



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 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

February 3, 1999

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 97-248M of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **January 31, 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,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Raymond J. DeSilva, Jr., Esq.
DeSilva & Reinhart
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

IN THE MATTER	:	APPLICATION TO
OF	:	MODIFY ORDER
	:	and
YOUNG SUN LEE , M.D.	:	SURRENDER LICENSE
	:	BPMC # 97-248M

YOUNG SUN LEE, M.D., the Respondent, states that I was authorized to practice medicine in New York State on November 18, 1977, by the issuance of License No. 133103 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice in the State of New York. My address is 7272 Wakefield Drive, Fayetteville, N.Y. 133103.

I am the subject of Order No. BPMC 97-248, annexed hereto, made a part hereof, and marked as Exhibit 1. I am applying to the State Board for Professional Medical Conduct for an Order (henceforth "Modification/Surrender Order"), modifying the original order to limit my license and to subsequently surrender my license to practice medicine in the State of New York. This application to modify the prior order is based upon the fact that I do not intend to actively practice medicine in the State of New York, after January 31, 1999 and upon the understanding that this modification/surrender order will be a revision of the original order, with the surrender predicated upon the same matter as was the original order.

I agree that effective January 31, 1999 my license to practice medicine in the State of New York shall be 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 further agree that the Consent Order for which I hereby apply shall impose a condition that effective January 31, 1999, 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 further agree that the Modification / Surrender Order to be issued will not constitute a new disciplinary action against me, but will substitute this aforesaid limitation on my license effective January 31, 1999 and license surrender effective October 31, 1999 for the sanctions imposed by the original order.

I further agree to comply with the terms of practice limitation attached hereto as Exhibit B.

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

I understand that, in the event that the 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.

I make this application to the Board and request that it be granted by execution by the Chairperson of the Board of the attached modification/surrender order. I agree that, in the event the Board grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York ^{effective October 31, 1999,} without further notice to me.

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 Board's granting of this application modify my prior consent order, I fully, freely waive any right I may have to appeal or otherwise challenge the validity of the said modification/surrender order.

Date: January 6, 1999

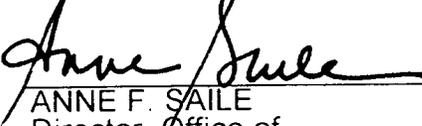

YOUNG SUN LEE, M.D.
Respondent

The undersigned agree to the attached application of the Respondent to modify the original order and to surrender his license to practice medicine in the State of New York.

Date: Jan 8, 1999


BRADLEY MOHR, ESQ.
Senior Attorney
Bureau of Professional
Medical Conduct

Date: Jan 13, 1999


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

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

IN THE MATTER : MODIFICATION/
OF : SURRENDER ORDER
YOUNG SUN LEE, M.D. : BPMC #

Upon the application of YOUNG SUN LEE, M.D., (Respondent) to modify a prior order and to surrender his license as a physician in the State of New York, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are adopted; it is further

ORDERED, that Order BPMC 97-248 is modified to replace the sanction imposed with limitation on Respondent's license to practice effective January 31, 1999 and surrender of Respondent's license to practice medicine in the State of New York effective October 31, 1999; it is further

ORDERED, that Respondent's name shall be stricken from the roll of physicians in the State of New York; 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 via certified mail, whichever is earliest.

SO ORDERED

Dated: 1/13, 1999

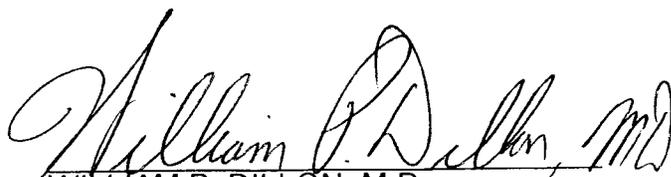

WILLIAM P. DILLON, M.D.
Chairperson
State Board for Professional Medical Conduct

EXHIBIT 1

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

-----X

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

-----X

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.

Yung Sun Lee
YOUNG SUN LEE, M.D.
RESPONDENT

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

AGREED TO:

DATE: 9/29th, 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 S. Sale
ANNE S. SALE
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 "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 (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

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

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.

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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 complaints of chest tightness on May 30, 1986, and/or history of smoking and diabetes.
3. Respondent prescribed nitroglycerin, Tagament, Doxidan, Librium, Ampicillin, Hycodan, Xanax, Disphrol, Seldane, and/or Dicloxacillin 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.

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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 TWELFTH 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

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

EXHIBIT B

TERMS OF MEDICAL PRACTICE CESSATION

1. Respondent shall, effective January 31, 1999 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 ten (10) 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.