BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: JOHN LAWRENCE BULETTE, M.D.
License Number: 0101-051010
Case Number: 190500

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Medicine ("Board") held an informal conference on January 9, 2020, in Henrico County, Virginia, to inquire into evidence that John Lawrence Bulette, M.D., may have violated certain laws and regulations governing the practice of medicine and surgery in the Commonwealth of Virginia.

John Lawrence Bulette, M.D., appeared at this proceeding and was represented by Douglas E. Penner, Esquire.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. John Lawrence Bulette, M.D., was issued License Number 0101-051010 to practice medicine and surgery on July 1, 1994, which is scheduled to expire on November 30, 2020. At all times relevant to the findings contained herein, said license was current and active.

2. Dr. Bulette's prior Board history includes the following:

a. By Order entered April 1, 2008, the Board required Dr. Bulette to complete continuing medical education in the subject of treatment of psychotic disorders. This action was based on findings that Dr. Bulette prescribed Adderall (C-II) to a patient who had a long history of psychotic disorder, substance abuse, and incarcerations although agitated states and drug abuse were listed as contraindications for use of Adderall and that Dr. Bulette continued to prescribe Adderall despite the

patient demonstrating psychotic symptomology and relational problems and aggression which required multiple hospitalizations and incarcerations.

b. By Order entered June 8, 2009, the Board prohibited Dr. Bulette from prescribing methadone (C-II) to patients until and unless he is qualified and registered to dispense narcotic drugs for maintenance or detoxification treatment in compliance with federal law. This action was based on findings that Dr. Bulette prescribed methadone to ten (10) patients for maintenance or detoxification treatment for periods of up to a year each, though he was not qualified or registered to dispense narcotic drugs for such treatment, as required by federal law and regulation.

c. By Order entered February 8, 2019, the Board placed Dr. Bulette's license on indefinite probation, subject to his completion of continuing medical education on proper prescribing for addiction, an audit of his practice by an investigator for the Department of Health Professions, and his written certification that he would read and comply with the Board's laws and regulations on prescribing. This action was based on findings that Dr. Bulette failed to properly monitor a number of patients to whom he prescribed buprenorphine (C-III) for treatment of opiate addiction or dependence and ignored information indicating some of the patients' drug-seeking behavior. For example, Dr. Bulette failed to order any urine drug screens or conduct any pill counts to ensure compliance with his treatment regimen. Dr. Bulette also failed to query or rarely queried the Prescription Monitoring Program, thus ignoring detailed information that some of his patients were obtaining opioids from multiple providers during the time period he was treating them.

3. Dr. Bulette violated Virginia Code § 54.1-2915(A)(3) and (13) in his care and treatment of Patient A, a 49-year-old male with a self-reported history of bipolar disorder, mixed type and a documented history of delusions, schizoaffective disorder, bipolar type, and schizoaffective disorder. Specifically:

a. According to a mental status evaluation form dated April 7, 2016, Dr. Bulette treated Patient A for a diagnosis of schizoaffective disorder from December 2010 through March 2016, maintaining him on carbamazepine 200 mg and venlafaxine 75 mg. During the treatment period, which continued through October 2018, Dr. Bulette failed to obtain Patient A's drug or medical history, conduct comprehensive examinations of Patient A, including mental status examinations (except for the mental status evaluation completed in April 2016), or clearly establish a working diagnosis of Patient A, including a working diagnosis of co-morbid post-traumatic stress disorder ("PTSD").

b. Dr. Bulette failed to properly address Patient A's schizoaffective disorder in that he failed to treat Patient A's condition with antipsychotic medications but rather treated him with venlafaxine, an antidepressant that potentially promotes more cycling in a person with bipolar disorder. Dr. Bulette also failed to appropriately monitor or titrate the administration of carbamazepine to Patient A in that he failed to monitor Patient A's serum levels or adjust the dosage of the medication.

c. On or about June 27, 2018, Patient A presented to Dr. Bulette as "quite verbal" with religious and sexual preoccupation. Dr. Bulette prescribed #30 lorazepam 1 mg to "slow him down" even though lorazepam is not indicated as a standalone medication for Patient A's condition.

d. Dr. Bulette failed to counsel Patient A concerning Patient A's self-medication with over-the-counter sleeping pills dating back to October 2014.

e. Despite knowing that Patient A struggled with controlling the symptoms of his psychotic condition, as evidenced by Patient A's admission to the emergency department on July 29, 2018 at which time he stated that he was "God the Father, Jesus Christ," Dr. Bulette failed to recommend or advocate for a higher level of care for Patient A.

4. Dr. Bulette stated to the Committee that he has known Patient A for about 15 years. He stated that Patient A self-referred to him due to unhappiness with the care he was receiving at a local

Community Services Board ("CSB"). He stated that Patient A was living an isolated life and was being supported by his father but did no socializing and spent a great deal of time watching television. He stated that he initially saw Patient A on a monthly basis and took a supportive role, that he encouraged Patient A to take care of himself and socialize, and that he monitored his medication. He stated that Patient A was ambivalent about taking medication but that something happened about a year and a half later and Patient A became somewhat disruptive in the community.

5. Dr. Bulette stated that about September 2018, he heard from Patient A's brother who complained of Patient A's behavior that included sending frequent, aggressive, and nonsensical texts and telephone calls to the brother and his wife, and letters to celebrities. Patient A's brother also reported some historical family information that was new, that is, their father was very abusive and most of the abuse was felt by Patient A. Dr. Bulette stated that he thought this information made sense in light of Patient A's presentation and began seeing Patient A more frequently.

6. Dr. Bulette stated that Patient A has complex PTSD and that it is best treated by psychotherapy. He stated that the ideal treatment of a patient like Patient A would involve training the patient to become self-observing and addressing painful, disorganized memories (consolidation of memory—trying to talk about recent to remote memory, which leads to people developing words for their feelings). He stated that he did consider that Patient A was psychotic, but it was evanescent (came and went), so he could not be sure. He stated that he was puzzled by Patient A's behavior because Patient A could be very grandiose in his discussions and then switch to a more reasonable conversation very rapidly.

7. Responding to Dr. Bulette's statement that Patient A has PTSD, Caroline Coster, M.D., an expert for the Commonwealth, stated that Dr. Bulette did not document Patient A's family history but listed schizoaffective disorder as the sole diagnosis in a mental status examination for disability

determination services. Dr. Coster stated that although a patient can have both schizoaffective disorder and PTSD, it is best to treat the psychosis before addressing the PTSD. Dr. Bulette agreed that Patient A would benefit from antipsychotic medication but noted that Patient A refused to take it. Dr. Bulette also agreed with the process for monitoring the administration of carbamazepine, as stated by Dr. Coster.

8. Dr. Bulette acknowledged that Patient A would benefit from being on medication but stated that Patient A is opposed to it. Dr. Bulette stated that Patient A is adamant about not taking medication because he had a bad experience with medication in a state hospital. He stated that Patient A is convinced the medication harmed him and will continue to harm him. He stated that forcing a patient to take medication is very disempowering. He stated that if he could have used medication to treat Patient A, then he would have used Latuda by injection. However, Dr. Coster explained that Latuda is not administered by injection, only orally.

9. With regard to prescribing lorazepam to Patient A in June 2018, Dr. Bulette stated that he did not give Ativan (lorazepam) to Patient A with a view as an antipsychotic. He stated that Patient A refused to take his medication, so he asked Patient A what he would take and Patient A said he would take Ativan. He stated he did not know if Patient A had taken Ativan in the past. He stated that he "saw the Ativan as innocuous" but thought it might slow Patient A down a bit.

10. Dr. Bulette stated that when he first meets a new patient, he spends a lot of time on history, precipitating factors, support system, what the patient has accomplished in life, and a mental status examination so together they can arrive at the best diagnosis and treatment plan. He stated that re-evaluation can occur with patient reports of how things are going. The Committee noted that Patient A's record lacked any complete psychiatric history or DSM Axis I or II diagnoses. Dr. Bulette stated that he does not administer psychological tests to arrive at a diagnosis.

