

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **CHARLES BOLLMANN, M.D.**

4 Holder of License No. 6020
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Board Case No. MD-04-0894A

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

(Letter of Reprimand and Probation)

7 The Arizona Medical Board ("Board") considered this matter at its public meeting
8 on December 7, 2005. Charles Bollmann, M.D., ("Respondent") appeared before the
9 Board for a formal interview pursuant to the authority vested in the Board by A.R.S. § 32-
10 1451(H). The Board voted to issue the following Findings of Fact, Conclusions of Law
11 and Order after due consideration of the facts and law applicable to this matter.
12

13 **FINDINGS OF FACT**

14 1. The Board is the duly constituted authority for the regulation and control of
15 the practice of allopathic medicine in the State of Arizona.

16 2. Respondent is the holder of License No. 6020 for the practice of allopathic
17 medicine in the State of Arizona.

18 3. The Board initiated case number MD-04-0894A after receiving a complaint
19 that Respondent engaged in sexual conduct with multiple female patients and self-
20 medicated with Xanax he obtained in his office.

21 4. Respondent testified he had a letter from another physician explaining he
22 advised Respondent to take Xanax for sleep when Respondent was busy in his obstetrics
23 practice and having difficulty sleeping because of the disruption of late-night calls.
24 Respondent testified at no time did he ever medicate himself during the day with Xanax
25 or any other medication. Respondent noted he does not drink alcohol, does not smoke
and has no history of drug use. Respondent informed the Board he currently has a

1 prescription from another physician for Xanax, which he takes infrequently. Respondent
2 testified his taking Xanax never affected his medical practice or procedures in any way.
3 Respondent noted he understood he probably should have gotten a prescription, but
4 since the Xanax was readily available in his office, he took it. Respondent stated he
5 knows this was an error and does not do it any more.

6 5. Regarding his dating patients, Respondent testified he considered the
7 moral aspect rather than the ethical, and never dated a patient who was married or when
8 he was married. Respondent testified he guessed he did not consider the ethics involved
9 and that three of the patients were long-time patients, friends he had known for ten to
10 fifteen years that he went away with on a weekend a couple of times. Respondent noted
11 he was still friends with these women, but he has advised them not to come to him as
12 their physician, but two of them still do despite his advice.

13 6. Respondent was asked if his opening remarks confirmed that he is now
14 aware that he is not supposed to self-prescribe scheduled substances. Respondent
15 testified he was now aware of the prohibition. Respondent was asked if he understood
16 why he should not take Xanax just because it was readily available. Respondent testified
17 he did, but he felt there are dependent personalities and he does not consider himself to
18 be one and he thinks he has proven that by his never taking Xanax during the day. The
19 Board noted Respondent stated he advised the female patients he had been in a
20 relationship with not to come to him any longer as a physician, but they continue to do so.
21 Respondent was asked if he felt, as a physician, he should have said "I'm sorry, I cannot
22 treat you." Respondent testified he did that, but first of all, he had more of a friendship
23 than a relationship with these patients. Respondent noted he was not in control of his
24 schedule and they would just appear on his schedule and he would have to sort of throw
25 them out of the office. Respondent testified the patients objected to that and said they

1 had known him for fifteen years, wanted to come to him, and it was unfair for him not to
2 see them. Respondent testified he then made a decision that he guesses may have
3 been ethically wrong to continue to see them as patients.

4 7. Respondent testified these allegations were from conduct seven to eight
5 years ago, he is now happily married, has no further intentions of proceeding the way he
6 did in the past, and is aware of the ethical implications. Respondent testified he initially
7 considered the moral implications and to him, as long as he was not married and she was
8 not married, he thought it was okay because they had a long-time relationship.
9 Respondent noted it was not a situation where he was hitting on patients that came into
10 the office, he had been friends with these patients for years. Respondent noted he
11 realizes now it was ethically wrong, but he does not think it was morally wrong.
12 Respondent noted his first marriage ended in divorce and he married a second time.
13 Respondent testified he has been married five times, three times to former patients.

14 8. The Board asked about patient P.C. Respondent testified he met her skiing
15 and they lived together for a time and she then became a patient, but was not a patient
16 when they met or when they lived together. Respondent testified patient P.C. was his
17 forth wife and has severe emotional problems. In regard to patient C.C. Respondent
18 testified he had not seen her as a patient for two years when he dated her. In regard to
19 patient S.E. Respondent testified they had been friends for about twenty years and he
20 saw her infrequently sexually.

