



Barbara A. DeBuono, M.D., M.P.H.  
Commissioner of Health

**New York State Board for Professional Medical Conduct**

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

Patrick F. Carone, M.D., M.P.H.  
Chair  
Ansel R. Marks, M.D., J.D.  
Executive Secretary

October 17, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Young Sun Lee, M.D.  
7272 Wakefield Drive  
Fayetteville, New York 13066

RE: License No. 133103

Dear Dr. Lee:

Enclosed please find Order #BPMC 97-248 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

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: Raymond J. DeSilva, Esq.  
DeSilva and Rhinehart  
620 Empire Building  
472 South Salina Street  
Syracuse, New York 13202

Bradley Mohr, Esq.

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

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IN THE MATTER	:	CONSENT
OF	:	AGREEMENT
YOUNG SUN LEE, M.D.	:	AND ORDER
	:	BPMC # 97-248

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YOUNG SUN LEE, M.D., says:

On or about November 18, 1977, I was licensed to practice as a physician in the State of New York, having been issued license number 133103 by the New York State Education Department.

My current address is 7272 Wakefield Drive, Fayetteville, N.Y. 13066, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with specification(s) of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I agree not to contest the specifications.

I hereby agree to the penalty of a Five (5) year suspension of my license to practice medicine in New York State, which suspension shall be stayed in its entirety conditioned on my full compliance with the Terms of Probation attached hereto as Exhibit B for a period of Five (5) years.

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

I agree that, as a condition of this Order, I will maintain current registration of my license with the New York State Education Department, Division of Professional Licensing Services, and pay all registration fees. This condition will remain in effect except during periods of actual suspension, if any, imposed by this Order. This condition shall be in effect beginning thirty days after the effective date of this Order and will continue until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I understand that any failure by me to comply with this condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I understand that, in the event that the Board does not grant this application, 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 State Board for Professional Medical Conduct grants my application, an order of the Chairperson of the Board shall be issued in accordance with same.

I make this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

YOUNG SUN LEE, M.D.  
RESPONDENT

Subscribed before me this  
29<sup>th</sup> day of September, 1997.  
Raymond J. deSilva Jr.  
NOTARY PUBLIC

AGREED TO:

DATE: 9/29, 1997

Raymond J. deSilva Jr.  
RAYMOND DESILVA, JR., ESQ.  
Attorney For Respondent

DATE: October 3, 1997

Bradley Mohr  
BRADLEY MOHR, ESQ.  
ASSISTANT COUNSEL  
Bureau of Professional  
Medical Conduct

DATE: October 8, 1997

Anne F. Saile  
ANNE F. SAILE  
DIRECTOR  
Office of Professional  
Medical Conduct

ORDER

Upon the proposed agreement of YOUNG SUN LEE, M.D.  
(Respondent) for Consent Order, which proposed agreement is made  
a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions  
thereof are hereby adopted; and it is further

ORDERED, that this order shall take effect as of the date of  
the personal service of this order upon Respondent, upon receipt  
by Respondent of this order via certified mail, or seven days  
after mailing of this order by certified mail, whichever is  
earliest.

DATED: 10/9/97

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.  
Chair  
State Board for Professional  
Medical Conduct

EXHIBIT "E"

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 (NYSDOH), addressed to the Director, Office of Professional Medical Conduct (OPMC), New York State Department of Health, Hedley Park Place, 4th Floor, 433 River Street, Troy, New York 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. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. 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].
5. 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.
6. Respondent's professional performance may be reviewed by and at the discretion of 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:

- a. Respondent shall submit to OPMC a copy of his patient appointment calendar each month, or as otherwise directed by OPMC.
- b. Respondent shall maintain a separate list of all hospital admissions, to include patient identifier, hospital, date of admission and admitting diagnosis.
- c. Respondent shall maintain a separate list of all controlled substances prescribed, to include patient identifier, substance and dosage prescribed, and diagnosis.
- d. Respondent shall also maintain a separate list of all new patients, to include date of first visit and initial diagnosis and/or purpose of visit.

These documents will periodically be requested by OPMC, from which records will be selected and requested for a professional performance review.

7. 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.
8. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he/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.

EXHIBIT A

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

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

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YOUNG SUN LEE, M.D., the Respondent, was authorized to practice medicine in New York State on November 16, 1977, by the issuance of license number 133103 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 January 1, 1995, through December 31, 1996, with a registration address of 1666 James Street, Syracuse, New York 13203-2816.