11. With regard to the allegation concerning Patient A's July 2018 admission to the emergency department, Dr. Bulette stated that he probably did not think about recommending or advocating for a higher level of care for Patient A because there really were no providers nearby to whom Patient A could have been referred and he was hopeful that Patient A was going to improve. He also stated that Patient A reported being traumatized by prior hospitalizations.

12. With regard to the allegation concerning evaluation for substance abuse disorder, Dr. Bulette stated that Patient A denied abusing cocaine and that a urine drug screen conducted in October 2019 was negative.

13. Dr. Bulette stated that he is the only psychiatrist on the Eastern Shore, so getting a second opinion was challenging and would mean sending Patient A to Virginia Beach for treatment. He stated that he still sees Patient A and believes he is becoming more self-observant. He stated that he has been seeing him two to three times per week for the past 18 months, since first being contacted by Patient A's brother. He stated that he is trying to work with Patient A's family, for example, Patient A's father. He stated that Patient A's father has been reaching out to him on Facebook and that he has been in contact with Patient A's aunt. The Committee noted that Patient A's records before them did not reflect the frequency of visits described by Dr. Bulette. He stated that although Patient A has a complex and difficult diagnosis and that he is a challenging patient, Patient A has improved while under his care and that Patient A has not physically harmed anyone.

14. The Committee heard from Isaac Wood, M.D., an expert for Dr. Bulette. Dr. Wood stated that Dr. Bulette has a long-term, practitioner-patient relationship with Patient A, demonstrating an intimate knowledge of the patient. Dr. Wood stated that Patient A had the legal right to refuse medication and could not be required to take medication against his will. Dr. Wood stated that if a patient will not take medication, then the physician is left to provide treatment with whatever other tools are available

to him, and in the case of Patient A, that was psychotherapy and counseling. Dr. Wood stated that the diagnosis for Patient A is likely schizoaffective disorder because of the patient's behaviors of grandiose delusions, as they are consistent with schizoaffective disorders. Dr. Wood stated that talk therapy is not going to help a psychotic patient until the patient is non-psychotic. Dr. Wood stated that the treatment order for Patient A would be to treat the thought disorder and mood swings and then address the PTSD. Dr. Wood stated that he did not see an indication for prescribing Ativan to Patient A. Dr. Wood stated that Patient A was seen in the emergency department and by the CSB in July 2018, and they took no action to hospitalize or involuntarily commit him. Dr. Wood stated that if a patient is willing, then involving the patient's family is always helpful, as Dr. Bulette tried to do. Dr. Wood acknowledged that labs should have been done while Patient A was on carbamezapine and that Dr. Bulette's records were poor. Dr. Wood stated that Dr. Bulette's treatment was reasonable due to Patient A's refusal to take medication and consistent with the resources available to Dr. Bulette.

15. Dr. Bulette violated § 54.1-2915(A)(12) and (18) and 18 VAC 85-20-26(C) of the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic in that much of his handwritten progress notes are not legible, making it difficult or impossible to determine, for example, his rationale for Patient A's course of treatment or how Patient A presented during office visits or responded to treatment.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. John Lawrence Bulette, M.D., is REPRIMANDED.

2. Dr. Bulette's license is continued on INDEFINITE PROBATION until he has complied with the terms and conditions set forth in the Board's Order entered February 8, 2019. Upon receipt of

evidence of such compliance, Executive Director of the Board is authorized to terminate Dr. Bulette's probation and close this matter or refer it to a special conference committee for review.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

ENTERED: 1/27/2020

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), you have 30 days from the date you are served with this Order in which to notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that you desire a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

DRAFT UNAPPROVED
VIRGINIA BOARD OF MEDICINE
SPECIAL CONFERENCE COMMITTEE MINUTES JANUARY 9, 2020

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 201
Henrico, VA

CALL TO ORDER: A Special Conference Committee of the Board was called to order at 9:06 a.m.

MEMBERS PRESENT:
Karen Ransone, M.D., Chair
Kenneth Walker, M.D.
Jane Hickey, Esquire

STAFF PRESENT:
Jennifer L. Deschenes, Deputy Executive Director, Discipline
Jennie F. Wood, Case Manager, Discipline
J. Michael Parsons, Adjudication Specialist

OTHERS PRESENT:
Caroline Coster, M.D. (*expert on behalf of the Board*)
Isaac Wood, M.D. *(expert on behalf of Dr. Bulette)*

MATTER: **John Lawrence Bulette, M.D. License No.: 0101-051010**
Case No.:190500

DISCUSSION: Dr. Bulette appeared before the Committee in person in accordance with a Notice of the Board dated October 7, 2019. Dr. Bulette was represented by Douglas E. Penner, Esquire.

The Committee fully discussed the allegations in the Notice with Dr. Bulette.

CLOSED SESSION: Upon a motion by Ms. Hickey, and duly seconded by Dr. Walker, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Bulette. Additionally, she moved that Ms. Deschenes and Ms. Wood attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session and announced its decision.

DECISION: Upon a motion by Dr. Walker, and duly seconded by Dr. Ransone, the Committee made certain findings of fact and conclusions of law and voted to issue Dr. Bulette a reprimand and continue his license on probation until compliance with the prior Order.

VOTE: The vote was 2-1.

ADJOURNMENT: The Committee adjourned at 12:42 p.m.

As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Bulette, unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Bulette, within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.

Karen Ransone, M.D., Chair

Date

William L. Harp, M.D., Executive Director

Date

COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

October 7, 2019

John Lawrence Bulette, M.D.
10150 Rogers Drive
Nassawadox, VA 23413

UPS OVERNIGHT MAIL

RE: Case Number: 190500

Dear Dr. Bulette:

Attached is a Notice of Informal Conference and Statement of Allegations.

For information regarding this type of proceeding, including Frequently Asked Questions regarding Disciplinary Proceedings, directions to the Department of Health Professions Conference Center, instructions for requesting subpoenas, the Board's Sanctioning Reference Points, the text of the Administrative Process Act and other statutes and regulations cited herein, and other related information, please see www.dhp.virginia.gov/medicine/medicine_Hearings.htm. If you do not have Internet access, you may request a hard copy of any of this information by calling Jennie F. Wood, Discipline Case Manager at (804) 367-4571.

If you have any questions, you may contact J. Michael Parsons at (804) 367-4678 or michael.parsons@dhp.virginia.gov. Please notify the Board office of your intent to attend this proceeding.

Sincerely,

Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

cc: J. Michael Parsons, Adjudication Specialist, Administrative Proceedings Division
Lorraine B. McGehee, Deputy Director, Administrative Proceedings Division
Wendy J. Morris, Senior Investigator, Division of Enforcement (190500)
Douglas E. Penner, Esquire

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: **JOHN LAWRENCE BULETTE, M.D.**
License Number: **0101-051010**
Issue Date: **July 1, 1994**
Expiration Date: **November 30, 2020**
Case Number: **190500**

NOTICE OF INFORMAL CONFERENCE AND STATEMENT OF ALLEGATIONS

You are hereby notified that an Informal Conference has been scheduled before the Board of Medicine ("Board") regarding your license to practice medicine and surgery in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before a Special Conference Committee ("Committee") of the Board.
DATE AND TIME:	**January 9, 2020** **9:00 AM**
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Refer the matter to the Board of Medicine for a formal administrative hearing.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Committee will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by UPS overnight mail. Please bring these documents with you to the informal conference.**

FILING DEADLINES:

Deadline for filing materials: **December 20, 2019.** Submit (8) copies of all documents you want the Board to consider to Jennie F. Wood, Discipline Case Manager, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

REQUEST FOR A CONTINUANCE BY: October 21, 2019

OTHER IMPORTANT INFORMATION:

The Board has engaged the services of Caroline Coster, M.D., whose curriculum vitae and written report are included in the material enclosed with this letter. Dr. Coster will be present at the informal conference to serve as an expert on behalf of the Commonwealth.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, John Lawrence Bulette, M.D., was licensed to practice medicine and surgery in the Commonwealth of Virginia.

