

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

PUBLIC

-----X
IN THE MATTER

OF
WON Y. LEE, M.D.

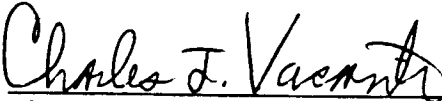
: ORDER
: BPMC # 92-107
:

-----X
Upon the application of Won Lee, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, 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.

SO ORDERED,

DATED: 27 November 1992



Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

I admit guilt to each of the Eight Specifications in full satisfaction of the charges against me.

I hereby agree to the penalty:

- (a) that my license to practice medicine be suspended for a period of five (5) years;
- (b) that the suspension be stayed;
- (c) that, during the five (5) years my medical license is suspended, I will adhere to the Terms of Probation, attached hereto, made a part hereof, and marked as Exhibit "B";
- (d) that during the five (5) years my medical license is suspended, my practice of medicine will be monitored in accordance with the terms set out in the Terms of Probation (Monitoring Provisions), attached hereto, made a part hereof, and marked as Exhibit "B"; and
- (e) that I enroll in and satisfactorily complete a course of retraining in surgical medical practice, subject to the approval of the Director of the Office of Professional Medical Conduct, as more fully described in the Terms of Probation (Retraining Provisions) attached hereto, made a part hereof, and marked as Exhibit "B".

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

Wonyabhee
WON Y. LEE, M.D.
RESPONDENT

Sworn to before me this
30th day of Oct^r, 1992.

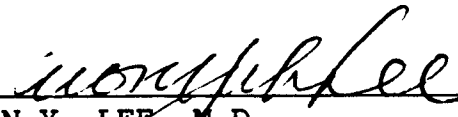
[Signature]
NOTARY PUBLIC


ROY L. WIXSON
Notary Public, State of New York
Qualified in Erie County
My Commission Expires August 31, 1994


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

-----X
: APPLICATION
IN THE MATTER :
OF : FOR
WON Y. LEE, M.D. : CONSENT
: ORDER
-----X

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

Date: 10/30/92 
WON Y. LEE, M.D.
RESPONDENT

Date: 10/30/92 
ROY L. WIXSON, ESQ.
ATTORNEY FOR RESPONDENT

Date: Nov. 20, 1992 
MICHAEL A. HISER
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: Dec. 4, 1992

Kathleen Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 27 November 1992

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
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
WON Y. LEE, M.D. : CHARGES

-----X

WON Y. 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. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1991 through December 31, 1992 from 150 Parkway Drive, Salamanca, New York 14779.

FACTUAL ALLEGATIONS

A. Respondent provided medical care to Patient A (all patients are identified in Appendix A) a 67 year old female, from on or about December 17, 1987 through December 22, 1987 at Salamanca District Hospital (hereinafter, "Salamanca Hospital"). Patient A was admitted to Salamanca Hospital for an elective biopsy of the left breast.

1. Respondent, on December 18, 1987, performed a left modified radical mastectomy on Patient A,

EXHIBIT "A"

despite an inconclusive frozen section pathology report.

2. Respondent, on December 18, 1987, performed a left modified radical mastectomy on Patient A, which procedure was not indicated.

B. Respondent provided medical care to Patient B, a 63 year old female, from on or about July 8, 1988 through July 10, 1988 at the Salamanca Hospital. Patient B was admitted to the Salamanca Hospital on July 8, 1988 with a diagnosis of acute abdomen, and was transferred to St. Francis Hospital in Olean, New York on July 10, 1988. Patient B died from complications relating to a perforated ulcer on July 10, 1988.

1. Respondent failed to obtain adequate diagnostic tests on Patient B, including repeat abdominal and/or chest x-rays.
2. Respondent failed to treat Patient B's dehydration with an adequate amount of intravenous fluid.
3. Respondent failed to treat Patient B with antibiotics despite numerous indications of sepsis.
4. Respondent failed to operate on Patient B's acute abdomen despite indications for surgery.

C. Respondent provided medical care to Patient C, a 46 year old female, at various times from March 3, 1985 through July 19, 1985 at the Salamanca Hospital. Patient C was admitted to Salamanca Hospital on June 5, 1985 for abdominal pain in the right upper quadrant.

