

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

**IN RE: JOHN JOSEPH LEE, M.D.
 License No.: 0101-022064**

ORDER

In accordance with Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with John Joseph Lee, M.D., on September 11, 2013, in Henrico, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were: Robert Hickman, M.D., Chair; Barbara Allison-Bryan, M.D.; and J. Randolph Clements, D.P.M. Dr. Lee appeared personally and was represented by John Franklin, Esquire. Julia Bennett, Adjudication Specialist, was present as a representative for the Administrative Proceedings Division of the Department of Health Professions.

The purpose of the informal conference was to inquire into allegations that Dr. Lee may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated August 2, 2013.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact and Conclusions of Law:

1. John Joseph Lee, M.D., was issued license number 0101-022064 by the Board to practice medicine and surgery in the Commonwealth of Virginia on June 11, 1972. Said license is currently active and will expire on August 31, 2014, unless renewed or restricted.

2. Dr. Lee violated Section 54.1-2915.A(3) of the Code in his care and treatment of Patient A, a minor, from January 10, 2008 to June 28, 2010. Specifically:
 - a. Dr. Lee failed to inform or discuss with either of minor Patient A's parents (or to document such a discussion with either of them) concerning his prescription of Ambien (zolpidem, Schedule IV), including the benefits and side effects thereof, at or prior to prescribing that medication to Patient A on or about May 12, 2009 (at which time Patient A was 15 years old) or at any time thereafter.
 - b. At Dr. Lee's last visit with Patient A on or about June 28, 2010, at which time the patient was 16 years old, he provided her with an excessive and/or unwarranted six-month supply of Ambien (including five refills Dr. Lee provided on the prescription written that date).
3. Dr. Lee explained that he saw Patient A for an entire year during 2008 with her mother present during those visits. At later visits in 2009, Dr. Lee reported that Patient A's mother did not accompany her. Dr. Lee acknowledged that Patient A's mother was not present when he initiated the prescription of Ambien to Patient A on May 12, 2009 (when the patient was 15 years old). He stated that he discussed the medication risks with Patient A, including drowsiness and/or black-outs, but acknowledged he did not discuss any risks with Patient A's parents because the patient did not want her parents included. Dr. Lee assumed that, since Patient A's parents took her to pick up her medicine and paid for it, that they would know Patient A was taking Ambien.
4. Dr. Lee stated to the Committee that he gave Patient A multiple refills on her prescribed medications at her June 28, 2010 visit since he was leaving the country soon for

approximately a year, and he wanted her to have an adequate amount of medications. Dr. Lee stated he advised Patient A of his travel plans, but not her parents.

5. The Board's expert, David Jeffrey Markowitz, M.D., opined that, because Patient A was "erratic" in coming in for appointments and in taking her medications, he would have been especially careful to implement structure and have taken steps to ensure follow-up for this patient.

6. Dr. Lee expressed sympathy for the family and his own personal sadness at the outcome in this case.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law, it is hereby ORDERED that Dr. Lee is issued a REPRIMAND.

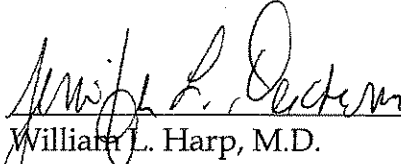
Dr. Lee shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Dr. Lee may, not later than 5:00 p.m., on October 16, 2013, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Therefore, this Order shall become final on October 16, 2013, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD

for 

William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: 9/12/2013