2. John Lawrence Bulette, M.D., violated Virginia Code § 54.1-2915(A)(3), (4), (13), and (16) in his care and treatment of Patient A, a 49-year-old male with a self-reported history of bipolar disorder, mixed type and a documented history of delusions, schizoaffective disorder, bipolar type, and schizoaffective disorder. Specifically:

a. According to a mental status evaluation form dated April 7, 2016, Dr. Bulette treated Patient A for a diagnosis of schizoaffective disorder from December 2010 through March 2016, maintaining him on carbamazepine 200mg and venlafaxine 75mg. During the treatment period, which continued through October 2018, Dr. Bulette failed to obtain Patient A's drug or medical history, conduct comprehensive examinations of Patient A, including mental status examinations (except for the mental status evaluation completed in April 2016), or clearly establish a working diagnosis of Patient A, including working diagnoses of co-morbid post-traumatic stress disorder and substance use disorder.

b. Dr. Bulette failed to properly address Patient A's schizoaffective disorder in that he failed to treat Patient A's condition with antipsychotic medications but rather treated him with venlafaxine, an antidepressant that potentially promotes more cycling in a person with bipolar disorder. Dr. Bulette also failed to appropriately monitor or titrate the administration of carbamazepine to Patient A in that he failed to monitor Patient A's serum levels or adjust the dosage of the medication.

c. Dr. Bulette failed to evaluate Patient A for substance use disorder or even conduct urine drug screens despite Patient A's documented history of using cocaine on at least two occasions in or about March 2016 and August 2017.

d. On or about June 27, 2018, Patient A presented to Dr. Bulette as "quite verbal" with religious and sexual preoccupation. Dr. Bulette prescribed #30 lorazepam 1mg to "slow him down" even though lorazepam is not indicated as a standalone medication with Patient A's condition.

e. Dr. Bulette failed to counsel Patient A concerning Patient A's self-medication with over-the-counter sleeping pills dating back to October 2014.

f. Despite knowing that Patient A struggled with controlling the symptoms of his psychotic condition, as evidenced by Patient A's admission to the emergency department on July 29, 2018 at which time he stated that he was "God the Father, Jesus Christ," Dr. Bulette failed to recommend or advocate for a higher level of care for Patient A.

3. Dr. Bulette violated § 54.1-2915(A)(12) and (18) and 18 VAC 85-20-26(C) of the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic in that much of his handwritten progress notes are not legible, making it difficult or impossible to determine, for example, his rationale for Patient A's course of treatment or how Patient A presented during office visits or responded to treatment.

See Confidential Attachment for the name of the patient referenced above.

Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

10/7/19
Date

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: JOHN LAWRENCE BULETTE, M.D.
License Number: 0101-051010
Case Numbers: 175338, 179170

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee ("Committee") of the Virginia Board of Medicine ("Board") held an informal conference on January 30, 2019, in Henrico County, Virginia, to inquire into evidence that John Lawrence Bulette, M.D., may have violated certain laws and regulations governing the practice of medicine and surgery in the Commonwealth of Virginia.

John Lawrence Bulette, M.D., appeared at this proceeding and was represented by Douglas E. Penner, Esquire, and Bonnie P. Lane, Esquire.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. John Lawrence Bulette, M.D., was issued License Number 0101-051010 to practice medicine and surgery on July 1, 1994, which is scheduled to expire on November 30, 2020. At all times relevant to the findings contained herein, said license was current and active.

2. Dr. Bulette's prior Board history includes the following:

a. By Order entered April 1, 2008, the Board required Dr. Bulette to complete continuing medical education in the subject of treatment of psychotic disorders. This action was based on findings that Dr. Bulette prescribed Adderall (C-II) to a patient who had a long history of psychotic disorder, substance abuse, and incarcerations although agitated states and drug abuse were listed as

contraindications for use of Adderall and that Dr. Bulette continued to prescribe Adderall despite the patient demonstrating psychotic symptomology and relational problems and aggression which required multiple hospitalizations and incarcerations.

b. By Order entered June 8, 2009, the Board prohibited Dr. Bulette from prescribing methadone (C-II) to patients until and unless he is qualified and registered to dispense narcotic drugs for maintenance or detoxification treatment in compliance with federal law. This action was based on findings that Dr. Bulette prescribed methadone to ten (10) patients for maintenance or detoxification treatment for periods of up to a year each, though he was not qualified or registered to dispense narcotic drugs for such treatment, as required by federal law and regulation.

3. Dr. Bulette violated Virginia Code § 54.1-2915(A)(3) and (13) in his care and treatment of Patient A, a 24-year-old female whom he treated for opiate addiction with Subutex (C-III) from September 2014 through July 2016. During the treatment period, Dr. Bulette failed to properly monitor Patient A to ensure compliance with his treatment regimen. Specifically, Dr. Bulette failed to order any urine drug screens that included buprenorphine (C-III), failed to conduct any pill counts, and except on February 4, 2015, failed to query the Prescription Monitoring Program ("PMP").

4. Dr. Bulette stated to the Committee that Patient A reported a history of opiate addiction and not being successful in getting intervention and that Patient A appeared serious about recovery.

5. Dr. Bulette violated Virginia Code § 54.1-2915(A)(3) and (13) in his care and treatment of Patient B, a 36-year-old male whom he treated for opiate addiction with Subutex from April 2015 through March 2017. During the treatment period, Dr. Bulette failed to properly monitor Patient B to ensure compliance with his treatment regimen. Specifically, Dr. Bulette failed to order any urine drug screens, failed to conduct any pill counts, and except on July 7, 2015, failed to query the PMP.

6. Dr. Bulette violated Virginia Code § 54.1-2915(A)(3) and (13) in his care and treatment of Patient C, a 44-year-old male whom he diagnosed with post-traumatic stress disorder and treated for chronic opiate dependence with Subutex from August 2010 through March 2017. Specifically:

a. Although Patient C reported that he was treated with narcotics for several years for a back problem and that his use of opiates increased due to a hand injury, Dr. Bulette failed to obtain any prior treatment records or perform a physical examination of Patient C at any time in order to justify his prescribing of Soma (C-IV) from September 2010 through March 2017.

b. During the treatment period of August 2010 to March 2017, Dr. Bulette failed to properly monitor Patient C to ensure compliance with his treatment regimen. Specifically, Dr. Bulette failed to order any urine drug screens, failed to conduct any pill counts, and except on February 15, 2017, failed to query the PMP.

c. By failing to properly monitor Patient C, Dr. Bulette ignored available information indicating Patient C's drug-seeking behavior. For example:

i. Patient C's PMP report reflects that he was issued four prescriptions from four different providers for the following controlled substances: #60 carisoprodol (C-IV) on August 7, 2014; #12 hydrocodone-acetaminophen (C-II) on September 30, 2014; #30 oxycodone-acetaminophen (C-II) on October 28, 2014; and #60 hydrocodone-chlorphen ER susp (C-II) on November 11, 2016.

ii. According to a progress note entered on February 16, 2016, Patient C contacted Dr. Bulette's office stating that he wanted to cancel his February 24, 2016 appointment for an earlier appointment. On February 17, 2016, Patient C contacted Dr. Bulette's office again stating that he did not have enough of his prescribed medication to last until his February 24, 2016 appointment because he was taking extra medication for pain after having sinus surgery. On February 17, 2016, Dr. Bulette

authorized an additional prescription of #25 Subutex without assessing Patient C or confirming the procedure.

iii. As indicated in the chart below, Patient C contacted Dr. Bulette's office three other times in 2016 to reschedule appointments with Dr. Bulette for earlier dates. In each instance, Patient C's appointment was rescheduled for an earlier date resulting in the prescription of Subutex and Soma before the time Patient C would have received a renewal if he had taken his medication as prescribed:

Date of call	Original appointment	Rescheduled appointment	Prescription
January 25, 2016	February 2, 2016	January 27, 2016	#25 Subutex #60 Soma
April 6, 2016	April 13, 2016	April 6, 2016	#23 Subutex #60 Soma
July 26, 2016	August 2, 2016	July 26, 2016	#19 Subutex #60 Soma

7. Dr. Bulette violated Virginia Code § 54.1-2915(A)(3) and (13) in his care and treatment of Patient D, a 33-year-old female whom he treated for chronic opiate dependence with Subutex from approximately September 2014 through December 2014 and October 2015 through December 2015. During these treatment periods, Dr. Bulette failed to properly monitor Patient D to ensure compliance with his treatment regimen. Specifically:

a. Dr. Bulette failed to order any urine drug screens, failed to conduct any pill counts, and failed to query the PMP.

b. By failing to properly monitor Patient D, Dr. Bulette ignored available information indicating Patient D's drug-seeking behavior. For example, Patient D's PMP report reflects that Patient D was issued five prescriptions from three different providers for the following controlled substances: #30 hydrocodone-acetaminophen on September 23, 2014, October 24, 2014, November 11, 2014, and December 8, 2014 and #16 tramadol (C-IV) on November 7, 2014.