1. Respondent failed to obtain adequate diagnostic tests to determine the cause of Patient C's deteriorating condition from June 5, 1985 onward.
2. Respondent failed to perform a surgical exploration of Patient C's sigmoid colon and/or cecum despite numerous indications of fecal drainage from Patient C's abdominal fistula.
3. Respondent failed to order a fistulagram until July 8, 1985 despite being informed from June 26, 1985 onward of the fecal drainage from Patient C's abdomen.

SPECIFICATION OF CHARGES

FIRST THROUGH THIRD SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with practicing the profession of medicine with gross negligence on a particular occasion under New York Education Law sec. 6530(4) (McKinney Supp. 1992) in that Petitioner charges:

1. The facts in Paragraph A and A.1 and/or A and A.2.
2. The facts in Paragraphs B and B.1, B and B.2, 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.

FOURTH THROUGH SIXTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with practicing the profession of medicine with gross incompetence under New York Education Law sec. 6530(6) (McKinney Supp. 1992) in that Petitioner charges:

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

SEVENTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession of medicine with negligence on more than one occasion under New York Education Law sec. 6530(3) (McKinney Supp. 1992) in that Petitioner charges that Respondent committed two or more of the following:

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


EIGHTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession of medicine with incompetence on more than one occasion under New York Education Law sec. 6530(5) (McKinney Supp. 1992) in that Petitioner charges that Respondent committed two or more of the following:

8. The facts in Paragraphs A and A.1, A and A.2, B and B.1, B and B.2, B and B.3, B and B.4, C and C.1, C and C.2, and/or C and C.3.

DATED: Albany, New York
August 19, 1993



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

EXHIBIT "B"

TERMS OF PROBATION

1. WON Y. LEE, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237, of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;

Monitoring Provisions

6. Pursuant to the submission of my Application for Consent Order to the State Board for Professional Medical Conduct ("the Board"), to which this Monitoring Agreement is attached as Exhibit "C", I agree to have my practice of medicine monitored as provided in this Agreement and on the following terms:
 - a. I shall assure that my practice of medicine be monitored by a physician, licensed to practice medicine in New York State and currently engaged in the practice of medicine, who shall be a surgeon. I shall select such a physician no later than thirty days from the date this Agreement is signed by the Director of the Office of Professional Medical Conduct [hereafter "Director of OPMC"] and apprise the Director of OPMC of the physician selected. The physician shall not be a member of my family. I shall select a successor monitor(s) if that becomes necessary during the term of this Agreement.
 - b. The monitor shall be subject to the approval of the Director of OPMC, shall be aware of and have a copy of this Agreement, shall submit to the Director of OPMC a curriculum vitae of brief written description of his or her medical education, experience and current practice, and shall submit a written acknowledgement to the Director of OPMC that he or she will serve as a monitor of my practice of medicine according to the terms of this Agreement. The continuation of the appointment of the initial monitor, as well as the appointment of any successor monitor, shall be subject to the approval of the Director of OPMC.
 - c. At the present time, I hold privileges for the performance of surgery only at the Olean General Hospital in Olean, New York. If, during the five years this agreement is in effect, I am granted privileges to perform surgery at any other facility or hospital, I will inform the Director of OPMC within 48 hours thereafter so that a monitor of my practice may be identified and approved by the Director at the second facility or hospital, and so that monitoring may occur at that location, as set out in paragraph (d), below.
 - d. I shall cooperate with the monitoring of my practice of medicine at the Olean General Hospital in Olean, New York, by the monitor approved by the Director of OPMC. The monitoring shall include, at a minimum:
 - 1) Beginning with the date that the Director of OPMC approves the monitor, the next succeeding twenty-five (25) of my in-patient surgical procedures shall be concurrently monitored, with special emphasis on indications for surgery, timely handling of emergency

procedures, pre-operative diagnoses in light of procedures performed, actual observation of my surgical technique, post-operative diagnoses in light of pathology results, complications, returns to the operating room and deaths. The monitoring shall also include, with respect to the patient records reviewed, an assessment of the adequacy and/or appropriateness of my record keeping practices, prescribing practices, diagnoses, ordering of diagnostic tests, treatment rationales and plans, treatment provided, and referral of patients to other physicians or health care professionals. The monitoring shall include any other reasonable means of monitoring my practice of medicine, including without limitation, review of additional patient records concerning specific areas of my practice of medicine and discussions with me of my treatment of patients and practice of medicine.