21 9. Respondent was asked about his testimony that he took Xanax to get back
22 to sleep after being awakened while on call. Specifically, Respondent was asked what
23 would happen if he took the Xanax after one call and then received a subsequent call –
24 would he not then be taking call, doing deliveries, under the influence. Respondent
25 testified he guessed his adrenaline took over and it did not affect him. Respondent

1 testified if he had thought he was compromised in any way he would not have done it.
2 Respondent was asked if when he ran out of Xanax samples in his office he was getting
3 it for his office from a pharmacy. Respondent testified he was and was taking them from
4 his office for himself. Respondent was asked how he got his Xanax after he stopped
5 getting it from a pharmacy for his office. Respondent testified he got a prescription from
6 another physician after receiving notice of the Board's investigation.

7 10. Respondent testified he believed he has been a good physician and
8 apologized to the Board for his lack of ethics, but he did not know it was against the law
9 to date patients. Respondent testified he would not date patients in the future, especially
10 since he is happily married. Respondent testified he now realizes he needs a
11 prescription for Xanax.

12 CONCLUSIONS OF LAW

13 1. The Arizona Medical Board possesses jurisdiction over the subject matter
14 hereof and over Respondent.

15 2. The Board has received substantial evidence supporting the Findings of
16 Fact described above and said findings constitute unprofessional conduct or other
17 grounds for the Board to take disciplinary action.

18 3. The conduct and circumstances described above constitutes unprofessional
19 conduct pursuant to A.R.S. § 32-1401(27)(g) (“[u]sing controlled substances except if
20 prescribed by another physician for use during a prescribed course of treatment”); and
21 32-1401(27)(z) (“[e]ngaging in sexual conduct with a current patient or with a former
22 patient within six months after the last medical consultation unless the patient was the
23 licensee’s spouse at the time of contact or, immediately proceeding the physician-patient
24 relationship, was in a dating or engagement relationship with the licensee. . .”).

1 **ORDER**

2 Based upon the foregoing Findings of Fact and Conclusions of Law,

3 IT IS HEREBY ORDERED:

4 1. Respondent is issued a Letter of Reprimand for using Xanax without a
5 prescription written by another physician and for engaging in sexual conduct with patients.

6 2. Respondent is placed on probation for two years with the following terms
7 and conditions:

8 a. Respondent shall obtain 10 hours of Board Staff pre-approved Category I
9 Continuing Medical Education ("CME") in ethics and 10 hours of Board Staff pre-approved
10 Category I Continuing Medical Education ("CME") in boundary violations. Respondent
11 shall provide Board Staff with satisfactory proof of attendance. The CME hours shall be in
12 addition to the hours required for biennial renewal of medical license. The probation will
13 terminate when Respondent supplies proof of course completion satisfactory to Board
14 Staff.

15 b. Respondent shall obey all federal, state, and local laws and all rules
16 governing the practice of medicine in Arizona.

17 3. In the event Respondent should leave Arizona to reside or practice outside
18 the State or for any reason should Respondent stop practicing medicine in Arizona,
19 Respondent shall notify the Executive Director in writing within ten days of departure and
20 return or the dates of non-practice within Arizona. Non-practice is defined as any period of
21 time exceeding thirty days during which Respondent is not engaging in the practice of
22 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
23 non-practice within Arizona, will not apply to the reduction of the probationary period.

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1 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

2 Respondent is hereby notified that he has the right to petition for a rehearing or
3 review. The petition for rehearing or review must be filed with the Board's Executive
4 Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The
5 petition for rehearing or review must set forth legally sufficient reasons for granting a
6 rehearing or review. A.A.C. R4-16-102. Service of this order is effective five (5) days
7 after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not
8 filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to
9 Respondent.

10 Respondent is further notified that the filing of a motion for rehearing or review is
11 required to preserve any rights of appeal to the Superior Court.

12 DATED this 9th day of February, 2006.



THE ARIZONA MEDICAL BOARD

18 By [Signature]
19 TIMOTHY C. MILLER, J.D.
20 Executive Director

21 ORIGINAL of the foregoing filed this
22 10th day of February, 2006 with:

23 Arizona Medical Board
24 9545 East Doubletree Ranch Road
25 Scottsdale, Arizona 85258

Executed copy of the foregoing
mailed by U.S. Certified Mail this
10th day of February, 2006, to:

Charles Bollmann, M.D.
Address of Record

[Signature]