8. Dr. Bulette informed the Committee that he discharged Patient D from his practice in December 2015.

9. Dr. Bulette violated Virginia Code § 54.1-2915(A)(3) and (13) in the care and treatment of Patient E, a 40-year-old female whom he treated for substance abuse with Subutex from approximately September 2013 through May 2015 and February 2016 through March 2017. During these treatment periods, Dr. Bulette failed to properly monitor Patient E to ensure compliance with his treatment regimen. Specifically:

a. Dr. Bulette failed to order any urine drug screens, failed to conduct any pill counts, and except on June 7, 2016 and July 27, 2016, failed to query the PMP.

b. By failing to properly monitor Patient E, Dr. Bulette ignored available information indicating Patient E's drug-seeking behavior. Patient E's PMP report reflects that during the treatment periods, Patient E was issued five prescriptions from four different providers for the following controlled substances: #90 oxycodone HCL (C-II) on August 4, 2014; #12 oxycodone-acetaminophen on March 1, 2016; #60 oxycodone-acetaminophen on March 2, 2016 and March 9, 2016; and #30 hydrocodone-acetaminophen on February 7, 2017.

10. Dr. Bulette violated § 54.1-2915(A)(12) and (18) and 18 VAC 85-20-26(C) of the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic in that most of his handwritten progress notes concerning Patients A-E are not legible.

11. Dr. Bulette stated to the Committee that he provides patients with an overview of his treatment program, i.e., buprenorphine is used to stabilize patients, and with structured psychotherapy, he instructs patients on how to become less self-destructive. However, the Committee noted that Dr. Bulette's actual practice contradicted his own practice protocols, particularly regarding the use of urine drug screens and the PMP.

12. Dr. Bulette stated to the Committee that based on prior history of use with urine drug screens, he had been leery of their effectiveness due to problems with testing labs but he now understands the importance of such screens.

13. Dr. Bulette stated to the Committee that the PMP was somewhat new at the time of these cases and did not connect with Maryland. He stated that several of his patients on the Eastern Shore might have filled prescriptions in Maryland and those prescriptions would not have been reflected in the PMP. He explained that he did not fully trust the information collected in 2014-2016 by the PMP due to its relative newness and lack of information from border states. However, the Committee noted that the Virginia PMP has been live statewide since June 2006 and that the Virginia PMP obtained connectivity with Maryland in May 2017. Dr. Bulette stated that he now understands that the PMP connects with Maryland and is a useful tool. He also stated that he is currently using the PMP regularly and working on a process to better implement urine drug screening, possibly through an in-house system but explained that there is not a lab near him and that the hospital that used to handle screens that he ordered has moved.

14. The Committee heard from Martin Buxton, M.D., Dr. Bulette's expert on medication-assisted treatment ("MAT"). Dr. Buxton described the *Harm Avoidance Model* and explained that physicians now must balance evidence of patient noncompliance or aberrant behavior against the potential harm of overdose or death that could result from dismissal from MAT. He stated that many doctors in MAT refer patients for counseling but are not able to ensure the quality or regularity of that counseling. He stated that Dr. Bulette, a board-certified psychiatrist, provided therapy to his patients and that Dr. Bulette knew his patients very well. When asked by the Committee about the higher dosages Dr. Bulette prescribed for some of the patients in this case, Dr. Buxton stated that the common practice is to start a patient on 8mg of buprenorphine and that an average maintenance dose is 16mg. Dr. Buxton opined that a 56mg dose, as was the case with Patient A, is highly unusual. Also, consistent with Dr.

Bulette's statement to the Committee that Dr. Bulette would usually schedule an appointment to see a patient within a week of authorizing a prescription refill based on the patient's request by telephone, Dr. Buxton explained that Dr. Bulette had follow-up visits scheduled in response to telephone-call requests for prescription renewals.

15. Dr. Bulette stated to the Committee that he is dealing with a very high-risk population, an evolving approach to medicine in this area, and thoughts on "harm avoidance." Dr. Bulette acknowledged that there is room for improvement, that his practice was deficient in some regards, and that he is limited in his environment regarding urine drug screens, but that he is working on solutions. Dr. Bulette stated to the Committee that the goal for his patients is to be drug free, not on maintenance medication for life.

See Confidential Attachment for the names of the patients referenced above.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. John Lawrence Bulette, M.D. is REPRIMANDED.

2. Dr. Bulette's license is placed on INDEFINITE PROBATION, subject to the following terms and conditions:

a. Within three (3) months of entry of this Order, Dr. Bulette shall provide written proof satisfactory to the Board of successful completion of fifteen (15) hours of continuing medical education ("CME") credits on the subject of proper prescribing for addiction. Such CME credits shall be approved in advance of registration by the Executive Director of the Board and shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses). Any CME

credits obtained through compliance with this term shall not be used toward compliance with the Board's continuing education requirements for license renewal.

b. Within twelve (12) months of entry of this Order, Dr. Bulette's practice shall be subject to an unannounced audit during normal business hours by an investigator of the Department of Health Professions. During such audit, Dr. Bulette shall provide complete patient records randomly selected by the investigator. Dr. Bulette shall be responsible for the payment of an audit fee of $500.00 to be paid to the Board within thirty (30) days of the audit. Any fee not paid in a timely manner will be sent for collection. If the audit reveals a possible violation of the laws or regulations pertaining to the practice of medicine and surgery in Virginia, including but not limited to PMP and urine drug screens, the Board may notice Dr. Bulette to appear for an administrative proceeding.

c. Within thirty (30) days of entry of this Order, Dr. Bulette shall certify in writing to the Executive Director that he has read and will comply with the Board's laws and regulations on prescribing, including 18 VAC 85-21-10 *et seq.* of the Regulations Governing Prescribing of Opioids and Buprenorphine.

3. Upon receipt of evidence that Dr. Bulette has complied with the foregoing terms and conditions of this Order, the Executive Director is authorized to terminate Dr. Bulette's probation and close this matter or refer it to a special conference committee for review.

4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of medicine and surgery shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

ENTERED: 2/8/2019

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Dr. Bulette may, not later than 5:00 p.m., on March 11, 2019, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on March 11, 2019, unless a request for a formal administrative hearing is received as described above.

APPROVED

VIRGINIA BOARD OF MEDICINE
SPECIAL CONFERENCE COMMITTEE MINUTES JANUARY 30, 2019

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 201
Henrico, VA

CALL TO ORDER: A Special Conference Committee of the Board was called to order at 9:19 a.m.

MEMBERS PRESENT: David Taminger, M.D., Chair
Manjit Dhillon, M.D.
James Arnold, D.P.M.

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Jennie F. Wood, Case Manager, Discipline
J. Michael Parsons, Adjudication Specialist

OTHERS PRESENT: Dr. Martin Buxton

MATTER: **John Lawrence Bulette, M.D. License No.: 0101-051010**
Case Nos.: 175338, 179170

DISCUSSION: Dr. Bulette appeared before the Committee in person in accordance with a Notice of the Board dated November 6, 2018. Dr. Bulette was represented by Douglas E. Penner, Esquire and Bonnie P. Lane, Esquire.

The Committee fully discussed the allegations in the Notice with Dr. Bulette.

CLOSED SESSION: Upon a motion by Dr. Arnold, and duly seconded by Dr. Dhillon, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Bulette. Additionally, he moved that Ms. Deschenes and Ms. Wood attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session and announced its decision.

