

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of
:
MARK ALLEN OWEN, M.D.
:
(Certificate No. 025415)
:
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NO. 05-I-246

CONSENT ORDER

On or about May 19, 2005, the Investigating Officer of the Louisiana State Board of Medical Examiners (the "Board") received information alleging that Mark Allen Owen, M.D. ("Dr. Owen"), a physician who at all times pertinent was licensed to practice medicine and was engaged in the practice of family medicine, had relapsed to substance abuse. Dr. Owen's Louisiana medical license was granted in July 2000. He underwent treatment for substance abuse at Palmetto Addiction Recovery Center from March-June 2003 and entered into a monitoring contract with the Physicians Health Program. On April 28, 2005, the Investigating Officer was notified that Dr. Owen had suffered a relapse that led to further evaluation at Palmetto from May through June 2005.

As evidenced by his subscription hereto, Dr. Owen acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer herein with probable cause to pursue formal administrative proceedings against him for his past violation of the Louisiana Medical Practice Act, La. Rev. Stat. §§37:1285A(5)¹ and (25)², constituting sufficient cause for the suspension or revocation of his license to practice medicine the state of Louisiana.

¹ La. Rev. Stat. §37:1285A(5) provides that the Board may take action against the license of a physician as a result of (H)abitual or recurring abuse of drugs including alcohol, which affect the central nervous system an which are capable of inducing physiological or psychological dependence."

² La. Rev. Stat. §37:1285A(25) provides that the Board may take action against the license of a physician as a result of "(I)nability to practice medicine...with reasonable skill or safety to patients because of...excessive use or abuse of drugs, including alcohol."

Recognizing his right to have administrative adjudication of the charges which have been asserted, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §49:951, *et seq.*, Dr. Owen nonetheless, hereby waives his right to formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), hereby agrees to an order of suspension of his medical license effective as of the date of this Order for a period of not less than six months, retroactive to July 22, 2005. Dr. Owen shall be eligible to apply for reinstatement after January 22, 2006, but any such reinstatement shall be conditioned upon compliance with the terms and conditions described below.

By his subscription hereto, Dr. Owen also acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.* or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein, unless the Board has breached any term and condition relied upon by Dr. Owen in this Consent Order. By his subscription hereto, Dr. Owen also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures to the Board under La. Rev. Stat. §49:960. Dr. Owen expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against him or to the Board's capacity to adjudicate such charges, should the Board decline to accept this Consent Order. In the event the Board declines to accept this Consent Order, any waiver or other agreement that has been set forth in this proposed Consent Order shall be considered null and void, with no legal effect, and Dr. Owen shall have the right to pursue a formal administrative hearing and subsequent legal action.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED the license of Mark Allen Owen, M.D. to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 025415 be, and the same is hereby **SUSPENDED** for a period of six months from the date of this Order, retroactive to July 22, 2005. Dr. Owen shall not apply for reinstatement of his medical license until after January 22, 2006, and shall not practice medicine in any form in the state of Louisiana until the Board issues and serves on him a written order reinstating his license to practice medicine. Any such request for reinstatement must be accompanied

by a signed PHP contract and written certification from his treating physician at Palmetto or another facility acceptable to the Board, that Dr. Owen's prognosis for abstinence is good and that he is able to practice medicine with reasonable skill and safety for his patients.

IT IS FURTHER ORDERED that upon Dr. Owen's satisfaction of the terms and conditions of reinstatement hereinabove set forth, his license to practice medicine in the state of Louisiana shall be reinstated by the Board, **ON PROBATION**, for a period of three (3) years from the date of reinstatement; *provided, however*, that such reinstatement of license and Dr Owen's continued exercise of rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following terms, conditions and restrictions:

