

IN THE MATTER OF
WAYNE BULLEN, D.C.

Respondent

License Number: S03920

* BEFORE THE MARYLAND
* STATE BOARD OF
* CHIROPRACTIC EXAMINERS
* Case Number: 19-05C

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On, May 29, 2019, the Maryland State Board of Chiropractic Examiners (the "Board") charged **WAYNE BULLEN, D.C.** (the "Respondent"), License Number **S03920**, with violating the Maryland Chiropractic Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 3-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.) and Md. Code Regs. ("COMAR") 10.43.13.01 *et seq.*

Specifically, the Board charged the Respondent with violating the following provisions of the Act under Health Occ. § 3-313:

Subject to the hearing provisions of § 3-315 of this subtitle, the Board may . . . reprimand any licensee, place any licensee on probation, with or without conditions, or suspend or revoke a license, or any combination thereof, if the . . . licensee:

(28) Violates any provision of this title.

§ 3-501. Practicing without license.

Except as otherwise provided in § 3-404 of this title, a person may not practice, attempt to practice, or offer to practice chiropractic in this State unless licensed by the Board[.]

On August 15, 2019, the Board convened a Case Resolution Conference ("CRC") in this matter. Pursuant to negotiations occurring at the CRC, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.



FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. At all times relevant to these charges, the Respondent was and is licensed to practice chiropractic in the State of Maryland subject to certain period of non-licensure. *See infra.*
2. The Respondent was initially licensed to practice chiropractic in Maryland on December 2, 2002, under License Number S03920.
3. On September 1, 2007, the Respondent's Maryland license expired.
4. In or around February 2017, the Respondent contacted the Board and initiated the process of reinstating his Maryland license.
5. On or about March 8, 2017, the Respondent took and passed the Board's Jurisprudence Exam after which the Board reinstated his Maryland license with an expiration date of September 1, 2017.¹
6. On or about September 1, 2017, the Respondent allowed his license to expire without filing for a renewal.
7. On or about September 7, 2017, the Board's investigator contacted the Respondent on his phone number of record and left a message notifying him that his license had expired and required renewal.
8. On February 22, 2019, the Respondent contacted the Board to advise that his license had lapsed on September 1, 2017 and he was practicing chiropractic with an expired license.
9. Board staff provided information to the Respondent on how to reinstate his lapsed license over the telephone.
10. On or about February 25, 2019, the Respondent submitted a completed *Reinstatement*

¹ The expiration date is noted prominently on the front of the Respondent's physical license. The physical license reminds license holders that the license "must be conspicuously displayed in office to which it applies."

and Reactivation Application to the Board along with all required documentation and fees.

11. On or about February 25, 2019, the Respondent's chiropractic license was reinstated with a new expiration date of September 1, 2019.
12. By letter to the Board dated March 4, 2019, the Respondent provided a letter of explanation:

I was originally licensed in Maryland in 12/2002 until 09/2007 when I did not renew my license. I was practicing in DC during that entire time. I had the Maryland license only to do events, screenings, etc. in Maryland. After I was not doing those events I let the license lapse.

Prior to moving my practice to Maryland in 2017 I again sat for the Board exam and received a new license in 03/2017. At that time I made a point to understand when I needed to renew my license. In everything I read ... I had the very clear idea that I was to renew it just in 2019. My understanding was that since I had just received the license I did not have to renew it just six months after obtaining it...

It is difficult for me to do but I must say that I was practicing from 09/01/2017 until 02/22/2019 at my practice location in Chevy Chase, MD [on a non-renewed license]. It still gives me shivers to think of it, but I was practicing with the idea that I was compliant and fully licensed[.]

13. The Respondent's actions, as described above, constitute, in whole or in part, a violation of one or more of the following provisions of the Act under Health Occ. § 3-313(28), Violates any rule or regulation adopted by the Board, *i.e.*, § 3-501. Practicing without license. Except as otherwise provided in § 3-404 of this title, a person may not practice, attempt to practice, or offer to practice chiropractic in this State unless licensed by the Board.

CONCLUSIONS OF LAW

Based on the Foregoing Findings of Fact, the Board finds as a matter of law that the Respondent violated the following provisions of the Act under Health Occ. § 3-313: (28)

Violates any provision of this title – specifically: § 3-501. Practicing without license. Except as otherwise provided in § 3-404 of this title, a person may not practice, attempt to practice, or offer to practice chiropractic in this State unless licensed by the Board.

DISCUSSION

The Respondent admits to working as a Chiropractor in the State of Maryland on a non-renewed license from September 1, 2017 until February 22, 2019 – a period of one year, five months and twenty-one days.

The Board finds that the Respondent’s actions constitute misconduct that falls within category E(2) of the Board’s sanctioning guidelines. *See* COMAR 10.43.15.06E(2). The range of potential sanctions under category E(2) includes suspension for 2 years, and probation for 2 years, and conditions to revocation. *Id.*

Respondent has no prior complaints, investigations or actions against his licenses in Maryland and the District of Columbia.

Respondent has been a proponent of the chiropractic profession, having provided lectures to the efficacy of chiropractic to various federal agencies.

Respondent self-reported the failure to renew his license and saw no patients until his license was again activated.

Respondent has provided sufficient evidence that the failure to renew his license was a one-time error rather than an intentional act to practice without a license and that such an error is not likely to occur.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by a majority of the Board considering this case:

ORDERED that the Respondent's license the practice chiropractic in the State of Maryland is hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent shall pay a monetary penalty of **THREE THOUSAND DOLLARS (\$3,000.00)** within sixty (60) days from the date this Consent Order is executed;


ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that if the Board determines, after notice and an opportunity for an evidentiary hearing before the Board if there is a genuine dispute as to a material fact or a show cause hearing before the Board if there is no genuine dispute as to material fact, that the Respondent has failed to comply with any terms or condition of this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, impose an additional monetary penalty upon the Respondent, or suspend or revoke the Respondent's license to practice chiropractic in Maryland; and it is further;

ORDERED that any time period prescribed in this Consent Order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's Executive Director; and it is further;

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et. seq.* (2014).

10/11/2019
Date



Sharon J. Oliver
Executive Director
Maryland State Board of Chiropractic Examiners

CONSENT


I, Wayne Bullen, D.C., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purposes of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions. I acknowledge the violations as set forth above and accept personal responsibility for my actions.

I acknowledge the validity of this Consent Order as if entered into after the conclusions of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forgo my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce the Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

9/27/2019
Date


Wayne Bullen, D.C.
Respondent

Read and approved?

Paul J. Weber, Esq.
Counsel for Dr. Bullen

NOTARY

STATE OF: Maryland

CITY/COUNTY: Gaithersburg / Montgomery


I HEREBY CERTIFY that on this 27 day of September, 2019 before me, Notary Public of the State and City/County aforesaid, **Wayne Bullen, D.C.**, personally appeared, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

SEAL

Rati Hong Nguyen
Notary Public
Montgomery County, Maryland
My Commission Expires

My Commission Expires: November 13, 2021



Notary Public