

MAINE STATE BOARD OF LICENSURE IN MEDICINE

IN RE: Licensure Disciplinary Action)
Wilner Bonhomme, M.D.) DECISION AND ORDER

I. PROCEDURAL HISTORY

Pursuant to the authority found in 32 M.R.S. Sec. 3263, *et seq.*, 5 M.R.S. Sec. 9051, *et seq.* and 10 M.R.S. Sec. 8001, *et seq.*, the Board of Licensure in Medicine (Board) met in public session at the Board's offices located in Augusta, Maine on May 13, 2008 at 9:30 a.m. The purpose of the meeting was to conduct an adjudicatory hearing to decide whether Wilner Bonhomme, M.D. violated Board statutes and Rules as alleged in the Notice of Hearing. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Chairman Sheridan R. Oldham, M.D., Kimberly K. Gooch, M.D., Gary Hatfield, M.D., George Dreher, M.D., Cheryl Clukey (public member), David Nyberg, Ph. D., (public member), Daniel Onion, M.D., and Maroulla Gleaton, M.D.. Dennis Smith, Ass't. Attorney General, presented the State's case. Dr. Bonhomme was granted his request to appear by telephone due to extenuating circumstances. James E. Smith, Esq. served as Presiding Officer.

The Board convened the hearing and first determined that there were no conflicts of interest or bias on behalf of any Board member and then took administrative notice of its statutes and rules. The hearing proceeded forward and State's Exhibits 1-9 were admitted into the Record. Subsequent to the opening statement by the parties, the taking of testimony, exhibits, and closing arguments, the Board deliberated and made the following findings of fact by a preponderance of the credible evidence.

II. FINDINGS OF FACT

Dr. Wilner Bonhomme, 54 years of age, is currently a resident of Brooklyn, N.Y. He graduated from the Faculte De Medecine Ex De Pharmacie College in Haiti in 1979 and

specializes in the practice of internal medicine. On June 1, 2007, the Board received Dr. Bonhomme's application for a temporary license to practice medicine in the State of Maine from June 18, 2007 until December 18, 2007.

The application contained several questions which required either a "yes" or "no" response. One of the queries posed was: "Have you EVER had a claim or suit alleging malpractice liability in which you are/were named as a defendant, including nuisance suits settled, adjudicated by a court in favor of the other party, or settled by your insurance company/representatives without your express consent? If yes, a reporting form is enclosed. Photocopy as necessary." Another question asked whether the applicant had "any open malpractice claims?" Dr. Bonhomme responded "No" to each of these questions.

Dr. Bonhomme signed the Affidavit contained within the application pursuant to which he agreed that "should [he] furnish any false information in this application, I hereby agree that such act shall constitute cause for the denial, suspension or revocation of my license to practice medicine and surgery in the State of Maine..." Based on its reliance on the truthfulness of the above answers, the Board issued Dr. Bonhomme a temporary license on June 18, 2007 with an expiration date of December 18, 2007. Subsequently, the Board received information that there is currently pending a medical malpractice action in New York with Dr. Bonhomme named as one of the defendants. The action was captioned "*Wilner Bonhomme, M.D., Miller v. St. Mary's Hospital, et. al. Kings County, New York...*" and filed in court on January 15, 2004. The action alleged medical malpractice and wrongful death. The alleged malpractice occurred on January 27, 2002.

The Board notified Dr. Bonhomme by letter dated July 24, 2007 of the above information. Dr. Bonhomme responded that he had only received one document regarding the action and that he had explained to the attorney assigned to represent him that "the team didn't let me participate in this patient management, didn't want my advice." He asked her to remove him from the lawsuit and was told she would take care of it. Dr. Bonhomme subsequently received a status update from the attorney dated December 19, 2005. He was informed that the defendant hospital had filed for bankruptcy and, as a result, "all SVCMC matters, including this case, are currently stayed pursuant to Section 362 of the USC." Dr. Bonhomme was also informed in this correspondence that no discovery had taken place and that the attorney would "aggressively defend your case and treatment and seek to have the matter discontinued against you or look into making a motion for summary judgment."

At the hearing in this matter, Dr. Bonhomme basically restated the above and testified that he had completely forgotten about the matter since he had received nothing further regarding the malpractice action. He also reiterated that he was "right" in his actions regarding the malpractice claim since he had done nothing wrong and basically should not have been named in the lawsuit.

III. CONCLUSIONS OF LAW

The Board, exercising its knowledge, experience, and training, concluded by a vote of 8-0 that Dr. Bonhomme violated the provisions of 32 M.R.S. Section 3282-A(2)(A) by engaging in fraud or deceit in obtaining his temporary license. He deliberately and knowingly provided an answer to the Board's application form which he knew was untrue. The fact that he thought that he would be found innocent or that the case against him would be dismissed does not remove the fact that a malpractice action was filed naming him as a defendant.

IV. SANCTION

The Board, exercising its knowledge, experience, and training, and having considered all of the evidence, ordered by the following votes that: Dr. Wilner Bonhomme shall receive a **WARNING** for the above noted violation. (7-1. The dissent would have issued a Reprimand.)

SO ORDERED:

Dated: June 10, 2008



Sheridan R. Oldham, M.D., Chairman
Maine Board of Licensure in Medicine

V. APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S.A. Sec. 10051.3 and 10 M.R.S.A. Sec. 8003, any party that appeals this Decision and Order must file a Petition for Review in the Superior Court within 30 days of receipt of this Order. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall

also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Licensure in Medicine, all parties to the agency proceedings and the Attorney General.