

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **CHARLES A. 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-05-1068A

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

(Decree of Censure and Probation)

7 The Arizona Medical Board ("Board") considered this matter at its public meeting on May
8 18, 2007. Charles A. Bollmann, M.D., ("Respondent") appeared before the Board with legal
9 counsel Robin E. Burgess for a formal interview pursuant to the authority vested in the Board by
10 A.R.S. § 32-1451(H). The Board voted to issue the following Findings of Fact, Conclusions of
11 Law and Order after due consideration of the facts and law applicable to this matter.

12 **FINDINGS OF FACT**

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

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

17 3. The Board initiated case number MD-05-1068A after receiving notification of a
18 malpractice settlement involving Respondent's care and treatment of a nineteen year-old female
19 patient ("CH"). CH presented to Respondent on January 14, 2002 for laser hair removal for
20 hidradenitis suppurativa. CH underwent six treatments at Respondent's office, all performed by a
21 laser technician. The first five treatments proceeded without complication, but the sixth treatment
22 was especially painful and resulted in second degree burns of CH's legs, abdomen, inguinal
23 areas and axillae. Although Respondent did not perform the procedures he dictated five operative
24 reports and, after submitting them to the insurance company for payment, received payment.
25 There is no history and physical in Respondent's chart for CH.

1 4. Respondent completed a residency in obstetrics and gynecology, but has not
2 performed obstetrics for twenty-five years. Respondent completed a cosmetic surgery fellowship
3 in 1988 with the American Academy of Cosmetic Surgery, but his first laser training was in 1982.
4 In 2002 Respondent's practice was split evenly between limited gynecology and cosmetic
5 procedures. For cosmetic procedures Respondent performs a limited physical examination for the
6 procedure requested and does not believe it is definitely necessary to have a history and
7 physical. Respondent's billing records indicate he charged billing code 99202, which includes
8 history and physical examination, the elements of which include history of present illness, family
9 history, physical examination, and assessment and plan. Respondent's documentation for CH's
10 first visit does not include a review of symptoms, family history, or physical examination.

11 5. Respondent maintained he submitted the operative reports to the insurance
12 company at the request of CH's mother, who worked for the insurance company and told him the
13 insurance company pre-approved the procedures, but needed operative reports to issue
14 payment. Respondent's laser technician handed him reports and he took the settings as far as
15 power, influence, etc., and converted them into operative reports he then signed. Respondent did
16 not perform the procedures and may have been in the room for the first procedure, but was not
17 for any of the remaining procedures.

18 6. Respondent was treating CH for hidradenitis suppurativa as diagnosed by the
19 dermatologist and as included in Respondent's operative report. Hidradenitis suppurativa is
20 usually located in the groin, buttocks, and upper legs. However, CH was treated and received
21 burns in other areas where hidradenitis suppurativa does not usually occur. CH's insurance
22 company covered the laser treatments for the treatment of hidradenitis suppurativa and
23 Respondent included this diagnosis in his operative report even though he treated areas that
24 would not have been affected.

25

1 7. An operative report documents the procedures performed (the specific events that
2 occur during a procedure) and allows any other physician to understand what occurred and if
3 there were complications. If a physician is not in the room when the procedure is performed it
4 would be impossible for the physician to know what occurred in order to draft an operative report.
5 The "typed" operative reports Respondent submitted have handwritten corrections that are not
6 signed or dated. For instance, the operative report of February 12, 2002 under "procedure" reads
7 "using the above mentioned lasers with the parameters described, the whole upper back, bikini
8 area, and both legs front and back were treated." Added in handwriting between "bikini area" and
9 "and both legs" is "and buttocks." This is Respondent's handwriting. On the February 28, 2002
10 operative report "Skin Type 4" is listed, but the "4" is crossed out and "2" is written in. Respondent
11 maintained this was not his handwriting and could be the laser technician's. Other operative
12 reports contained similar unsigned and undated changes. The operative reports also do not even
13 mention that the laser technician was present and performed the procedures.

14 8. Respondent claimed he did not know how CH suffered burns because the amount
15 of energy the laser dispensed (the settings) were the same for each treatment. However, the
16 operative reports indicate the settings were different. Respondent noted safe parameters for
17 using the laser in this setting are up to 100 joules. Respondent did not know how CH suffered the
18 burns and thought it was perhaps because she had tanned over the summer. Respondent did not
19 examine CH prior to the laser technician administering the treatment and did not ensure the laser
20 technician adjusted for any tanning CH may have had.

21 9. The standard of care requires a physician to obtain a history and physical prior to
22 using laser hair removal to treat a medical condition.

23 10. Respondent deviated from the standard of care because he did not obtain a
24 history and physical prior to allowing an employee laser technician to perform laser hair removal
25 on a patient.

1 medicine or if applying for privileges or renewing an application for privileges at a health care
2 institution.”).

3 **ORDER**

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

5 IT IS HEREBY ORDERED:

6 1. Respondent is issued a Decree of Censure for inappropriate care, inadequate
7 records, inadequate supervision, inappropriate billing and making false statements.

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

10 a. Respondent will be subject to random chart reviews by Board Staff.

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

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

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

21 Respondent is hereby notified that he has the right to petition for a rehearing or review.

22 The petition for rehearing or review must be filed with the Board’s Executive Director within thirty
23 (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review
24 must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-103.
25 Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a

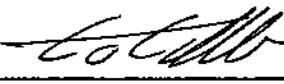
1 petition for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35)
2 days after it is mailed to Respondent.

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

5 DATED this 10th day of August 2007.



6 THE ARIZONA MEDICAL BOARD

7
8 By 
9 TIMOTHY C. MILLER, J.D.
10 Executive Director

11 ORIGINAL of the foregoing filed this
12th day of August, 2007 with:

12 Arizona Medical Board
13 9545 East Doubletree Ranch Road
14 Scottsdale, Arizona 85258

15 Executed copy of the foregoing
mailed by U.S. Mail this
12th day of August, 2007, to:

16 Robin E. Burgess
17 Sanders & Parks, PC
18 3030 North Third Street – Suite 1300
19 Phoenix, Arizona 85012-3099

20 Charles A. Bollmann, M.D.
21 Address of Record

