to induce or attempt to induce such person to engage in, verbal or physical sexual activity outside the scope of the professional practice of such health care profession. Sexual misconduct in the practice of a health care profession is prohibited.

16. Respondent engaged in sexual misconduct with L.B., in that he engaged in verbal or physical sexual activity with L.B. that was outside of Respondent's professional practice as a licensed psychologist in Florida.

17. Based on the foregoing, Respondent has violated Section 456.072(1)(u), Florida Statutes (2000), by engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), Florida Statutes (2000).

COUNT THREE

18. Petitioner realleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

19. Section 490.009(2)(k), Florida Statutes (1999), and Section 490.009(1)(k) Florida Statutes (2000), provide that committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined by Rule 64B19-16.003, Florida Administrative Code, constitutes grounds for disciplinary action by the Board of Psychology.

20. From in or about December of 1999 to in or about May of 2001, Respondent committed sexual battery and/or sexual misconduct upon L.B., including but not limited to engaging in verbal or physical behavior which is sexually arousing or demeaning to L.B., kissing, touching of L.B.'s breasts and/or genitals, and/or engaging, attempting to engage, or offering to engage L.B. in sexual intercourse, on one or more occasions at his office and/or his house.

21. Based on the foregoing, Respondent has violated Section 490.009(2)(k), Florida Statutes (1999), and Section 490.009(1)(k) Florida Statutes (2000), by

committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined by Rule 64B19-16.003, Florida Administrative Code.

COUNT FOUR

22. Petitioner realleges and incorporates paragraphs one (1) through eight (8) as if fully set forth herein.

23. Section 490.009(2)(s), Florida Statutes (1999), and Section 490.009(1)(r), Florida Statutes (2000), provide that failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience, constitutes grounds for disciplinary action by the Board of Psychology.

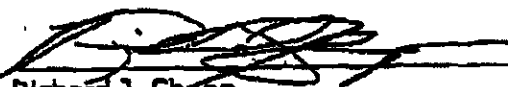
24. Respondent failed to meet the minimum standards of performance in professional activities by engaging in sexual behavior and/or sexual activity with L.B. that was outside of the planned course of treatment and/or not in accordance with generally accepted professional standards for psychological treatment.

25. Based on the foregoing, Respondent has violated Section 490.009(2)(s), Florida Statutes (1999), and Section 490.009(1)(r), Florida Statutes (2000), by failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.

WHEREFORE, the Petitioner respectfully requests that the Board of Psychology enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 23rd day of March, 2004.

John O. Agwunobi, M.D., M.B.A.
Secretary, Department of Health



Richard J. Shoop
Assistant General Counsel
Florida Bar # 0389234
DOH, Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Tel.: (850) 414-8126
Fax: (850) 488-1855

RJS/rs

Reviewed and approved by: DLK (initials) 3/11/04 (date)

PCP Date: March 23, 2004

PCP Members: Attorney General Lewis

Charles Logan, Ph.D., DOH case no. 2003-21223

STATE OF FLORIDA
DEPARTMENT OF HEALTH

Exhibit A

DEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case No. 2003-21223
2003-22730

FMS
CL

CHARLES LOGAN, PH.D.,
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent Charles Logan, Ph.D., license No. PY 3667, hereby voluntarily relinquishes Respondent's license to practice psychology in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Psychology (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.

2. Respondent agrees to never reapply for licensure as a psychologist in the State of Florida.

3. Respondent agrees to voluntarily cease practicing psychology immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of psychology until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

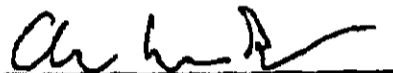
4. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the

validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

5. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

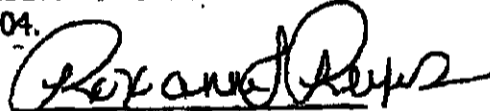
6. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 8th day of June, 2004.



CHARLES LOGAN, PH.D.

STATE OF FLORIDA
COUNTY OF:

Before me, personally appeared Charles Logan, whose identity is known to me by FL.I.D (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 8th day of June, 2004.


NOTARY PUBLIC

My Commission Expires:

 **Roxanne L. Reyes**
Commission # DD290224
Expires March 3, 2008
Notary Public - Insurance, Inc. 800-361-7010

By: Heather Coleman
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF PSYCHOLOGY

DEPARTMENT OF HEALTH,

Petitioner,

v.

Case Nos.: 2003-22736 & 2003-21223

License No.: PY 3667

CHARLES LOGAN, PH.D.

Respondent.

FINAL ORDER

This cause came before the Board of Psychology (Board) at a duly-noticed public meeting on July 16, 2004, in St. Petersburg Beach, Florida for the purpose of considering Respondent's offer to voluntarily relinquish his license to practice psychology in the State of Florida, attached hereto as Exhibit "A." Said written offer of relinquishment specifically provides that Respondent agrees never again to apply for licensure as a psychologist in the State of Florida.

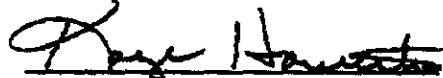
Upon consideration of the written offer of voluntary relinquishment, the charges set forth in the attached Administrative Complaints, and the other documents of record, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that the voluntary relinquishment of the license of CHARLES LOGAN, Ph.D., to practice psychology in the State of Florida is accepted and shall constitute discipline upon his record.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 3rd day of August, 2004.

BOARD OF PSYCHOLOGY


Kays Howerton, Executive Director
for Amy Swan, Psy.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Charles Logan, 2901 W. Busch Blvd., #407, Tampa, FL 33618 and by interoffice mail to Richard J. Shoop, Esquire, Department of Health, Prosecutorial Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, FL 32399-3265 this 4 day of August, 2004.


Deputy Agency Clerk

Jeb Bush
Governor



John O. Agwunobi, M.D., M.B.A., M.P.H.
Secretary

December 7, 2004

Office of the State Attorney
Thirteenth Judicial Circuit
Mark Ober
800 East Kennedy Boulevard
Tampa, FL 33602

Complaint #200321223

Subject: Charles Harper Logan

Dear Mr. Ober:

Enclosed is a copy of a complaint and/or document that may indicate a criminal violation by a licensee regulated by the Department of Health. Pursuant to 456.066, Florida Statutes this information is being forwarded to your office for your review and disposition. The complaint was investigated by the Department of Health for a possible violation 490.009(1)(k) Florida Statutes.

Please be advised that pursuant to section 456.073(10), Florida Statutes this complaint and all information obtained during the Department's investigation are confidential and exempt from section 119.07(1), Florida Statutes, until ten (10) days after probable cause has been found to exist or the subject of the investigation waives his/her right of confidentiality, whichever occurs first. We are required, pursuant to section 456.057 (8), Florida Statutes to maintain confidentiality, at all times, of patient names, patient records and any documents that may identify the patient by name.

Please do not hesitate to contact me if I can be of further assistance to you.

Sincerely,

A handwritten signature in cursive script that reads "Sondra Nelson".

Sondra N. Allen
Regulation Specialist III
Consumer Services Unit

/wwp

Enclosure

Division of Medical Quality Assurance, Consumer Services Unit
4052 Bald Cypress Way, Bin C-75 * Tallahassee, FL 32399-3275
Telephone Number (850) 414-1976 or Toll Free Call Center 1-888-419-3456
Visit us online at www.doh.state.fl.us