DECISION: Upon a motion by Dr. Arnold, and duly seconded by Dr. Dhillon, the Committee made certain findings of fact and conclusions of law and voted to issue Dr. Bulette a reprimand and place his license on probation with terms and conditions.

VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 12:38 p.m.

As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Bulette, unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Bulette, within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.

David Taninger, M.D., Chair

1/30/19
Date

William L. Harp, M.D., Executive Director

1/30/19
Date

COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

November 26, 2018

Douglas E. Penner, Esquire
Bonnie P. Lane, Esquire
Goodman Allen Donnelly
150 Boush St., Ste. 900
Norfolk, VA 23510

Via Email & First Class Mail
dpenner@goodmanallen.com
blane@goodmanallen.com

RE: John Lawrence Bulette, M.D.; License No. 0101-051010
Rescheduling of Informal Conference

Dear Counsel:

The Virginia Board of Medicine ("Board") is in receipt of your correspondence dated November 15, 2018, in which you request a brief continuance of Dr. Bulette's informal conference which is currently scheduled to convene on December 13, 2018.

After careful consideration, it has been determined that your request should be granted since it demonstrates good cause. Dr. Bulette's informal conference is rescheduled for **Wednesday, January 30, 2019, at 9:00 a.m.**

Should Dr. Bulette wish to submit additional information for consideration by the Committee, you must submit eight (8) copies to the attention of Jennie F. Wood, Discipline Case Manager, Virginia Board of Medicine, Perimeter Center, 9960 Mayland Drive, 3rd Floor, Henrico, Virginia 23233, by **5:00 p.m., Tuesday, January 15, 2019**. Your documents may not be submitted by facsimile or e-mail.

If you have any further questions regarding this matter, please contact J. Michael Parsons, Adjudication Specialist, at (804) 367-4678; or email at michael.parsons@dhp.virginia.gov .

Sincerely,

Jennifer L. Deschenes, JD, MS
Deputy Executive Director, Discipline
Virginia Board of Medicine

cc: John Lawrence Bulette, M.D.
J. Michael Parsons, Adjudication Specialist (175338; 179170)
Lorraine McGehee, Deputy Director, APD
Tamika Hines, Case Manager - FOIA

COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
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TEL (804) 367- 4400
FAX (804) 527- 4475

November 6, 2018

John Lawrence Bulette, M.D.
10150 Rogers Drive
P.O. Box 733
Nassawadox, VA 23413

UPS OVERNIGHT MAIL

RE: Case Numbers 175338, 179170

Dear Dr. Bulette:

Attached is a Notice of Informal Conference and Statement of Allegations.

For information regarding this type of proceeding, including Frequently Asked Questions regarding Disciplinary Proceedings, directions to the Department of Health Professions Conference Center, instructions for requesting subpoenas, the Board's Sanctioning Reference Points, the text of the Administrative Process Act and other statutes and regulations cited herein, and other related information, please see www.dhp.virginia.gov/medicine/medicine_Hearings.htm. If you do not have Internet access, you may request a hard copy of any of this information by calling Jennie F. Wood, Discipline Case Manager at (804) 367-4571.

If you have any questions, you may contact J. Michael Parsons at (804) 367-4678 or michael.parsons@dhp.virginia.gov. Please notify the Board office of your intent to attend this proceeding.

Sincerely,

Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

cc: J. Michael Parsons, Adjudication Specialist, Administrative Proceedings Division
Lorraine B. McGehee, Deputy Director, Administrative Proceedings Division
Wendy Morris, Senior Investigator, Division of Enforcement (175338, 179170)
Douglas E. Penner, Esquire

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: **JOHN LAWRENCE BULETTE, M.D.**
License Number: **0101-051010**
Issue Date: **July 1, 1994**
Expiration Date: **November 30, 2018**
Case Numbers: **175338, 179170**

NOTICE OF INFORMAL CONFERENCE AND STATEMENT OF ALLEGATIONS

You are hereby notified that an Informal Conference has been scheduled before the Board of Medicine ("Board") regarding your license to practice medicine and surgery in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before a Special Conference Committee ("Committee") of the Board.
DATE AND TIME:	**December 13, 2018** **9:00 AM**
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions; or
- Refer the matter to the Board of Medicine for a formal administrative hearing.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Committee will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by UPS overnight mail. Please bring these documents with you to the informal conference.**

FILING DEADLINES:

Deadline for filing materials: **November 29, 2018.** Submit (8) copies of all documents you want the Board to consider to Jennie F. Wood, Discipline Case Manager, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

REQUEST FOR A CONTINUANCE BY: November 20, 2018

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, John Lawrence Bulette, M.D., was licensed to practice medicine and surgery in the Commonwealth of Virginia.

2. Dr. Bulette violated Virginia Code § 54.1-2915(A)(3), (13), and (16) in his care and treatment of Patient A, a 24-year-old female whom he treated for opiate addiction with Subutex (C-III) from September 2014 through July 2016. During the treatment period, Dr. Bulette failed to properly monitor Patient A to ensure compliance with his treatment regimen. Specifically:

a. On the following dates, Dr. Bulette authorized the renewal of Subutex for Patient A without requiring an office visit by her: October 17, 2014; November 6, 2014; November 10, 2014; November 24, 2014; December 1, 2014; January 2, 2015; June 10, 2015; February 16, 2016; and February 26, 2016.

b. Dr. Bulette failed to order any urine drug screens that included buprenorphine (C-III), failed to conduct any pill counts, and except on February 4, 2015, failed to query the Prescription Monitoring Program ("PMP").

3. Dr. Bulette violated Virginia Code § 54.1-2915(A)(3), (13), and (16) in his care and treatment of Patient B, a 36-year-old male whom he treated for opiate addiction with Subutex from April 2015 through March 2017. During the treatment period, Dr. Bulette failed to properly monitor Patient B to ensure compliance with his treatment regimen. Specifically:

a. On the following dates, Dr. Bulette authorized the renewal of Subutex for Patient B without requiring an office visit by him: April 14, 2015; July 29, 2015; April 6, 2016; April 15, 2016; September 28, 2016; and January 16, 2017.

b. Dr. Bulette failed to order any urine drug screens, failed to conduct any pill counts, and except on July 7, 2015, failed to query the PMP.

4. Dr. Bulette violated Virginia Code §§ 54.1-2915(A)(3), (13), and (16) in his care and treatment of Patient C, a 44-year-old male whom he diagnosed with post-traumatic stress disorder and treated for chronic opiate dependence with Subutex from August 2010 through March 2017. Specifically:

a. Although Patient C reported that he was treated with narcotics for several years for a back problem and that his use of opiates increased due to a hand injury, Dr. Bulette failed to obtain any prior treatment records or perform a physical examination of Patient C at any time in order to justify his prescribing of Soma (C-IV) from September 2017 through March 2017.

b. In August 2010 and November 2011, Dr. Bulette prescribed to Patient C high-risk combinations of Klonopin (C-IV) and Valium (C-IV), concomitantly with Subutex and Soma.

c. During the treatment period of August 2010 to March 2017, Dr. Bulette failed to properly monitor Patient C to ensure compliance with his treatment regimen. Specifically:

i. On the following dates, Dr. Bulette authorized the renewal of Subutex for Patient C without requiring an office visit by him: September 22, 2010: November 30, 2010; February 14, 2011; March 24, 2011; March 8, 2012; August 13, 2012; October 25, 2012; January 28, 2013; May 16, 2013; July 9, 2013; July 22, 2013; December 3, 2013; February 17, 2014; October 1, 2014; November 12, 2014; December 3, 2014; March 9, 2015; February 17, 2016; and May 26, 2016.

ii. On the following dates, Dr. Bulette authorized the renewal of Soma for Patient C without requiring an office visit by him: June 12, 2012; August 13, 2012; October 1, 2014; and August 24, 2016.

iii. Dr. Bulette failed to order any urine drug screens, failed to conduct any pill counts, and except on February 15, 2017, failed to query the PMP.

d. By failing to properly monitor Patient C, Dr. Bulette ignored information indicating Patient C's drug-seeking behavior. For example:

i. Patient C's PMP report reflects that he was issued four prescriptions from four different providers for the following controlled substances: #60 carisoprodol (C-IV) on August 7, 2014; #12 hydrocodone-acetaminophen (C-II) on September 30, 2014; #30 oxycodone-acetaminophen (C-II) on October 28, 2014; and #60 hydrocodone-chlorphen ER susp (C-II) on November 11, 2016.

