

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL)	
REGULATION of the State of Illinois,)	
DIVISION OF PROFESSIONAL REGULATION,)	
)	Complainant,
v.)	No. 2017-12321
VICTORIA NEE, M.D.,)	
License No. 036.086662,)	
License No. 336.048670,)	Respondent.

CONSENT ORDER

The Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation (Department), by and through Daniel Valentin, Staff Attorney, and Victoria Nee, M.D. (Respondent), by and through her attorney, Amanda Gray, hereby agree to the following:

STIPULATIONS

Respondent holds a Certificate of Registration as a Licensed Physician and Surgeon in the State of Illinois, License No. 036.086662. Respondent's license is currently in ACTIVE status. At all times material to the matter set forth in this Consent Order, the Department had jurisdiction over the subject matter and parties herein.

On December 22, 2017, the Department received information regarding Respondent's treatment of Patient C.C. A complaint was subsequently filed on April 28, 2022. Per the complaint, Respondent provided Patient C.C. with psychiatric care from 2008 to 2019 that consisted mostly of treatment for attention-deficit hyperactivity disorder (ADHD) with controlled substances such as amphetamine salts (brand name: Adderall), a Schedule II controlled substance. In December 2016, Patient C.C. informed Respondent she was temporarily moving to Texas to help her mother, and Respondent issued Adderall prescriptions to the patient through the patient's friends or family and

without referring the patient to a psychiatrist licensed to practice in Texas. Respondent was under the impression she would return from Texas. The Department alleges *inter alia* the following medical practice deviations: (1) Adderall treatment did not adhere to a discernible treatment plan; (2) poor medical record-keeping that lacked primary care information and proper clinical encounters notes; (3) controlled substances were prescribed without a treatment agreement, prescription monitoring, drug screens, or monitoring for aberrant behaviors; (4) failure to recognize and address multiple instances of aberrant behaviors. Respondent respectfully contests and denies these allegations.

The Department then reviewed Respondent's controlled substance prescriptions dispensed in Illinois from 2017 thru 2019. Medical records for seven (7) additional patients were requested and examined for Patient Z.A., Patient P.B., Patient W.B, Patient A.B., Patient J.D., Patient G.H., and Patient G.B. Upon review, the Department generally found that the care provided to these patients contained the same deficiencies noted above for Patient C.C. For Patient Z.A., unusual doses of alprazolam combined with amphetamines in a young patient were noted. For Patients P.B., W.B., and A.B., lack of specific behavior and prescription monitoring between family members was noted. For Patient J.D., treatment with benzodiazepines and suboxone was also noted. On June 22, 2022, Respondent submitted written statements in support of the care provided to each of these patients. Respondent respectfully denies medical practice deviations in these patients as well.

An informal conference was held on July 6, 2022. Peter Hofmann, M.D., was present on behalf of the Illinois State Medical Board (Board). Daniel Valentin, Staff Attorney, and Brandon Thom, Chief of Medical Prosecutions, were present on behalf of the Department. Shami Goyal, M.D., Chief Medical Coordinator, was also present at the conference. Respondent appeared with her attorneys Amanda Gray and Joseph Bogdan. Respondent mostly discussed the care provided to Patient C.C. and Patient G.B. Respondent also discussed her qualifications, medical training,

functional medicine approach, documentation practices, controlled substance prescriptions, and other relevant aspects of her medical practice in the field of psychiatry.

The allegations as set forth herein, if proven to be true, would constitute grounds for the Department to revoke, suspend, or otherwise discipline Respondent's license as a Physician and Surgeon on the authority of 225 ILCS 60/22(A); subsections (4), (5), (17), (26), (33) and (41); 68 Ill. Admin. Code 1285.240; and 20 ILCS 2105/2105-130.

Pursuant to 20 ILCS 2105/2105-130, the following factors were considered in mitigation: (1) Respondent clinical faculty experience and fellowship in addiction psychiatry; (2) Respondent fully cooperated with the Department in this matter; and (3) Respondent is receptive and intends to improve her medical documentation and prescription practices.

Respondent has been advised of the right to accept or reject this Consent Order. Respondent has been advised of the right to a hearing to contest any charges brought and the right to administrative review of any order resulting from said hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order. Such waiver shall cease if this Consent Order is not acceptable to the Board or the Director of the Division of Professional Regulation of the Department (Director).