- 2) Following the monitor's review of 25 in-patient surgical procedures, as outlined in subsection (d)(1), I shall cooperate with the monitoring of my practice of medicine by the monitor approved by the Director of OPMC for the balance of the five year term of suspension, which monitoring shall include, at a minimum, the review of at least 25% (though not less than 8) of the patient records of both my in-patient and outpatient surgical procedures every three months, which records shall be randomly selected by the monitor, and shall represent a cross-section of my practice of surgery. The monitoring shall include reviewing the indications for surgery, timely handling of emergency procedures, pre-operative diagnoses in light of procedures performed, post-operative diagnoses in light of pathology results, complications, returns to the operating room, and deaths. The monitoring shall also include, with respect to the patient records reviewed, an assessment of the adequacy and/or appropriateness of my record keeping practices, prescribing practices, diagnoses, ordering of diagnostic tests, treatment rationales and plans, treatment provided, and referral of patients to other physicians or health care professionals. The monitoring may include, at the discretion of the monitor, any other reasonable means of monitoring my practice of medicine, including without limitation, review of additional patient records concerning specific areas of my practice of medicine, actual observation of my treatment of patients, and discussions with me of my treatment of patients and practice of medicine.
- e. I shall cause the monitor to submit to the Director of OPMC written quarterly reports regarding the monitoring of my practice of medicine. The written reports shall

include a written assessment of the indications for surgery, timely handling of emergency procedures, pre-operative diagnoses in light of procedures performed, post-operative diagnoses in light of pathology results, complications, returns to the operating room, deaths, adequacy and/or appropriateness of my record keeping practices, prescribing practices, diagnoses, ordering of diagnostic tests, treatment rationales and plans, treatment provided, and referral of patients, with regard to the patient records reviewed, a description of any other means undertaken by the monitor to monitor my practice, the monitor's conclusion that I am practicing medicine with reasonable skill and safety to my patients, and the basis for such conclusion.

- f. In the event the monitor concludes or has reason to believe that I am not practicing medicine with reasonable skill and safety to my patients, the monitor shall immediately notify the Director of OPMC and shall include in the report submitted to the Director of OPMC, identification of the problems or causes for concern in my practice of medicine, identification of any patient cases involved, copies of the records of such patients, and my explanation, if any, of the problems or concerns.
 - g. I shall cooperate with any designated Medical Coordinator of the Department of Health's Office of Professional Medical Conduct, who may two times during the term of this Agreement, review my practice of medicine. Such reviews may include, without limitation and at the discretion of the Medical Coordinator, interviews with me, random review of my patient records, observation of my treatment of patients or any other reasonable means of reviewing my practice of medicine.
7. I understand that payment for the services of persons or other matters referenced in this Agreement is my responsibility.
 8. These Monitoring Provisions shall be effective on the date the Director of OPMC approves the physician who shall monitor my practice of medicine and shall continue for five years thereafter.
 9. All written notifications or submissions required by these Monitoring Provisions shall be submitted and addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237.

Re-training Provisions

10. Pursuant to my Application for Consent Order, I agree that I will enroll in and satisfactorily complete a course of re-training in surgical medical practice within (4) months of the date that the Chairman of the State Board for Professional Medical Conduct issues a Consent Order accepting this Application.
11. I will enroll in a course of re-training in the Tufts University Visiting Clinician Program in Boston, Massachusetts, or similar program, subject to the approval of the Director of the Office of Professional Medical Conduct. The re-training shall consist of a minimum of twenty-five (25) days of on-site training, directed to updating my clinical skills; learning new treatment approaches; attending teaching conferences, research conferences, ward rounds and Grand Rounds; and addressing the deficiencies in clinical diagnosis or judgment represented in the cases set out in the Statement of Charges.
12. Evidence of my satisfactory completion of the course of re-training shall be provided by representatives of the Tufts University Visiting Clinician Program (or similar program) directly to the Director of the Office of Professional Medical Conduct.
13. My successful completion of the course of re-training outlined in this Agreement shall be a condition precedent to the continued stay of the suspension of my license. If I do not complete the course of re-training set forth herein within 4 months from the date of issuance of the Consent Order by the Chairman of the Board for Professional Medical Conduct, my license to practice medicine in New York shall be suspended until such time as the course of re-training is satisfactorily completed.
14. So long as there is full compliance with every term set forth in these Terms of Probation, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.