

STATE OF INDIANA, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 JEFFREY P. BOLDUAN, M.D., )  
 License Number 01030767, )  
 )  
 Respondent. )

**FILED**

DEC 29 1997

HEALTH PROFESSIONS  
BUREAU

**COMPLAINT**

The State of Indiana, ("Petitioner") by counsel, Jeffrey Modisett, Attorney General of Indiana, by Joan Isaacs Wolf, and by Beth Anne Compton, Deputy Attorneys General, pursuant to Indiana Code §25-1-7-7(a), files its complaint against Jeffrey P. Bolduan, M.D., ("Respondent") and in support thereof alleges and states:

1. The Attorney General of Indiana is empowered to bring disciplinary complaints in the name of the State of Indiana before the Medical Licensing Board of Indiana ("Board") pursuant to Indiana Code §25-1-7 *et seq.*
2. The Board is charged with the duty and responsibility of regulating the practice of medicine pursuant to Indiana Code §25-22.5-2-7.
3. The Board is empowered to hold disciplinary hearings pursuant to the authority of Indiana Code Title 25 and Indiana Code §4-21.5-3 *et seq.*

**COUNT I**

1. The Respondent, whose address on file with the Board is 2014 South Main Street #A, Goshen, Indiana 46526, is a duly licensed physician in the State of Indiana holding medical license #01030767.
2. On June 20, 1982, the Respondent pled guilty to one misdemeanor count of conspiring to obtain money by false pretense and two counts of attempted presentation of false billing claims to the state of Michigan for payment under Medicaid. Respondent was sentenced on July 2, 1982, to two years of probation and fines and costs in the amount of \$13,000. As a result of the above convictions, the Respondent was required to surrender his Michigan medical license on a permanent basis.

3. On October 21, 1983, the Respondent's Indiana medical license was suspended on an emergency basis due to his conviction in Michigan for the crimes of conspiracy to obtain money by false pretenses and filing false Medicare claims. The emergency summary suspension of the Respondent's license was vacated on October 26, 1983, pursuant to the Respondent's petition for limited reinstatement. Respondent's license was reinstated on probation, with terms and conditions which limited his practice of medicine solely and exclusively to professional services at Goshen Memorial Hospital and voluntary community service for the Elkhart County Cancer Society performing prostate and colon cancer screening.

4. A complaint was filed by the office of the Attorney General against the Respondent on February 21, 1984. After a hearing, the Respondent's medical license was placed on probation for a period of two years beginning on February 23, 1984.

5. The Respondent billed Medicare for a biopsy done on patient W.M. on April 28, 1993; however, no biopsy procedure was performed on W.M. that day. The billing was the result of an automatic generation of a "canned" operative report by the Respondent's office. The Respondent instructed his office personnel in the practice of issuing pre-printed reports as a matter of routine, based on the patient schedule.

6. Medicare was billed under CPT Code 76942 for "radiological supervision and interpretation" of the biopsy. Deposition testimony given by the Respondent's secretary established that no supervision or interpretation took place regarding W.M.'s biopsy, nor was such supervision or interpretation a routine practice in the Respondent's office. Additionally, the Respondent billed Medicare under CPT Code 99204 for "the evaluation and management of a new patient" which requires that the office visit contain all of the following components: a comprehensive history; a comprehensive examination; and medical decision-making of moderate complexity. In a deposition statement taken during a malpractice lawsuit filed on behalf of patient W.M., the Respondent testified that the office visit for W.M. which was billed under CPT Code 99204 was extremely limited, involving nothing more than his reporting the results of W.M.'s biopsy.

7. The conduct described above constitutes engaging in fraud or material deception in the course of professional services or activities in violation of Indiana Code §25-1-9-4(a)(1)(B); and a knowing violation of any state statute or rule, or federal statute or regulation, regulating the profession in question, in violation of Indiana