

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscqa>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

-----  
IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
 : FINAL DECISION AND ORDER  
 : 95 MED 375  
 :  
GEORGE BOLEK, M.D., :  
 :  
RESPONDENT. : L S 980326 S MED  
-----

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

George Bolek, M.D.  
S106W16850 Muskego Dam Drive  
Muskego, WI 53150-5502

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. George Bolek (D.O.B. 1/09/43) is duly licensed in the state of Wisconsin as a physician and surgeon (license # 27564). This license was first granted on July 1, 1986. Respondent is a general practitioner.
2. Respondent treated patient SG during 1994 and 1995 for a complaint of lower back pain. SG had prior back surgery and an interval spinal fusion between L4 and S1.
3. Respondent referred SG for electrodiagnostic study and radiology consultation on 2/03/94, 3/30/95 and 7/27/95. The result was no finding of neuropathy or radiculopathy.

4. Respondent prescribed the following Schedule II controlled substances for SG:

8/19/94 through 11/18/94 Percocet , one tablet q.i.d

12/4/94 through 1/12/96 Percodan, one tablet q.i.d.

5. Throughout the course of analgesic treatment it does not appear that function or comfort of the patient improved.

6. Respondent's records for SG do not contain a comprehensive medical history or treatment plan. Although several referrals were made for testing there is no indication that the resulting reports were utilized in planning treatment alternatives. The patient record does not contain an evaluation of the effectiveness of the analgesic therapy or an assessment of the patient's relative functional ability over time.

7. Respondent treated patient MW from September, 1994, through September, 1996 for a complaint of lower back pain. MW resides at the same address as patient SG. Respondent's notes indicate MW injured her back when pushed at a casino in October, 1993. MW re-injured her back in March, 1994, and November, 1995.

8. Diagnostic imaging of MW accomplished 3/10/95 revealed a mild diffuse disc bulging at L 4-5, but no evidence of stenosis or soft tissue defect. A consultant concluded an EMG of the lower extremities was within normal limits. No specific treatment recommendations were made by consultants. An 11/09/95 radiology report found no abnormalities of the lumbar spine or pelvis.

9. MW was referred for physical therapy exercise on 12/07/94 and again on 11/22/95.

10. MW requested pain medications from Respondent. Respondent prescribed the following controlled substances for MW:

2/18/95	Vicodin (C-III)	30
2/27/95	Vicodin	90
3/17/95	Roxiprin (C-II)	90
3/24/95	Vicodin	40
4/01/95	Guaifen (C-III)	15
4/01/95	Vicodin	90
4/24/95	Percodan (C-II)	90
5/19/95	Guaifen	15
5/19/95	Percodan	120
6/14/95	Percodan	120
7/05/95	Percodan	120
7/31/95	Percodan	120

8/29/95	Percodan	120
9/27/95	Percodan	120
10/30/95	Percodan	120
11/15/95	Percodan	120
12/18/95	Percodan	120
1/09/96	Percodan	120
2/16/96	Percodan	120
3/12/96	Percodan	120
4/24/96	Percodan	120
6/04/96	Percodan	120
7/01/96	Percodan	120
7/30/96	Percodan	120
9/24/96	Percodan	120

11. Throughout the course of analgesic treatment it does not appear that the function or comfort of the patient improved.

12. Respondent's records for MW do not contain a comprehensive medical history or treatment plan. It does not appear that consulting reports were utilized in planning treatment alternatives. The patient record does not contain a review of the effectiveness of the analgesic therapy or an assessment of the patient's relative functional ability over time.

#### CONCLUSIONS OF LAW

13. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to sec. 448.02(3) Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5) Wis. Stats.

14. By the conduct described above, George Bolek, M.D., is subject to disciplinary action against his license to practice as a physician and surgeon in the state of Wisconsin, pursuant to Wis. Adm. Code sec. Med 10.02(2)(h).

## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED :

1. The attached Stipulation of the parties is accepted.
2. George Bolek, M.D., is REPRIMANDED.
3. The license and registration of Respondent to practice medicine and surgery in Wisconsin is LIMITED as follows:
  - a. No later than December 1, 1998, Respondent shall take and satisfactorily pass the 45 hour course in Proper Prescribing of Controlled Dangerous Substances sponsored by the Forensic and Educational Consultants of Margate, N.J., or an equivalent course which has been approved in advance by the Board. Respondent shall be responsible for all costs associated with the completion of this educational requirement. Respondent shall arrange for the course sponsor to report directly to the Department Monitor at P.O. Box 8935, Madison, WI 53708-8935, telephone: (608) 267-7139. Respondent shall authorize release of all records of attendance and performance during the course to the Department Monitor and the Board.
  - b. Respondent shall, at his own expense, participate in and successfully complete within 12 months of the date of this Order, an educational program established through the University of Wisconsin Continuing Medical Education program ( which may conduct any program through the Medical College of Wisconsin or another CME provider) in medical recordkeeping, approved by the Board or its designee.

Under the tutelage of a mentor selected by the program, Respondent shall review a text selected by the mentor dealing with medical recordkeeping, and shall introduce the mentor's recommended improvements into his system over the period of the program in both his office and hospital records. All of Respondent's records may be reviewed and discussed periodically with the mentor as the mentor shall determine. The review may include not only the adequacy of documentation but any other quality of care or related issue.

