



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Public

Richard F. Daines, M.D.
Commissioner
NYS Department of Health
Wendy E. Saunders
Executive Deputy Commissioner
Keith W. Servis, Director
Office of Professional Medical Conduct

Kendrick A. Sears, M.D.
Chair
Michael A. Gonzalez, R.P.A.
Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

July 22, 2009

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Sukoo Lee, M.D.

Redacted Address

Re: License No. 111387

Dear Dr. Lee:

Enclosed is a copy of Modification BPMC #99-202 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect July 29, 2009.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

Sincerely,

Redacted Signature

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
SUKOO LEE, M.D.

MODIFICATION
ORDER

BPMC No. #99-202

Upon the proposed Application for a Modification Order of **SUKOO LEE, M.D.**,
(Respondent), that is made a part of this Modification Order, it is agreed and

ORDERED, that the attached Application and its terms are adopted and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board,
either by mailing, by first class mail, a copy of the Modification Order to Respondent at the
address in the attached Application or by certified mail to Respondent's attorney or upon
transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 7-21-2009

Redacted Signature

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
SUKOO LEE, M.D.

APPLICATION FOR
MODIFICATION ORDER

SUKOO LEE, M.D., (Respondent) being duly sworn deposes and says:

That on or about January 25, 1972, I was licensed to practice as a physician in the State of New York, having been issued license number 111387 by the New York State Education Department.

My current address is Redacted Address

I am currently subject to Consent Agreement and Order BPMC #99-202, (hereinafter "Original Order"), annexed hereto, made a part, hereof, and marked as Exhibit 1, that was issued on August 5, 1999.

I apply, hereby, to the State Board for Professional Medical Conduct for a Modification Order (hereinafter "Modification Order"), modifying the Original Order, as follows: to delete the paragraph in the Original Order that states:

"That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and"

substituting therefor:

" Respondent shall never practice medicine in New York state as a physician, activate his registration to practice medicine as a physician in New York state or seek to reapply for a license to practice medicine as a physician in New York state."

The Modification Order to be issued will not constitute a new disciplinary action against me, but will substitute the proposed language for the above described language in the Original Order.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance of the Board of this Application, I knowingly waive the right to contest the Original Order or the Modification Order for which I apply, both administratively and judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Bureau of Professional Medical Conduct, the Director of the Office of Professional Medical Conduct, and the Chair of the State Board for Professional Medical Conduct each retain complete discretion to either enter into the proposed Agreement and Modification Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED: 7/15/09

Redacted Signature

SUKOO LEE, M.D.
Respondent

The undersigned agree to the attached Application of Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 20 July 2009

Redacted Signature


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: July 21, 2009

Redacted Signature


KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT 1



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

August 6, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Sukoo Lee, M.D.

Redacted Address

RE: License No.: 111387

Dear Dr. Lee:

Enclosed please find Order #BPMC 99-202 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **August 6, 1999.**

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Redacted Signature

Ansel R. Marks, M.D., J.D.
Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: Daniel T. Roach, Esq.
Roach, Brown, McCarthy & Gruber
1620 Liberty Building
420 Main Street
Buffalo, NY 14202-3616

Timothy J. Mahar, Esq.

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
SUKOO LEE, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-202

STATE OF NEW YORK)
COUNTY OF MONROE) so.:

SUKOO LEE, M.D., (Respondent) being duly sworn, deposes and says:

That on or about January 25, 1972, I was licensed to practice as a physician in the State of New York, having been issued License No. 111387 by the New York State Education Department.

My current address is Redacted Address, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with six specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I plead no contest to paragraphs A.1 and A.2 of the Fifth Specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

1. A permanent limitation on my medical license precluding the practice of emergency medicine and limiting my practice to my present practice location. I may change practice locations only with the prior written approval of the Director of the Office of Professional Medical

Conduct.

2. A one year stayed suspension with two years probation in accordance with the terms set forth in Exhibit B, hereto.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of

the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1999).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney,

or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

Redacted Signature

AFFIRMED:

DATED 7/29/99

SUKOO LEE, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 28 July 99

Redacted Signature

~~DANIEL T. ROACH, ESQ.~~
Attorney for Respondent

DATE: July 30, 1999

Redacted Signature

~~TIMOTHY J. MAHAR~~
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: July 30 1999

Redacted Signature

~~ANNE F. SAILE~~
Director
Office of Professional
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
SUKOO LEE, M.D.

CONSENT
ORDER

Upon the proposed agreement of SUKOO LEE, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED:

8/5/99

Redacted Signature

WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER : STATEMENT
OF : OF
SUKOO LEE, M.D. : CHARGES

-----X

SUKOO LEE, M.D., the Respondent, was authorized to practice medicine in New York State on January 25, 1972 by the issuance of license number 111387 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period April 1, 1999, through March 30, 2001, with a registration address of 51 Eaglewood Circle, Pittsford, New York 14534-1081.

FACTUAL ALLEGATIONS

A. On October 5, 1995, Respondent provided medical care to Patient A, then 71 years old, in the Emergency Department of Tri-County Memorial Hospital, Gowanda, New York for a 10-day history of nausea, weakness and dizziness, among other conditions. Respondent's medical care of Patient A deviated from acceptable standards of medical care in the following respects:

1. Respondent failed to adequately evaluate and/or treat Patient A.

2. Respondent failed to document a clinical basis for a diagnosis of labyrinthitis.
3. Respondent failed to adequately evaluate Patient A for a urinary tract infection.
4. Respondent failed to maintain a medical record which accurately reflected the evaluation and/or treatment of Patient A.

