

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
BRIAN J. BOHLMANN, M.D.,	:	
RESPONDENT.	:	ORDER 0000097

[Division of Enforcement Case Nos. 08MED008 & 10MED007]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Brian J. Bohlmann, M.D.
23 Quail Ridge Dr.
Madison, WI 53717

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Medical Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Brian J. Bohlmann, M.D. (DOB April 3, 1962) is duly licensed to practice medicine and surgery in the state of Wisconsin (license No. 29407-20). This license was first granted on July 1, 1988. Respondent's specialty is internal medicine.
2. Respondent's last address reported to the Department of Regulation and Licensing is 23 Quail Ridge Dr., Madison, WI 53717.

COUNT I

3. On August 20, 2008, Respondent was charged in Chippewa County Circuit Court case number 2008CF000330 with six felony counts of violating Wis. Stats. §§ 940.225(2)(h) and 939.50(3)(c), 2nd Degree Sexual Assault by Correctional Staff, and six misdemeanor counts of violating Wis. Stats. §§ 940.225(3m) and 939.51(3)(a), 4th Degree Sexual Assault. The charges were based on allegations that Respondent, while functioning as a physician at Stanley Correctional Institute, touched the genitalia of male inmates for no legitimate medical purpose.

4. On February 2, 2010, Respondent was charged in Winnebago County Circuit Court case number 2010CM00183 with violating Wis. Stat. § 940.295(3)(a)1, Intentional Abuse or Neglect of a Patient. The charge is based on an alleged incident on June 1, 2007. The charge is premised upon the Respondent having treated the patient without consent. On February 19, 2010, this charge was consolidated in the Chippewa County matter for plea and sentencing.

5. Not guilty pleas were entered to the charges in both counties and the Respondent has, at all times, denied the allegations and has denied that there was no legitimate medical purpose for his examinations.

6. On March 9, 2010, Respondent appeared in the Chippewa County matter:

a. Respondent pled no contest to the misdemeanor charge from Winnebago County.

b. Respondent pled no contest to six misdemeanor counts of violating Wis. Stat. § 940.295(3)(b), Abuse or Neglect of a Patient, not likely to cause bodily harm, premised upon the Respondent's treatment of patients without consent.

c. Respondent pled no contest to Count 5 of the Information, 2nd Degree Sexual Assault by Correctional Staff, a Class G Felony. No conviction was entered on this count and it will be dismissed if Respondent satisfies the conditions of the 3 year deferred prosecution agreement. One of the conditions is that Respondent surrender his medical license and his U. S. Drug Enforcement Administration registration and that he not attempt to regain them during the term of the agreement.

d. Respondent was sentenced to six consecutive one month jail sentences on the six Chippewa County misdemeanors and one month concurrent jail sentence on the Winnebago County misdemeanor.

e. All other counts were dismissed.

COUNT II [As noted in paragraph 4 of the attached Stipulation, Respondent neither admits nor denies the allegations of Count II.]

7. In Dane County, Wisconsin, Respondent wrote and signed several prescription orders for controlled substances with a friend named as the patient. Respondent had the prescription orders filled at local pharmacies, picked up the medications himself and retained them for his personal use. They included:

a. October 26, 2009- 90 Clonazepam 1mg tablets, a schedule IV controlled substance.

- b. November 19, 2009- 90 Clonazepam 1mg tablets, a schedule IV controlled substance.
- c. December 16, 2009- 90 Clonazepam 1mg tablets, a schedule IV controlled substance.
- d. December 18, 2009- 60 Hydromorphone 2mg tablets, a schedule II controlled substance.
- e. December 18, 2009- 60 Oxycodone 5mg tablets, a schedule II controlled substance.
- f. December 26, 2009- 50 Hydrocodone 10mg/325mg tablets, a schedule III controlled substance.

8. On January 13, 2010, in Middleton, Wisconsin, Respondent attempted to obtain for his personal use 120 units of Morphine 30mg tablets by having filled a prescription he wrote with his friend's name as patient. The pharmacist became suspicious and notified the police. The police interviewed Respondent and the prescription was not filled. The police then learned that Respondent had immediately faxed a copy of the morphine prescription to a pharmacy in Madison. The police contacted the person named as the patient on the prescriptions who denied having knowledge of the prescriptions and stated that Respondent did not have his permission to use his name to obtain prescriptions or write prescriptions.

9. On January 15, 2010, as a result of Respondent's conduct on January 13, 2010, Respondent was charged in Dane County Circuit Court case number 2010CF00055 with violating:

- a. Count 1: Identity Theft—Financial Gain, Wis. Stats. §§ 943.201(2)(a) and 939.50(3)(h), a misdemeanor.
- b. Count 2: Practitioner Prescribe Drugs for Own Use, Wis. Stats. §§ 961.38(5) and 961.435, a misdemeanor.
- c. Count 3: Felony Bail Jumping, a violation of Wis. Stats. § 946.49(1)(b) and 939.50(3)(h), a Class H Felony.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. §§ 227.44(5) and 448.02(5).

2. Respondent, by violating laws which substantially relate to the circumstances of the practice of medicine, has violated Wis. Admin. Code § Med 10.02(2)(z), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

3. Respondent, by obtaining controlled substances otherwise than in the course of legitimate professional practice and as otherwise prohibited by law, has violated Wis. Admin. Code § Med 10.02(2)(p), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The SURRENDER by Brian J. Bohlmann, M.D., of his license to practice medicine and surgery in the state of Wisconsin and his right to renew that license is hereby ACCEPTED.

2. Respondent shall not make application for a license to practice medicine and surgery in the state of Wisconsin for a period of three years. If, thereafter, Respondent makes application to the Board for any credential:

a. He shall provide proof sufficient to the Board that he does not suffer from any alcohol or drug related condition or other psychological condition which impairs his ability to function as a physician or may prevent him from practicing with reasonable skill or safety for patients.

b. Whether to grant Respondent a credential and whether to impose any limitations or restrictions on any credential granted shall be in the sole discretion of the Board.

c. Respondent shall, prior to becoming credentialed, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$1400 pursuant to Wis. Stat. § 440.22(2).

3. Payment of costs shall be mailed or delivered to:

Department Monitor

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264

4. This Order is effective on the date of its signing.

MEDICAL EXAMINING BOARD

By: _____

A Member of the Board

Skailce MD

Date _____

3/17/10