ii. According to a progress note entered on February 16, 2016, Patient C contacted Dr. Bulette's office stating that he wanted to cancel his February 24, 2016 appointment for an earlier appointment. On February 17, 2016, Patient C contacted Dr. Bulette's office again stating that he did not have enough of his prescribed medication to last until his February 24, 2016 appointment because he was taking extra medication for pain after having sinus surgery. On February 17, 2016, Dr. Bulette authorized an additional prescription of #25 Subutex without assessing Patient C or confirming the procedure.

iii. As indicated in the chart below, Patient C contacted Dr. Bulette's office three other times in 2016 to reschedule appointments with Dr. Bulette for earlier dates. In each instance, Patient C's appointment was rescheduled for an earlier date resulting in the prescription of Subutex and Soma before the time Patient C would have received a renewal if he had taken his medication as prescribed:

Date of call	Original appointment	Rescheduled appointment	Prescription
January 25, 2016	February 2, 2016	January 27, 2016	#25 Subutex #60 Soma
April 6, 2016	April 13, 2016	April 6, 2016	#23 Subutex #60 Soma
July 26, 2016	August 2, 2016	July 26, 2016	#19 Subutex #60 Soma

5. Dr. Bulette violated Virginia Code §§ 54.1-2915(A)(3), (13), and (16) in his care and treatment of Patient D, a 33-year-old female whom he treated for chronic opiate dependence with Subutex from approximately September 2014 through December 2014 and October 2015 through January 2016. During these treatment periods, Dr. Bulette failed to properly monitor Patient D to ensure compliance with his treatment regimen. Specifically:

a. On the following dates, Dr. Bulette authorized the renewal of Subutex for Patient D without requiring an office visit by her: September 22, 2014; September 27, 2014; September 29, 2014; October 14, 2014; November 13, 2014; December 2, 2014; December 9, 2014; October 28, 2015; and January 8, 2016.

b. Dr. Bulette failed to order any urine drug screens, failed to conduct any pill counts, and failed to query the PMP.

c. By failing to properly monitor Patient D, Dr. Bulette ignored information indicating Patient D's drug-seeking behavior. For example, Patient D's PMP report reflects that:

i. Patient D was issued five prescriptions from three different providers for the following controlled substances: #30 hydrocodone-acetaminophen on September 23, 2014, October 24, 2014, November 11, 2014, and December 8, 2014 and #16 tramadol (C-IV) on November 7, 2014.

ii. Patient D was issued one prescription from another provider for #11 buprenorphine on September 22, 2014.

6. Dr. Bulette violated Virginia Code § 54.1-2915(A)(3), (13), and (16) in the care and treatment of Patient E, a 40-year-old female whom he treated for substance abuse with Subutex from approximately September 2013 through May 2015 and February 2016 through March 2017. During these treatment periods, Dr. Bulette failed to properly monitor Patient E to ensure compliance with his treatment regimen. Specifically:

a. On the following dates, Dr. Bulette authorized the renewal of Subutex for Patient E without requiring an office visit by her: February 25, 2014; March 5, 2014; August 20, 2014; September 9, 2014; October 28, 2014; March 3, 2015; March 18, 2015; April 29, 2015; March 26, 2016; August 30, 2016; October 31, 2016; November 29, 2016; January 24, 2017; February 9, 2017; and February 14, 2017.

b. Dr. Bulette failed to order any urine drug screens, failed to conduct any pill counts, and except on June 7, 2016 and July 27, 2016, failed to query the PMP.

c. By failing to properly monitor Patient E, Dr. Bulette ignored information indicating Patient E's drug-seeking behavior. Patient E's PMP report reflects that during the treatment periods, Patient E was issued five prescriptions from four different providers for the following controlled substances: #90 oxycodone HCL (C-II) on August 4, 2014; #12 oxycodone-acetaminophen on March 1, 2016; #60 oxycodone-acetaminophen on March 2, 2016 and March 9, 2016; and #30 hydrocodone-acetaminophen on February 7, 2017.

7. Dr. Bulette violated § 54.1-2915(A)(12) and (18) and 18 VAC 85-20-26(C) of the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic in that most of his handwritten progress notes concerning Patients A-E are not legible.

See Confidential Attachment for the names of the patients referenced above.

Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

11/6/18
Date

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: JOHN LAWRENCE BULETTE, M.D.
License No.: 0101-051010

ORDER

In accordance with Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with John Lawrence Bulette, M.D., on May 28, 2009, in Richmond, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were: Karen A. Ransone, M.D., Chairman; Valerie Lowe Hoffman, D.C.; and Claudette Dalton, M.D. Dr. Bulette appeared personally and was represented by legal counsel, Douglas E. Penner, Esquire. Virginia Scher, Adjudication Specialist, was present as a representative for the Administrative Proceedings Division of the Department of Health Professions.

The purpose of the informal conference was to inquire into allegations that Dr. Bulette may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated March 5, 2009.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact and Conclusions of Law:

1. John Lawrence Bulette, M.D., was issued license number 0101-051010 by the Board to practice medicine and surgery in the Commonwealth of Virginia on July 1, 1994. Said license is currently active and will expire on November 30, 2010, unless renewed or acted upon.

2. Dr. Bulette violated Section 54.1-2915.A(17) of the Code in that, during the course of his treatment of the following patients, he prescribed methadone (Schedule II) for maintenance treatment or detoxification treatment; however, he has not been qualified and is not registered to dispense narcotic drugs for maintenance treatment or detoxification treatment as required by federal law [Controlled Substance Act of 1970, 21 U.S.C. 801 *et seq.*] and regulation [21 C.F.R. 1306.04 and 1306.07]:

a. from on or about October 23, 2007 to on or about June 2, 2008, to Patient A;

b. from on or about July 16, 2007 to on or about June 9, 2008, to Patient B;

c. from on or about April 23, 2007 to on or about January 15, 2008, to Patient C;

d. from on or about January 18, 2008 to on or about June 2, 2008, to Patient D;

e. from on or about September 21, 2005 to on or about June 18, 2008, to Patient E;

f. from on or about August 19, 2007 to on or about June 23, 2008; to Patient F;

g. from on or about July 25, 2007 to on or about June 24, 2008, to Patient G;

h. from on or about July 18, 2006 to on or about June 23, 2008, to Patient H;

i. from on or about May 15, 2007 to on or about June 9, 2008, to Patient I; and

j. from on or about September 3, 2007 to on or about June 23, 2008, to Patient J.

3. Despite having patients on methadone for periods of up to a year, Dr. Bulette stated to the Committee that he does not believe this constitutes methadone maintenance.

4. Dr. Bulette stated to the Committee that approximately eight percent of his patient population is currently on methadone treatment. He explained that the patients he sees are primarily psychiatric patients who experienced trauma and PTSD and who, in some cases,

are also addicts. Dr. Bulette stated he uses methadone to treat both their psychological and physical pain, but he did not document objective physical findings for the source of pain. Dr. Bulette stated his plan was to wean patients off methadone as they worked through their PTSD issues in therapy; however, the Committee could find no evidence of patients whose dosage was decreased significantly.

5. The Committee determined it could find no clear documentation and rationale for the use of methadone to treat Patients A – J for either PTSD or chronic pain.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law, it is hereby ORDERED that John Lawrence Bulette, M.D., be, and hereby is, issued a REPRIMAND.

It is further ORDERED that Dr. Bulette's license be placed on the following TERMS and CONDITIONS:

1. Effective thirty (30) days from entry of this Order, Dr. Bulette shall be prohibited from prescribing methadone to patients and shall give written notice of this restriction to all patients to whom he is currently prescribing methadone.

2. Dr. Bullette shall not prescribe methadone to patients until and unless he qualifies and registers to dispense narcotic drugs for maintenance treatment or detoxification in compliance with federal law.

3. Should Dr. Bulette qualify and register to dispense narcotic drugs for maintenance treatment or detoxification in compliance with federal law, he shall, within thirty (30) days, provide notification to the Board.