B. On December 27, 1995, Respondent provided medical care to Patient B, then 46 years old, in the Emergency Department of Eastern Long Island Hospital, Greenport, New York for abrasions to left knee, head, chest and abdomen and the dislocation of the third (middle) finger of the right hand, among other conditions, following a motor vehicle accident. Respondent's medical care of Patient B deviated from accepted standards of medical care in the following respects:

1. Respondent failed to adequately assess Patient B's right hand for adequate reduction of a dislocated finger following treatment.
2. Respondent failed to maintain a medical record which accurately reflected the evaluation and/or treatment of Patient B.

C. On April 30, 1996, Respondent provided medical care to Patient C, then 83 years old, in the Emergency Department of Tri-County Memorial Hospital in Gowanda, New York for chest pain and pressure of 10 days, and recent chest pain not relieved by nitroglycerin among other conditions. Respondent's medical care of Patient C deviated from accepted standards of medical care in the following respects:

1. Respondent failed to admit, or recommend Patient C's admission to the hospital's Intensive Care Unit, rather than to a telemetry bed.
2. On July 11, 1996, Respondent stated to a medical coordinator and investigator of the Office of Professional Medical Conduct that there were no available beds in the hospital's Intensive Care Unit, at the time of Patient C's admission, when in fact there were available beds in that unit at the time of the admission.

D. On May 4, 1995, Respondent provided medical care to Patient D then 64 years old, at Lake Shore Hospital, Irving, New York for disorientation and dizziness, among other conditions. Respondent's medical care of Patient D deviated from accepted standards of medical care in the following respects:

1. Respondent failed to consult with Patient D's primary care physician and/or a neurologist and/or admit Patient D to the hospital in circumstances of acute onset of mental status changes.
2. Respondent failed to maintain a medical record which accurately reflected the evaluation and treatment of Patient D.

E. On November 16, 1995, Respondent provided medical care to Patient E, then 16 months old, in the Emergency Department of Eastern Long Island Hospital, Greenport, New York for seizures and fever, among other conditions. Respondent's medical care of Patient E deviated from accepted standards of medical care in the following respects:

1. Respondent initially treated Patient E with Ativan after which the patient suffered respiratory arrest which Respondent treated with the drug Narcan. Respondent's use of Narcan was not indicated in those circumstances.

F. On September 1, 1995, Respondent provided medical care to Patient F, then eight weeks old, in the Emergency Department of Lake Shore Hospital for episode of choking and breathing cessation, among other things. Respondent's medical care of Patient F deviated from accepted standards of medical care in the following respects:

1. Respondent failed to take an adequate history.
2. Respondent failed to appropriately evaluate and/or respond to Patient F's symptoms of physical abuse.
3. Respondent failed to consult with Patient F's pediatrician.
4. Respondent failed to maintain a record which accurately reflected the evaluation and treatment of Patient F.

SPECIFICATION OF CHARGES

FIRST AND SECOND SPECIFICATIONS

Practicing With Gross Negligence
on a Particular Occasion

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530 (4) by reason of his practicing the profession of medicine with gross negligence on a particular occasion, in that Petitioner charges the following:

1. The facts in Paragraphs A and A.1.
2. The facts in Paragraphs C and C.1.

THIRD and FOURTH SPECIFICATIONS

Practicing with Gross Incompetence
On a Particular Occasion

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(6) by reason of his practicing the profession of medicine with incompetence on more than one occasion.

3. The facts in Paragraphs A and A.1.
4. The facts in Paragraphs C and C.1.

FIFTH SPECIFICATION

Practicing with Negligence
On More Than One Occasion

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530 (3) by reason of his practicing the profession of medicine with negligence on more than one occasion; in that Petitioner charges that Respondent committed two or more of the following:

5. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, B and B.1, B and B.2, C and C.1, D and D.1, D and D.2, E and E.1, F and F.1, F and F.2, F and F.3, and/or F and F.4.

SIXTH SPECIFICATION

Practicing with Incompetence
On More Than Occasion

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530 (5) by reason of his practicing the profession of medicine with incompetence on more than one occasion; in that Petitioner charges that Respondent committed two or more of the following:

6. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, B and B.1, B and B.2, C and C.1, D and D.1, D and D.2, E and E.1, F and F.1, F and F.2, F and F.3, and/or F and F.4.

SEVENTH SPECIFICATION

Inadequate Records

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530 (32) (McKinney's Supp. 1998) by reason of his failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

7. The facts set forth in Paragraphs A and A.2, A and A.4, B and B.2, D and D.2, and/or F and F.4.

EIGHTH SPECIFICATION

Practicing The Profession Fraudulently

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(2) (McKinney's Supp. 1998) by reason of his practicing the profession fraudulently, in that Petitioner charges:

8. The facts set forth in Paragraphs C and C.2.

DATED: *July 8*, 1999
Albany, New York

Redacted Signature

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT B

Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
7. Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty or who is otherwise determined by the Director of OPMC to be appropriate to act as a monitor, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC. The practice monitor shall be approved and shall undertake his/her monitoring responsibilities within 30 days of the date of the Order.

- a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no less than 25) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law or have liability coverage provided by his employer which meets or exceeds the statutory required minimum. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
8. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.