- (1) **Personal Appearance Before Impaired Physicians Committee.** Prior to the consideration of his request for reinstatement of his license, Dr. Owen shall personally appear before the Physicians Health Committee of the Board to permit the Committee and the Board to consider his current and aftercare treatment program, his compliance with the terms of this Order and to advise the Committee and the Board of his intentions with respect to his continued practice of medicine.
- (2) **Continuing Treatment, Participation in the PHP/Reports to the Board.** Dr. Owen shall continue in, abide by and strictly adhere to each of the recommendations for ongoing treatment and monitoring of his condition, which have or may be prescribed in his PHP Substance Abuse Treatment Contract, or any subsequent treatment contract which may be recommended by any other health care provider involved in his care to the extent that they continue to follow him. Dr. Owen shall, in addition, authorize and cause his treating and monitoring physicians to submit to the Board, not less frequently than quarterly throughout the probationary period, written reports on his then-current treatment diagnosis, course of treatment, prognosis, maintenance of abstinence from alcohol and mood-altering chemicals and substances, his fitness and ability to practice medicine with reasonable skill and safety to patients and his compliance with the terms, conditions and restrictions of this Order and any PHP Substance Abuse Treatment Contract signed by Dr. Owen and any aftercare agreement he has executed or may hereafter execute.
- (3) **Drug Screens.** Dr. Owen shall submit to periodic, unannounced blood, urine, saliva and/or hair collection of the presence of controlled or other mood-altering substances by a PHP physician or his or her designee during his probation. Dr. Owen shall authorize and cause such physician to report the

results of such drug screens to the Board not less frequently than quarterly throughout the probationary period.

- (4) **Maintenance of Complete Abstinence.** Dr. Owen shall, for the duration of his life, maintain complete and total abstinence from the use of alcohol or any other mood-altering substance except as may be prescribed by a treating physician other than himself for a *bona fide* medical condition. Dr. Owen shall personally inform his treating and monitoring physicians, both orally and in writing, within forty-eight (48) hours of the prescription or administration of any mood-altering substance received by him from another physician for treatment of a *bona fide* medical condition.
- (5) **Board Access to Treatment Records and Reports.** Dr. Owen shall and does by his subscription hereto authorize and cause any physician or any institution at which he undergoes treatment for chemical dependency or any psychiatric condition, as well as any physician under whose care he may come at such an institution, who has or may hereafter evaluate, diagnose, treat or monitor him, to provide the Board with complete copies of all medical records and reports relating to Dr. Owen's history, examination, diagnosis, treatment and prognosis and to provide the Board with written and verbal reports relative thereto. Dr. Owen expressly waives any privilege in favor of the Board that may otherwise be afforded to the Board for the disclosure of such records, pursuant to state or federal law and by his subscription, solely for its purposes, and hereto acknowledges that he shall immediately execute any authorization presented to him by the Board to obtain such records. The Board recognizes and acknowledges that the information it may obtain is highly confidential, and shall not be disclosed to any person or entity, except for any member of the Board or its agents, without the express written consent of Dr. Owen.
- (6) **Controlled Substances – All Schedules.** Dr. Owen shall not, for the remainder of his medical career, prescribe, dispense or administer (i) any controlled substance which may be classified, defined, enumerated or included in 21 C.F.R. §§1308:17-.15, La. Rev. Stat. §40:964; or (ii) any substance which may hereafter be designated a controlled substance by amendment or supplementation of such regulations and statute; or (iii) the drugs Nubain, Dalgan, Soma, Ultram and Butalbital in any form or generic thereof. This prohibition shall survive the term of probation and remain in effect so long as Dr. Owen shall hold any form of license or permit to practice medicine in the state of Louisiana, unless this Order is modified by the Board, and as hereto described. This prohibition shall not prohibit Dr. Owen from ordering controlled substances and other prescription medications for administration to

inpatients of a hospital or similar institution where he may be employed or exercise staff and clinical privileges under the controlled substance license and registration of such hospital or institution and in accordance with such hospital or institution's prescribed policies and procedures governing the administration of controlled substances. Consistent with this Order, Dr. Owen shall immediately surrender his controlled substance certificate and registration to the state and federal issuing authorities.