4. Upon receipt of evidence that Dr. Bulette has complied with the requirements of this Order, the Executive Director of the Board is authorized to close this matter without further action. However, the Executive Director shall not have authority to lift the restriction on Dr. Bulette to prescribe methadone unless he provides evidence of having qualified to dispense as stated in Term #3

5. Dr. Bulette shall cooperate with the Virginia Board of Medicine and the Department of Health Professions in the investigation or inspection of his practice to verify that he is in compliance with this Order.

Dr. Bulette shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Violation of this Order may constitute grounds for suspension or revocation of Dr. Bulette's license. In the event that Dr. Bulette violates this Order, an administrative proceeding may be convened to determine such action is warranted.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Dr. Bulette may, not later than 5:00 p.m., on July 13, 2009, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Therefore, this Order shall become final on July 13, 2009, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD

Jennifer L. Deschenes

for William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: 6/8/2009

Sandra Whitley Ryals
Director

COMMONWEALTH of VIRGINIA

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

April 9, 2009

Douglas E. Penner, Esquire
Goodman, Allen & Filetti, PLLC
Harbour Place
215 Brooke Avenue, Suite A
Norfolk, Virginia 23510

CERTIFIED MAIL
7160 3901 9845 3431 1942

RE: John Lawrence Bulette, M.D.
License No.: 0101-051010
Rescheduling of Informal Conference

Dear Counsel:

This is official notification that Dr. Bulettes' informal conference scheduled for April 16, 2009, and continued upon your request, has been rescheduled for **Thursday, May 28, 2009, at 2:30 p.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Henrico, Virginia**. I enclose a copy of the Notice of Informal Conference dated March 5, 2008, and a map for your convenience.

You and Dr. Bulette should arrive at least thirty (30) minutes in advance of the appointed time. Materials relating to Dr. Bulette's informal conference were forwarded to him by certified mail with the original notice. These documents will be distributed to the members of the Special Conference Committee and will be considered by the Committee when deliberating on this case.

Should you wish to submit additional information for consideration by the Committee, you must submit eight (8) copies to the attention of Renée S. Dixson, Discipline Case Manager, Virginia Board of Medicine, Perimeter Center, 9960 Mayland Drive, 3rd Floor, Richmond, Virginia 23233 by **May 8, 2009.**

If you have any questions regarding this matter, please contact Adjudication Specialist Virginia Scher, at (804) 367-4669.

Sincerely,

Jennifer L. Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

JLD:fd0409L1.reschifcnot.bulette.09

Enclosures:
Notice of Informal Conference dated March 5, 2009
Map

cc: Renée S. Dixson, Discipline Case Manager, Board of Medicine
Virginia Scher, Adjudication Specialist [119202]
Marilyn Dundon, Discipline Support Specialist
John L. Bulette

COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

March 25, 2009

Douglas E. Penner, Esquire
Goodman, Allen & Filetti, PLLC
Harbour Place
215 Brooke Avenue, Suite A
Norfolk, Virginia 23510

RE: John Lawrence Bulette, M.D.
License No.: 0101-051010
Continuance of Informal Conference

Dear Mr. Penner:

The Virginia Board of Medicine ("Board") is in receipt of your letter dated March 17, 2009, whereby you request a continuance of Dr. Bulette's informal conference, which is scheduled to convene on Thursday, April 16, 2009.

After careful consideration, it has been determined that your request for a continuance should be granted since it demonstrates good cause. Therefore, Dr. Bulette's informal conference will be rescheduled for a date in May 2009 that is mutually agreeable to the parties.

Sincerely,

Jennifer L. Deschenes
Deputy Executive Director, Discipline
Virginia Board of Medicine

cc: Renée S. Dixson, Discipline Case Manager, Board of Medicine
Virginia Scher, Adjudication Specialist [119202]
John L. Bulette, Esquire

COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

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FAX (804) 527- 4475

March 5, 2009

John Lawrence Bulette, M.D.
10150 Rogers Drive
P.O. Box 733
Nassawadox, Virginia 23413

CERTIFIED MAIL
7160 3901 9845 3430 8140

RE: License No.: 0101-051010

Dear Dr. Bulette:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Thursday, April 16, 2009, at 1:30 p.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Henrico, Virginia**. The conference will be conducted pursuant to Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code").

A Special Conference Committee ("Committee") will inquire into allegations that you may have violated certain laws governing the practice of medicine in Virginia. Specifically, you may have violated Section 54.1-2915.A(17) of the Code, in that during the course of your treatment of the following patients, you prescribed methadone (Schedule II) for maintenance treatment or detoxification treatment; however, you have not been qualified and are not registered to dispense narcotic drugs for maintenance treatment or detoxification treatment as required by federal law [Controlled Substance Act of 1970, 21 U.S.C. 801 *et seq.*] and regulation [21 C.F.R. 1306.04 and 1306.07]:

a. from on or about October 23, 2007 to on or about June 2, 2008, to Patient A;
b. from on or about July 16, 2007 to on or about June 9, 2008, to Patient B;
c. from on or about April 23, 2007 to on or about January 15, 2008, to Patient C;
d. from on or about January 18, 2008 to on or about June 2, 2008, to Patient D;

e. from on or about September 21, 2005 to on or abut June 18, 2008, to Patient E;
f. from on or about August 19, 2007 to on or about June 23, 2008; to Patient F;
g. from on or about July 25, 2007 to on or about June 24, 2008, to Patient G;
h. from on or about July 18, 2006 to on or about June 23, 2008, to Patient H;
i. from on or about May 15, 2007 to on or about June 9, 2008, to Patient I; and
j. from on or about September 3, 2007 to on or about June 23, 2008, to Patient J.

Please see Attachment I for the name of the patients referenced above.

After consideration of all information, the Committee may:

1. Exonerate you;
2. Place you on probation with such terms it deems appropriate;
3. Reprimand you;
4. Modify a previous Board Order; and
5. Impose a monetary penalty pursuant to Section 54.1-2401 of the Code.

Further, the Committee may refer this matter for a formal administrative proceeding when it has failed to dispose of a case by consent pursuant to Section 2.2-4019 of the Code.

You have the right to information that will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the Committee for its consideration when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. These materials have been provided this date to your counsel, Douglas E. Penner, Esquire.

To facilitate this proceeding, you must submit eight (8) copies of any documents you wish for the Committee to consider to Reneé S. Dixson, Discipline Case Manager, Virginia Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, Virginia, 23233, by **March 30, 2009**. Your documents may not be submitted by facsimile or e-mail. Should you or Adjudication Specialist Virginia Scher wish to submit any documents for the Committee's consideration after **March 30, 2009**, such documents shall be considered only upon a ruling by the Chair of the Committee that good cause has been shown for late submission.

Absent good cause to support a request for a continuance, the informal conference will be held on April 16, 2009. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by **March 19, 2009**. Only one

such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after **March 19, 2009**, will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the Internet at **http://leg1.state.va.us.** To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

In its deliberations, the Committee may utilize the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at **http://www.dhp.virginia.gov/medicine**. You may request a paper copy from the Board office by calling (804) 367-4513.

Please advise the Board, in writing, of your intention to be present. Should you fail to appear at the informal conference, the Board may proceed to a formal administrative hearing in order to impose sanctions.

If you have any questions regarding this notice, please contact Virginia Scher, Adjudication Specialist, at (804) 367-4669.

Sincerely,

for William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

WLH:fd0305N3.ifcnot.bullette.09
Vas/Bulette02NIC.DOC

Enclosures:
Attachment I
Informal Conference Package
Map

cc: Stephen E. Heretick, J.D., President, Virginia Board of Medicine
Sandra Whitley Ryals, Director, Department of Health Professions
Reneé S. Dixson, Discipline Case Manager, Board of Medicine
Virginia Scher, Adjudication Specialist, APD
Lorraine McGehee, Deputy Director, APD
Douglas E. Penner, Esquire *[w/enclosures]*
Nan Dunaway, Pharmacy Inspector [119202]

COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

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TEL (804) 367- 4400
FAX (804) 527- 4475

May 12, 2008

John L. Bulette, M.D.
10150 Rogers Drive
Nassawadox, Virginia 23413

CERTIFIED MAIL
7160 3901 9845 1844 5847

RE: License No.: 0101-051010

Dear Dr. Bulette:

The Virginia Board of Medicine ("Board") has received verification that you have complied with the terms and conditions of the Board's Order entered April 1, 2008.