Respondent has knowingly and voluntarily entered into this Consent Order without any threat or coercion by any person. Respondent has not relied on any statements or promises made by or on behalf of the Department other than those specifically set forth in writing herein. Respondent and the Department have agreed, in order to resolve this matter, that Respondent be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are

fair and equitable under the circumstances and which are consistent with the best interests of the People of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, by and through Daniel Valentín, Staff Attorney, and Daniel Valentín, Staff Attorney, and Victoria Nee, M.D. (Respondent), by and through her attorney, Amanda Gray, hereby agree to the following:

- A. Within six (6) months of the effective date of this Consent Order, Respondent shall adopt and maintain in her medical practice an electronic health records system that is HIPAA and HITECH compliant. Evidence of implementation and training should be provided to the Department's Probation Compliance Unit within that time.

- B. Respondent's Illinois Physician and Surgeon License which shall be placed on INDEFINITE PROBATION status for a minimum of one (1) year subject to the following conditions:
 1. Respondent shall take and pass all five (5) parts of the Ethics and Boundaries Assessment Services, LLC's ("EBAS") Ethics and Boundaries Examination within twelve (12) months of the effective date of this Consent Order and submit proof of successful completion to the Department's Probation Compliance Unit.
 2. Respondent shall complete fifteen (15) hours of category I Continuing Medical Education (CME) before the Probation period starts as it follows:
 - i. Five (5) hours in the topic of recordkeeping.
 - ii. Ten (10) hours in the topic of controlled substances.
 - iii. The CME hours Respondent intends to complete must be pre-approved by the Department's Chief Medical Coordinator and cannot be used to fulfill the CME requirements of the State of Illinois.

- iv. If Respondent is unable to meet the CME requirements on any of the topics indicated herein, Respondent shall promptly inform this to the Department's Chief Medical Coordinator to establish an alternate way to meet this requirement.
3. Respondent shall submit quarterly reports to the Department's Probation Compliance Unit that include the following:
 - i. current residential address and contact information;
 - ii. current practice location and contact information of an immediate supervisor and/or department chairperson;
 - iii. scope and description of current clinical duties, attendance record, and any and all issues arising out of the practice of medicine;
 - iv. information regarding arrests and criminal or civil actions filed against Respondent;
 - v. information regarding any adverse action taken against Respondent related to the practice of medicine by another entity, including but not limited to licensing authorities, insurance companies, and state or federal agencies;
 - vi. any other information requested by the Department.
4. Respondent shall notify the Department's Probation Compliance Unit in writing of any change in employment and/or home address and/or telephone number within ten (10) days.
5. Respondent shall retain a practice monitor who is a board-certified psychiatrist with controlled substance compliance training that specializes in any of the areas in which the Respondent is currently practicing. The practice monitor shall have an unrestricted Illinois Physician and Surgeon license that has not been disciplined by any state or federal agency. The practice monitor may not be affiliated with Respondent's practice, nor have a previous financial, personal, or professional relationship with Respondent. The practice monitor shall be hired at Respondent's expense and be pre-approved by the Department's Chief Medical Coordinator.
6. The practice monitor shall conduct monthly on-site meetings and reviews to evaluate whether Respondent's practice adheres to acceptable standards of medical care and

professional behavior. In these monthly meetings, the practice monitor will provide oversight and review cases, patient encounters, and/or procedures.

7. Respondent shall meet with the practice monitor on a quarterly basis, at which time Respondent shall supply a list of all patients on whom Respondent has treated during the quarter. The monitor shall randomly select and review fifteen (15) charts of patients seen by Respondent during the quarter. The monitor shall review and submit independent quarterly reports to the Department evaluating the scope, appropriateness, and quality of care rendered by Respondent, as well as the sufficiency of documentation.
8. The practice monitor shall agree to inform the Department immediately if there is evidence of sub-standard care, inappropriate behavior, professional misconduct, a violation of the laws and rules governing the practice of medicine, or any other violation of Respondent's probation.
9. Respondent shall immediately notify the Department if the relationship with the practice monitor ceases and take action to select a new monitor and obtain the approval of the Department's Chief Medical Coordinator.
10. Respondent shall notify the Department's Probation Compliance Unit of variations in her medical practice or changes in medical specialties so additional educational and monitoring requirements can be established as needed.
11. If Respondent is unable to meet any of the probation requirements, Respondent shall promptly inform this to the Department's Probation Compliance Unit to establish an alternate way to meet this requirement. Respondent shall furnish evidence of clear, specific, and sufficient reasons to justify such request to the Department's satisfaction.

C. Respondent shall send, or cause to be sent, all reports and materials required to be sent to the Department's Chief Medical Coordinator at fpr.medicalcoordinator@illinois.gov.

