

STATE OF MAINE
BOARD OF OSTEOPATHIC LICENSURE

In re:) CONSENT AGREEMENT
WENDALL J. BULMER, D.O.)
Complaint No. CR2019-02)

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice osteopathic medicine in the State of Maine held by Wendall J. Bulmer, D.O. The parties to the Consent Agreement are: Wendall J. Bulmer, D.O. (“Dr. Bulmer”), the State of Maine Board of Osteopathic Licensure (“the Board”), and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 2591-A.

STATEMENT OF FACTS

1. Dr. Bulmer has held a license to practice medicine in the State of Maine since May 10, 2018 (license number DO2787) and specializes in orthopedic medicine and surgery. He previously held a locum tenens license in Maine from May 1, 2017 to November 1, 2017 (license number LT17007).

2. On May 14, 2019, the Board initiated a complaint following a mandated report received from Northern Light Eastern Maine Medical Center reporting the termination of Dr. Bulmer’s employment. The information in the report included allegations that Dr. Bulmer preformed a hemiarthroplasty instead of a total hip replacement without documenting in the records that any presentation to the patient with the option of total hip replacement or

documenting Dr. Bulmer's clinical decision making in choosing hemiarthroplasty rather than total hip replacement, and were otherwise incomplete. Further surgery on this patient raised concerns that the original implant was not properly sized or placed. Similarly, the records also demonstrated that Dr. Bulmer had indicated hemiarthroplasty in two more patients, which were not done. These patients' records were missing the same information as for the first patient. Total hip replacement is the standard of care.

3. The medical records also indicate Dr. Bulmer scheduled or recommended shoulder surgery for three patients, but further examinations or MRIs for these patients did not substantiate Dr. Bulmer's findings of indications for surgery.

4. The medical records also indicated Dr. Bulmer performed surgery on a patient with Dupuytren's contracture in a finger, for which the records both prior to and after surgery were incomplete, did not discuss any more conservative treatment, and did not contain any consent document. The hospital also indicated Dr. Bulmer would not use Loupe magnification, which increased risks.

5. The Board docketed the complaint as CR2019 02 and sent it to Dr. Bulmer for a response.

6. By letter dated July 2, 2019, Dr. Bulmer responded to the complaint. In his response, Dr. Bulmer denied that he treated the hip replacement patients improperly and said that he discussed the options for

treatment and risks of each with each patient. Dr. Bulmer emphasized that he treated the patient, not the MRI, for the shoulder patients, and that all three patients did show indication for surgery. Regarding the hand patient, Dr. Bulmer denied any inappropriate treatment, and said his objection to loupe magnification was the resulting tunnel vision.

7. On June 26, 2020, the Board received an independent outside expert review of the hospital's records related to the care of these seven patients. The expert reviewer identified a violation of the standard of care, and identified issues with clinical judgment, medical decision-making, medical knowledge, and recordkeeping.

8. Pursuant to 32 M.R.S. § 2591-A(2)(E), the Board may impose discipline if the licensee has engaged in incompetence. A licensee is considered to have engaged in incompetence if the licensee engaged in conduct evidencing a lack of ability or fitness to discharge the duty owed by the licensee to a patient, or engaged in conduct evidencing a lack of knowledge, or inability to apply principals or skills to carry out the practice of medicine.

9. Pursuant to 32 M.R.S. § 2591-A(2)(F), the Board may impose discipline if the licensee has engaged in unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established for the practice of medicine.

10. On July 9, 2020, the Board reviewed Complaint CR2019 02, and voted to set this matter for an adjudicatory hearing. In addition, the Board

voted to offer Dr. Bulmer this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Bulmer's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Board of Osteopathic Licensure, 142 State House Station, Augusta, Maine 04333-0142 on or before September 30, 2020, the matter shall proceed to an adjudicatory hearing.

COVENANTS

11. Dr. Bulmer admits the facts stated above and agrees that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 2591-A(2)(E) for incompetence, and § 2591-A(2)(F) for unprofessional conduct.

12. As discipline for the foregoing conduct, Dr. Bulmer agrees to accept, and the Board imposes:

a) A REPRIMAND for a violation of the standard of care; and
b) a PROBATION for at least one (1) year during which the following is required:

1) Within thirty (30) days of the effective date of this Consent Agreement, Dr. Bulmer shall submit to the Board for approval by the Board in its sole direction the name of a physician mentor. The physician mentor shall be an experienced orthopedist, preferably an orthopedic surgeon, who is actively practicing. The physician mentor shall mentor Dr. Bulmer in the standard of care and practice of orthopedics and orthopedic surgery, including the reading of MRIs and recordkeeping. The mentoring contemplated by this paragraph may NOT occur solely by telephone and must include in person

communication at least quarterly or via HIPAA compliant shared portal access or interface. The physician mentor must randomly select and review at least five (5) patient charts each month. The physician mentor shall submit written reports to the Board no later than the 28th day of every other month following his or her approval. In the reports to the Board, the physician mentor shall provide a summary of his or her mentoring and shall identify any issues with medical decision-making or recordkeeping. Dr. Bulmer shall permit the physician mentor full access to his medical practice, including but not limited to all patient information.

2) Dr. Bulmer shall obtain a clinical competence assessment through the Center for Personalized Education for Professionals (CPEP), Special Purpose Examination of the Federation of State Medical Examiners (SPEX), or the American Osteopathic Association (AOA). Within thirty (30) days of the effective date of this Consent Agreement, Dr. Bulmer shall make an appointment for the assessment and/or complete the intake form and provide all requested information necessary to enroll and obtain the assessment. Dr. Bulmer shall complete the assessment on the first available dates provided by the assessor. Dr. Bulmer shall sign all necessary releases prior to enrollment so the assessor may communicate directly with the Board regarding the assessment and ensure that the Board received the assessment report. Following receipt of the assessment report, the Board shall review the information and recommendations provided, if any, and in its sole discretion, shall determine the manner and time within Dr. Bulmer shall implement and

comply with any assessment report recommendations, and may impose such other conditions of probation that it deems necessary.

13. Violation by Dr. Bulmer of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

14. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by the parties hereto.

15. The Board and the Department of the Attorney General may communicate and cooperate regarding Dr. Bulmer or any other matter relating to this Consent Agreement.

16. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

17. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB), and other licensing jurisdictions.

18. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

19. Dr. Bulmer acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

20. For the purposes of this Consent Agreement, the terms “execution” and “effective date” mean the date on which the final signature is affixed to this Consent Agreement.

I, WENDALL J. BULMER, D.O., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, THAT I WAIVE CERTAIN RIGHTS. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 9/29/2020 W Bulmer, DO
WENDALL J. BULMER, D.O.

STATE OF Florida
Hillsborough, S.S. (County)

Personally appeared before me the above-named Wendall J. Bulmer, D.O., and swore to the truth of the foregoing based upon her own personal knowledge, or upon information and belief, and so far as upon information and belief, she believes it to be true.



DATED: 9/29/2020

Janis L. Perry
NOTARY PUBLIC
MY COMMISSION ENDS: 2-2-2023

DATED: 10/18/2020

Thomas DO
SCOTT A. THOMAS, D.O., Chair
MAINE BOARD OF
OSTEOPATHIC LICENSURE

DATED: _____

LISA A. WILSON, AAG
DEPARTMENT OF THE ATTORNEY
GENERAL