FACTUAL ALLEGATIONS

A. Respondent provided medical care to Patient A (all patients are identified in the attached Appendix) during the period beginning on or about April 9, 1990 and continuing through approximately November 28, 1990, at Respondent's offices located at 1666 James Street, Syracuse, New York and/or 110 Bridge Street, Phoenix, New York (hereinafter "Respondent's offices"). Respondent's care of Patient A did not meet acceptable standards of care in the following respects:

1. Respondent diagnosed and/or treated Patient A without performing and/or recording an adequate history, physical examination, and or evaluation of Patient A.

Y. Lee



2. Respondent prescribed nitroglycerine for Patient A without an adequate assessment.
3. Respondent failed to appropriately evaluate, treat, and/or follow-up Patient A following complaints of chest pressure and his prescribing nitroglycerin for the patient.

B. Respondent provided medical care to Patient B at Respondent's office during a period beginning approximately October 15, 1983 and continuing through approximately January 23, 1987. Respondent's care of Patient B was deficient in the following respects:

1. Respondent failed to perform and/or record an adequate initial history and physical examination of Patient B.
2. Respondent failed to appropriately evaluate, treat, and/or follow-up Patient A for complaint's of chest tightness on May 30, 1986, and/or history of smoking and diabetes.
3. Respondent prescribed nitroglycerin, Tagament, Doxidan, Librium, Ampicillin, Hycodan, Xanax, Disophrol, Seldane, and/or Dicloxicillin for Patient B without an adequate assessment.
4. Respondent failed to perform and/or record an adequate, history, physical examination, and/or evaluation of Patient B.

C. Respondent, during a period beginning approximately October 21, 1987, and continuing through approximately June 15, 1993 Respondent provided medical care to Patient C at Respondent's offices. Respondent's care of Patient C was deficient in the following respects:

1. Respondent inappropriately prescribed lithium for Patient C an adequate assessment and/or obtaining psychiatric consultation.
2. Respondent failed to perform and/or record an

adequate history, examination, and/or treatment of Patient C's symptoms of maxillary pain.

3. Respondent prescribed Seldane, lithium and Amoxicillin without having and/or recording adequate medical indication.

D. Respondent provided medical care to Patient D during a period beginning on approximately March 4, 1982 and continuing through approximately July 1, 1992 at Respondent's medical offices. Respondent's care of Patient D was deficient in the following respects:

1. Respondent failed to perform and/or record an adequate history and physical examination and /or treatment of Patient D.
2. Respondent failed to adequately record his evaluation and/or treatment of Patient D.
3. Respondent, prescribed Amoxicillin on March 4, 1991 without an adequate medical indication.

#### SPECIFICATIONS

##### FIRST THROUGH FOURTH SPECIFICATIONS

##### PRACTICING WITH NEGLIGENCE UNDER MORE THAN ONE OCCASION

Respondent is charged with having committed professional misconduct under N.Y. Educ. Law §6530(3) by reason of his having practiced the profession with negligence on more than one occasion, in that Petitioner charges:

1. The facts in paragraphs A and A.1, A and A.2, and/or A and A.3.

2. The facts in paragraphs B and B.1, B and B.2, and B and B.3, and/or B and B.4.
3. The facts in paragraphs C and C.1, C and C.2, and/or C and C.3.
4. The facts in paragraphs D and D.1, D and D.2, and/or D and D.3.

FIFTH THROUGH EIGHTH SPECIFICATIONS  
PRACTICING THE PROFESSION WITH INCOMPETENCE  
ON MORE THAN ONE OCCASION

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

5. The facts in paragraphs A and A.1, A and A.2, and/or A and A.3.
6. The facts in paragraphs B and B.1, B and B.2, and B and B.3, and/or B and B.4.
7. The facts in paragraphs C and C.1, C and C.2, and/or C and C.3.

- 8. The facts in paragraphs D and D.1, D and D.2, and/or D and D.3.

NINTH THROUGH TWELETH SPECIFICATIONS

FAILING TO MAINTAIN MEDICAL RECORDS

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

- 9. The facts in paragraphs A and A.1.
- 10. The facts in paragraphs B and B.1, B and B.2, B and B AND B.3, and/or B and B.4.
- 11. The facts in paragraphs C and C.2 and/or C and C.3.
- 12. The facts in paragraphs D and D.1, D. and D.2 and/or D and D.3.

DATED: \_\_\_\_\_, 1997

Albany, New York

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

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