- (7) **Sanction.** By his subscription hereto, Dr. Owen acknowledges that his receipt of written notification from the Board that it has received information which indicates his failure to abide by the terms and conditions of this Order, shall, without need for formal hearing or providing him with any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Sta. §§49:951, *et seq.*, or which otherwise may be afforded to him by law, constitute his consent to the immediate suspension of his license to practice medicine in this state pending the issuance of a decision by the Board following full administrative adjudication, including the election of any hearing if requested, of such charges.
- (8) **Fees and Costs of Treatment; Testing and Reports.** Any and all fees, costs or expenses incurred by Dr. Owen in connection with his continuing substance abuse, psychiatric and/or other treatment, including the drug screens ordered herein, as well as the reporting requirements contained in this Order, shall be borne by Dr. Owen.
- (9) **Cooperation with Board's Probation and Compliance Officer.** Upon the Board's issuance of any order of reinstatement, Dr. Owen shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers and he shall direct all matters that may then be required by the Board pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms, conditions and restrictions of his reinstatement.
- (10) **Absence from State-Effect on Probation.** Should Dr. Owen at any time during the period of probation be absent from the State of Louisiana, relocate to and/or take up residency in another state or country for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period ordered herein and all terms and conditions thereof shall be deemed interrupted and extended and shall not commence to run until Dr. Owen notifies the Board in writing that he has returned to, relocated in and/or taken up residency in the state of Louisiana. In such instance, Dr. Owen shall

not receive credit toward completion of the probationary period for the time during which he was absent from the state of Louisiana, however, Dr. Owen shall receive credit for such time in which he was absent from the State of Louisiana, if during such absence, Dr. Owen enters into a monitoring program acceptable to the Board.

(11) Certification of Compliance with Probationary Terms/Personal Appearance Before the Board. At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Dr. Owen shall provide the Board with an executed affidavit certifying that he has complied with each of the terms of probation imposed upon him by this Order, and he shall contact the Board and arrange for a personal appearance before the Physicians Health Committee of the Board, or such other committee as may be designated by the Board, at its meeting preceding the expiration of the probationary term ordered herein.

(12) Probation Monitoring Fee. For each year of the probationary term Dr. Owen shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the date on which the Board may hereafter order that the suspension of Dr. Owen's license has ended and he is authorized to resume his practice, after invoicing by the Board. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

In the Matter of:
Mark Allen Owen, M.D.

Consent Order

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New Orleans, Louisiana, this 15th day of May, 2006.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:

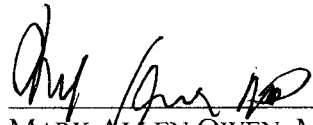
Kweli J. Amusa, M.D.
KWELI J. AMUSA, M.D.
VICE PRESIDENT

Acknowledgement and Consent on Next Page


STATE OF Louisiana
PARISH/COUNTY OF Lincoln

**ACKNOWLEDGMENT
AND CONSENT**

I, MARK ALLEN OWEN, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 21 day of March, 2006.



MARK ALLEN OWEN, M.D.

WITNESSES:


Signature
Barbara Davidson

Typed Name
107 Oak Tree Rd

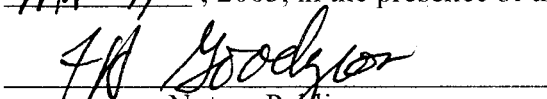
Address
Choudrant, LA 71227


Signature
FLORA COCKERHAM

Typed Name
719 JACKSON RD

Address
Simsboro, LA 71275

Sworn to and subscribed before me at Ruston, Louisiana, this 21 day of MARCH, 2005, in the presence of the two stated witnesses.


Notary Public

FRANK H. GOODGION
Name (printed)

LA # 15052

Comm. FOR LIFE
STATE OF LOUISIANA, PARISH OF LINCOLN