The mentor shall agree to report any matter which may constitute a danger to the health, safety or welfare of patient or public, or any violation of law to the Board whenever it comes to the attention of the mentor.

Respondent's progress and outcome shall be reported directly to the Department Monitor, who may discuss Respondent's progress with the mentor. The UW-CME shall certify to the Board the results of the educational program upon its completion.

If Respondent does not successfully complete or achieve the objectives of the educational program, the matter shall be referred to the Board to determine whether additional discipline for the conduct set forth in the Findings of Fact shall be imposed. The results of the educational program may be considered as evidence by the Board in making its determination, and Respondent shall have the opportunity to address the Board on the issue.

4. Respondent shall pay to the Department of Regulation and Licensing the costs of the investigation and prosecution of this action in the sum of \$ 600.00 within thirty days of the date of this Order.

5. Pursuant to sec. 448.02(4) Wis. Stats., if the Board determines that there is probable cause to believe that Respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of Respondent be summarily suspended pending investigation of the alleged violation.

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

7. This Order shall become effective upon the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Wanda Krauer  
A Member of the Board

March 26, 1998  
Date

jh.

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

-----  
IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :

GEORGE BOLEK, M.D., :  
RESPONDENT :

STIPULATION  
95 MED 375  
-----

It is hereby stipulated between the above Respondent and the undersigned prosecuting attorney for the Division of Enforcement of the Department of Regulation and Licensing, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against respondent; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of respondent's right to seek legal representation and has been provided the opportunity to seek legal advice before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.

7. The Board Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, and may relate to the Board any knowledge and view of the case acquired during the investigation.

8. This stipulation is subject to approval by the Division of Enforcement's attorney-supervisor. If approved by the supervisor, the Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

9. Respondent is informed that should the Board adopt this stipulation, the Board's final decision and order is a public record and will be published in the monthly *Report of Decisions* issued by the department. A summary of the order will be published in the *Wisconsin Regulatory Digest* issued semiannually by the Board. This is standard department procedure and in no way specially directed at Respondent.

Respondent George B. Galt Date 02-17-98

Prosecuting Attorney James Harris Date March 2, 1998  
Division of Enforcement

STIPULATION/FINAL DECISION AND ORDER APPROVAL FORM

Respondent/Case No. BOLEK 95 MED 375

Date of Agreement PROPOSAL 7/25/97

I approve the terms of the agreement without modifications.

I approve the terms of the agreement subject to the following modifications discussed with Attorney \_\_\_\_\_ on \_\_\_\_\_.

The modifications may be summarized as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I do not approve the agreement.

James J. Esswein, MD  
Signature of Board Member

9-26-97  
Date

Please mail a copy of this form to the attorney using the enclosed envelope.

# Department of Regulation & Licensing

State of Wisconsin

P O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416, hearing or speech  
TRS# 1-800-947-3529, impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On March 26, 1998, the Medical Examining Board  
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a  
forfeiture.

The amount of the costs assessed is: \$600.00 Case #: LS9803265MED

The amount of the forfeiture is: \_\_\_\_\_ Case # \_\_\_\_\_

Please submit a check or a money order in the amount of \$ 600.00

The costs and/or forfeitures are due: April 25, 1998

NAME: George Bolek LICENSE NUMBER: 27564

STREET ADDRESS: S106W16850 Muskego Dam Drive

CITY: Muskego STATE: WI ZIP CODE: 53150-5502

Check whether the payment is for costs or for a forfeiture or both:

COSTS  FORFEITURE

Check whether the payment is for an individual license or an establishment license:

INDIVIDUAL  ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING**  
**1400 E. WASHINGTON AVE., ROOM 141**  
**P.O. BOX 8935**  
**MADISON, WI 53708-8935**

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G:\BDLS\FM2145.DOC

**For Receipting Use Only**

Committed to Equal Opportunity in Employment and Licensing+

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE MEDICAL EXAMINING BOARD

---

---

In the Matter of the Disciplinary Proceedings Against

George Bolek, M.D.,

AFFIDAVIT OF MAILING

Respondent.

---

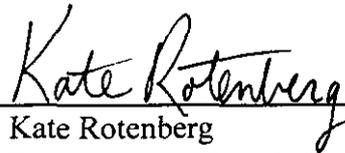
---

STATE OF WISCONSIN    )  
  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On March 30, 1998, I served the Final Decision and Order dated March 26, 1998, and Guidelines for Payment of Costs and/or Forfeitures, LS9803265MED, upon the Respondent George Bolek, M.D. by enclosing true and accurate copies of the above-described documents in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 159 370.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

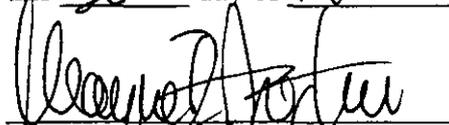
George Bolek, M.D.  
S106W16850 Muskego Dam Drive  
Muskego WI 53150-5502



\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 30<sup>th</sup> day of March, 1998.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.

## NOTICE OF RIGHTS OF APPEAL

TO: GEORGE BOLEK MD

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 3/30/98 Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

### A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

### B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

### SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935