D. Respondent shall send, or cause to be sent, all reports and materials required to be sent to the Department's Probation Compliance Unit to the following address:

**Probation Compliance Unit
Illinois Department of Financial and Professional Regulation
555 W Monroe St, 5th Floor
Chicago, IL 60661.**

E. All quarterly reports required to be submitted under the terms of this Probation shall be filed with the Department no later than January 10th, April 10th, July 10th, and October 10th of each year during the full term of the Probation.

F. Respondent agrees that a violation of the terms and conditions of this Consent Order or a violation of the terms of Probation is a violation of 225 ILCS 60/22(A)(15).

G. Respondent shall not violate the Illinois Medical Practice Act or any other state and/or federal laws relating to the practice of medicine.

H. If Respondent violates any terms or conditions of this Order, the Director may issue an order forthwith mandating the automatic, immediate, and indefinite suspension of Respondent's Physician and Surgeon License for a minimum of twelve (12) months. This indefinite suspension shall not preclude the Department from taking any other disciplinary or other action it deems appropriate. In the event that Respondent contests the factual basis underlying said indefinite suspension in a written Petition that complies with the Department's Rules of Practice in Administrative Hearings, which is filed with the Department within fifteen (15) days of the effective date of the indefinite suspension, then Respondent shall be afforded a hearing on the merits within thirty (30) days from the filing of said Petition.

I. Nothing in this Consent Order shall relieve Respondent of any additional requirements for restoration set forth in the Illinois Medical Practice Act or any related statutes or rules.

- J. This disposition is considered public discipline for reporting purposes to entities such as the National Practitioner Data Bank.
- K. This Consent Order shall become effective upon signing and approval by the Director.
- L. This Order is a final administrative order. The effective date of this Order is the date when it is signed unless otherwise stated.

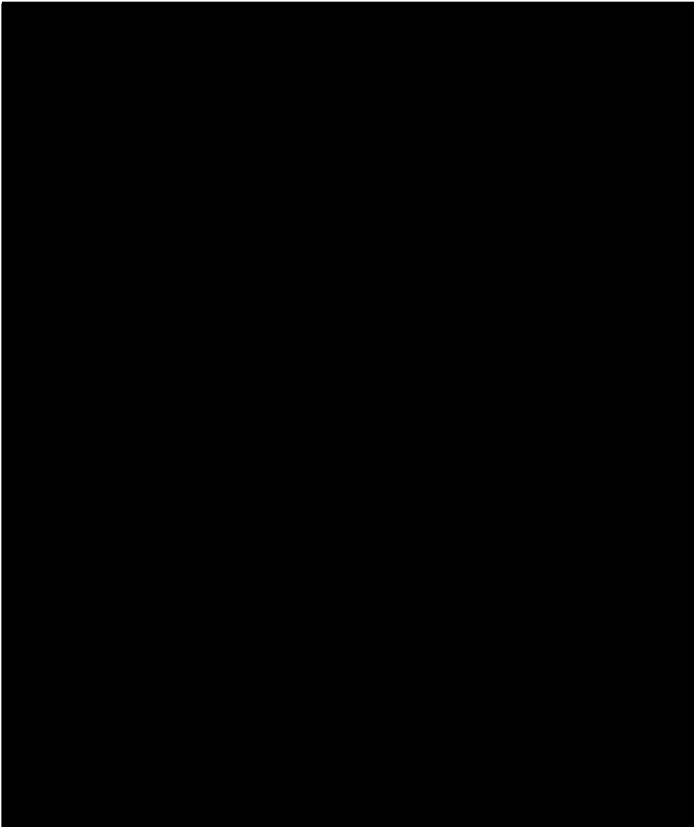
Signatures on following page

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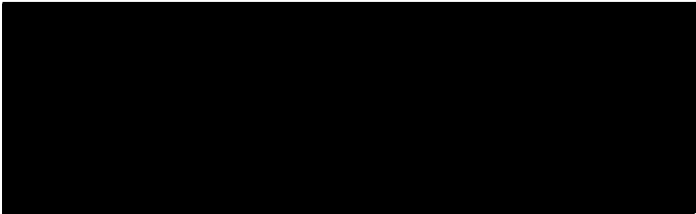
11/16/22
DATE



The foregoing Consent Order is approved in full.

Dated this 30th day of December, 2022.

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SECRETARY MARJO TRETO, JR.



REF: Case No. 2017-12321
Lic. No. 036.086662