



New York State Board for Professional Medical Conduct

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

Dennis P. Whalen
Executive Deputy Commissioner

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

November 4, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Kyo Duck Lee, M.D.
1630 Geary Boulevard
San Francisco, California 94115-3713

RE: License No. 142211

Dear Dr. Lee:

Enclosed please find Order #BPMC 98-256 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **November 4, 1998.**

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: Kalimah J. Jenkins, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
KYO DUCK LEE, M.D. : BPMC # 98-256

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KYO DUCK LEE, M.D., says:

On or about May 23, 1980, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 142211 by the New York State Education Department.

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

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.


I do not contest the one specification set forth in the Statement of Charges.

I understand that, in the event that this proposed agreement

is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.


I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree 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 Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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



KYO DUCK LEE, M.D.
Respondent

AGREED TO:

Date: 10/21, 1998


KALIMAH J. JENKINS
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: October 25, 1998


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

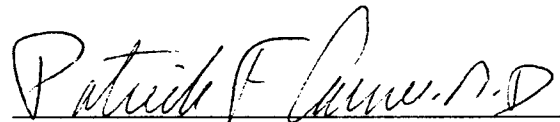
Upon the proposed agreement of KYO DUCK LEE, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 10/28/98



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

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

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

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KYO DUCK LEE, M.D., the Respondent, was authorized to practice medicine in New York State on May 23, 1980 by the issuance of license number 142211 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. Respondent's current address is 1630 Geary Blvd., San Francisco, CA 94115-3713.

FACTUAL ALLEGATIONS

1. Respondent's license to practice medicine in the State of California became the subject of a disciplinary action relating to events occurring from approximately January 1987 through approximately November 1989.

2. Pursuant to a Stipulation in Settlement and Final Decision entered into with the Medical Board of California, Division of Medical Quality, Respondent's license to practice medicine in the State of California was revoked, effective November 25, 1997, with the revocation stayed. He was also placed on probation for a period of five years, the first ninety (90) days of which suspended Respondent's license to practice medicine.

3. The sanctions imposed upon Respondent's license in the State of California resulted from Respondent's failure to maintain complete and accurate records of controlled substances received, sold, delivered, or otherwise disposed of by him. The sanctions also involved Respondent's excessive prescribing of medications.

4. The conduct resulting in the disciplinary action involving Respondent's license would constitute professional misconduct if committed in New York State under Education Law §§ 6530(2) -- Practicing the profession with negligence on more than one occasion, (5)-- Practicing the profession with incompetence on more than one occasion, and (16) -- A willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine.

FIRST SPECIFICATION

Respondent is charged with professional misconduct under New York Education Law § 6530(9)(b) in that he has been found guilty of professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in the Petitioner charges:

1. The facts in paragraphs 1 through 4 above.

DATED: *October 21*, 1998
Albany, New York

Peter D. Van Buren

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