Therefore, the terms placed on your license have been TERMINATED effective this date. The record of the Board currently reflects that you have a full and unrestricted license in the Commonwealth of Virginia.

Pursuant to §54.1-2400.2 (F) of the *Code of Virginia,* a signed copy of this letter shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

The Board wishes you well in your future endeavors.

Sincerely,

William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

cc: Renée S. Dixson, Discipline Case Manager [106865]
Jennie Wood, Administrative Assistant ✓
Susan Brooks, Office Manager, APD

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: JOHN LAWRENCE BULETTE, M.D.
License No.: 0101-051010

ORDER

In accordance with Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with John Lawrence Bulette, M.D., on March 28, 2008, in Richmond, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were: Malcolm L. Cothran, Jr., M.D., Chairman; Juan M. Montero, II, M.D.; and Ann T. Burks, J.D. Dr. Bulette appeared and was represented by legal counsel, Douglas E. Penner, Esquire. Virginia Scher, Adjudication Specialist, was present as a representative for the Administrative Proceedings Division of the Department of Health Professions.

The purpose of the informal conference was to inquire into allegations that Dr. Bulette may have violated certain laws and regulations governing the practice of medicine in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated January 28, 2008.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact and Conclusions of Law:

1. John Lawrence Bulette, M.D., was issued license number 0101-051010 to practice medicine in Virginia on July 1, 1994. Said license is currently active and will expire on November 30, 2008, unless renewed or acted upon.

2. From on or about March 22, 2005 until November 28, 2005, Dr. Bulette provided inpatient and outpatient care to Patient A, who had a long history of psychotic disorder, substance abuse and incarcerations.

3. During an inpatient admission in March 2005, Dr. Bulette identified Patient A's difficulty with attention, and noted a history of impulsivity and attentional and performance problems in school, which Dr. Bulette believed to support a contributing element of attention deficit disorder.

4. During the March 2005 hospitalization, Dr. Bulette performed a therapeutic trial of low-dose Adderall XR (amphetamine salts, Schedule II). In his March 6, 2006 written response to the Board, and in his statements to the Committee, Dr. Bulette indicated that Patient A told him the Adderall helped him, but that Dr. Bulette was not convinced that it did. Dr. Bulette continued prescribing Adderall until October 2005.

5. During the months that Dr. Bulette treated Patient A, the patient continued to demonstrate psychotic symptomology, relational problems and aggression, requiring multiple hospitalizations and incarcerations. Patient A was unable to effectively integrate into a community setting.

6. Patient A's mother addressed the Committee and stated that Dr. Bulette sought collateral information from her on numerous occasions. She stated she told Dr. Bulette that her son was not doing well.

7. Patient A's mother described to the Committee a violent incident that occurred in June 2005 that resulted in Patient A's rehospitalization and removal from her home.

8. Patient A left Dr. Bulette's care in November 2005.

9. Package insert information for Adderall XR lists agitated states and history of drug abuse as contraindications for the use of this drug.

10. Dr. Bulette explained that Patient A's outpatient record had been inadvertently included with records belonging to the hospital, which resulted in his delay in being able to provide them to the Board.

CONCLUSIONS OF LAW

This matter is properly before the Board for consideration.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law, it is hereby ORDERED that this matter be, and hereby is, CONTINUED on the following terms and conditions:

1. Within six (6) months of entry of this Order, Dr. Bulette shall obtain ten (10) hours of continuing medical education (CME) in the subject of treatment of psychotic disorders. Said CME shall be approved in advance of registration by the Board. The CME shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses that do not allow for interaction with the lecturer). CME obtained through compliance with this term shall not be used toward licensure renewal requirements.

2. Within thirty (30) days of completion of CME as required by Term #1 of this Order, Dr. Bulette shall provide verification of completion satisfactory to the Board.

3. Upon receipt of evidence that Dr. Bulette has complied with the requirements of this Order, the Board authorizes the Executive Director to close this case with no further action, or to refer the matter to a Special Conference Committee.

4. Dr. Bulette shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Violation of this Order may constitute grounds for suspension or revocation of Dr. Bulette's license. In the event that Dr. Bulette violates this Order, an administrative proceeding may be convened to determine whether his license shall be revoked.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Dr. Bulette may, not later than 5:00 p.m., on May 5, 2008, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Therefore, this Order shall become final on May 5, 2008; unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD

William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: 4/1/08

COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

January 28, 2008

John Lawrence Bulette, MD.
10150 Rogers Drive
P.O. Box 733
Nassawadox, Virginia 23413

BY UPS
1Z 236 087 22 1008 9262

RE: License No.: 0101-051010

Dear Dr. Bulette:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Friday, March 28, 2008, at 9:00 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Richmond, Virginia**. The conference will be conducted pursuant to Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code").

A Special Conference Committee ("Committee") will inquire into allegations that you may have violated certain laws and regulations governing the practice of medicine in Virginia. Specifically:

1. You may have violated Sections 54.1-2915.A(3), (13) and (16) of the Code, in that, from on or about March 25, 2005 until on or about October 26, 2005, you prescribed Adderall XR (amphetamine salts, Schedule II) to Patient A, despite the fact that the drug was contraindicated for this patient due to his mental state and history of abusing drugs, including amphetamine.

2. You may have violated Sections 54.1-2915.A(12) and (18) of the Code and 18 VAC 85-20-26(C) and (D) of the Board's General Regulations, in that, you failed to maintain your outpatient treatment records for Patient A, who you treated in 2005, for a minimum period of time following the last patient encounter, and were therefore unable to produce the records for a Department of Health Professions' investigation in 2007.

Please see Attachment I for the name of the patient referenced above.

After consideration of all information, the Committee may:

1. Exonerate you;
2. Place you on probation with such terms it deems appropriate;
3. Reprimand you; and
4. Impose a monetary penalty pursuant to Section 54.1-2401 of the Code.

Further, the Committee may refer this matter for a formal administrative proceeding when it has failed to dispose of a case by consent pursuant to Section 2.2-4019 of the Code.

You have the right to information that will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the Committee for its consideration when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by UPS Overnight mail. Further, if you retain counsel, it is your responsibility to provide the enclosed materials to your attorney.

To facilitate this proceeding, you must submit eight (8) copies of any documents you wish for the Committee to consider to Reneé S. Dixson, Discipline Case Manager, Virginia Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, Virginia, 23233, by **March 5, 2008.** Your documents may not be submitted by facsimile or e-mail. Should you or Adjudication Specialist Virginia Scher wish to submit any documents for the Committee's consideration after **March 5, 2008**, such documents shall be considered only upon a ruling by the Chair of the Committee that good cause has been shown for late submission.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on March 28, 2008. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by **February 11, 2008**. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after **February 11, 2008,** will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the Internet at **http://leg1.state.va.us.** To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

In its deliberations, the Committee may utilize the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document

of the Board, may be accessed at **http://www.dhp.virginia.gov/medicine**. You may request a paper copy from the Board office by calling (804) 367-4513.

Please advise the Board, in writing, of your intention to be present. Should you fail to appear at the informal conference, the Board may proceed to a formal administrative hearing in order to impose sanctions.

If you have any questions regarding this notice, please contact Virginia Scher, Adjudication Specialist, at (804) 367-4669.

Sincerely,

William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

WLH:fd0128N1.ifcnot.bulette.08
Vas/Bulette65NIC.DOC

Enclosures:
Attachment I
Informal Conference Package
Map

cc: Stephen E. Heretick, J.D., President, Virginia Board of Medicine
Sandra Whitley Ryals, Director, Department of Health Professions
Reneé S. Dixson, Discipline Case Manager, Board of Medicine
Virginia Scher, Adjudication Specialist, APD
Lorraine McGehee, Deputy Director, APD
Patricia Harte-Byers, Senior Investigator [106865]