



*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. Saille, Director

*Office 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*

April 7, 2000

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Won Yub Lee, M.D.

150 Parkway Drive

Salamanca, NY 14779

RE: License No. 130041

Dear Dr. Lee:

Enclosed please find Order #BPMC 00-104 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **April 7, 2000.**

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,

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

Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: Thomas C. Brady, Esq.  
Brady, Brooks & O'Connell, LLP  
41 Main Street  
PO Box 227  
Salamanca, NY 14779-0027

Michael A. Hiser, Esq.

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

IN THE MATTER  
OF  
WON Y. LEE, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER  
BPMC #00-104

WON Y. LEE, M.D., (Respondent) says:

That on or about February 25, 1977, I was licensed to practice as a physician in the State of New York, having been issued License No. 130041 by the New York State Education Department.

My current address is 150 Parkway Drive, Salamanca, New York, 14779, 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 is investigating matters relating to my medical practice as set forth in the Statement of Charges.

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

I agree not to contest the second specification, in full satisfaction of the charges against me. I deny the allegations contained in the first specification. I hereby agree to the following penalty:

My license to practice medicine in the State of New York shall be permanently limited, pursuant to section 230-a of the Public Health Law, to preclude the practice of medicine. I shall be

precluded from patient contact, diagnosing, treating, prescribing or operating for any human condition. I shall be precluded from teaching medicine or consulting on medical issues. I agree to comply with the terms of practice limitation attached hereto as Exhibit B.

I further agree that the Consent Order for which I hereby apply shall impose a condition that Respondent shall change his registration status to "inactive" with the New York State Education Department Division of Professional Licensing Services and provide proof of such change to the Director of the Office of Professional Medical Conduct within thirty days of the effective date of this Order. Failure to comply with such condition shall constitute misconduct as defined by New York State Education Law section 6530(29).

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

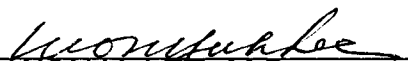
pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

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.

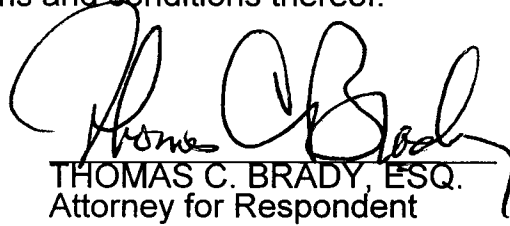
AFFIRMED:

DATED 3-23/00


  
WON Y. 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: 3-23-00

  
THOMAS C. BRADY, ESQ.  
Attorney for Respondent

DATE: 3/29/00

  
MICHAEL A. HISER  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: 4/3/00

  
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  
WON Y. LEE, M.D.

CONSENT  
ORDER

Upon the proposed agreement of WON Y. 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:

4/5/00



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

EXHIBIT A

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
WON LEE, M.D. : CHARGES  
-----X

WON LEE, M.D., the Respondent, was authorized to practice medicine in New York State on February 25, 1977 by the issuance of license number 130041 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period March 1, 2000 through February 28, 2002, with a registration address of 150 Parkway Drive, Salamanca, New York 14779.

**FACTUAL ALLEGATIONS**

A. Respondent provided primary medical care and treatment to Patient A (patients are identified in Appendix A, attached hereto) a male 45 years old when treatment began, during the period beginning December 15, 1982 through October 1999., at Respondent's office at 150 Parkway Drive, Salamanca, New York 14779 (hereafter, Respondent's office) and at the Olean General Hospital, 515 Main Street, Olean, New York 14760. Respondent treated Patient A for a variety of diagnosed conditions, including pneumonia, congestive heart failure and atherosclerotic heart disease, and hypertension. Respondent's care and treatment of Patient A deviated from accepted standards of medical care in the following respects:

1. Respondent failed to adequately evaluate and treat and/or document such evaluation or treatment, of the patient's severe hypertension, including by failing to document blood pressure readings during the first two years of treatment.
2. Respondent failed to obtain or record that he had obtained an adequate history of the patient sufficient to identify cardiovascular risks.

B. Respondent provided primary medical care and treatment to Patient B, a male 50 years old when treatment began, during the period beginning August 1989 through September 1997, at Respondent's office. Respondent treated Patient B for, among others, diabetes. Respondent's care and treatment of Patient B deviated from accepted standards of medical care in the following respects:

1. Respondent failed to adequately document his ongoing evaluation and treatment of the Patient's diabetes, including the monitoring of hemoglobin A1C, and pertinent physical findings.

## **SPECIFICATIONS**

### **FIRST SPECIFICATION**

Respondent is charged with professional misconduct as defined by N.Y. Education Law §6530(3) by practicing the profession of with negligence on more than one occasion, as alleged in two or more of the following factual allegations:

1. The facts in Paragraphs A and A.1, A and A.2, and B and B.1.


### **SECOND SPECIFICATION**

#### **Record Keeping**

Respondent is charged with professional misconduct as defined by N.Y. Education Law §6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient as alleged in the following factual allegations:

2. The facts in Paragraphs A and A.1, A and A.2, and B and B.1.

DATED: *Mar 29*, 2000  
Albany, New York

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



## Exhibit B

### TERMS OF MEDICAL PRACTICE CESSATION

1. Respondent shall immediately cease and desist from engaging in the practice of medicine in accordance with the terms of the Order. In addition, Respondent shall permanently refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.
2. Respondent shall within fifteen (15) days of the Order notify his patients of the cessation of his medical practice and will refer all patients to another licensed practicing physician for their continued care, as appropriate.
3. Respondent shall make arrangements for the transfer and maintenance of the medical records of his patients. Within thirty days of the effective date of the Order, Respondent shall notify OPMC of these arrangements including the appropriate and acceptable contact person's name, address, and telephone number who shall have access to these records. Original records shall be retained for at least six years after the last date of service rendered to a patient or, in the case of a minor, for at least six years after the last date of service or three years after the patient reaches the age of majority whichever time period is longer. Records shall be maintained in a safe and secure place which is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and made available only to authorized persons. When a patient or and/or his or her representative requests a copy of the patient's medical record or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of their inability to pay.
4. In the event that Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall within fifteen (15) days advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA.
5. Respondent shall within fifteen (15) days return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, all medications shall be properly disposed.
6. Respondent shall not share, occupy or use office space in which another licensee provides health care services. Respondent shall cause all signs to be removed within fifteen (15) days and stop all advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings by which his eligibility to practice is represented.
7. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered by himself or others while barred from engaging in the practice of medicine. Respondent may be compensated for the reasonable value of

services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of this Order.

8. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine he shall divest himself of all financial interest in the professional services corporation in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the effective date of this Order.

9. Failure to comply with the above directives may result in a civil penalty or further criminal penalties as may be authorized pursuant to the law. Under Section 6512 of the Education Law it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when such professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in section 230-a of the Public Health Law, which includes fines of up to \$10,000 for each specification of charges of which the Respondent is found guilty and may include revocation of a suspended license.