



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

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Lesley H. Lee, M.D.
4209 Evergreen Lane
Annandale, Virginia 22003

CERTIFIED MAIL
7160 3901 9845 3426 6525

and

7202 Poplar Street
Annandale, Virginia 22003

CERTIFIED MAIL
7160 3901 9845 3426 6532

RE: License No.: 0101-055993

Dear Dr. Lee:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Thursday, July 23, 2009, at 2:00 p.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Henrico, Virginia.** The conference will be conducted pursuant to Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code").

A Special Conference Committee ("Committee") will inquire into allegations that you may have violated certain laws and regulations governing the practice of medicine and surgery in Virginia. Specifically:

1. You may have violated Sections 54.1-2915.A(3), (11), (12), (13), (16), and (18) of the Code, and 18 VAC 85-20-29.A(1) of the Board of Medicine General Regulations, in that, during 2008, you aided and abetted the unlicensed practice of medicine when you authorized or allowed Individuals A and B, persons unlicensed by any regulatory board of the Virginia Department of Health Professions, to administer laser treatments to patients for the purpose of treating various skin conditions, to include sun spots, acne, wrinkles, age spots, and melasma.

2. You may have violated Sections 54.1-2915.A(3), (13), and (16) of the Code, in that, during an unannounced inspection of your office located at 4108 Woodland Road, Annandale, Virginia on or about May 2, 2008, a Department of Health Professions' inspector noted the following deficiencies:

- a. Surgical instruments were not maintained in a sterile fashion.
- b. A biohazard liner was not used in the medical waste container.
- c. Ketamine (Schedule III) and diazepam (Schedule IV) were maintained in unsecured cabinets.
- d. 0.9% sodium chloride was kept in the refrigerator without having a thermometer for temperature monitoring.
- e. Approximately 5 cc's of Ketamine were missing and unaccounted for from a 10 cc vial maintained in your office.
- f. Expired diazepam was maintained within working stocks, as well as various expired Schedule VI medications, to include Lidocaine, Flumazenil, Naloxene HCL, and atropine sulfate.

3. You may have violated Sections 54.1-2915.A(3), (13), (16), and (17) and 54.1-3462 of the Code in that the aforesaid inspection revealed an improperly labeled container in your office, which was identified only as C-IV and contained three (3) unidentified tablets/capsules.

4. You may have violated Sections 54.1-2915.A(13), (16), and (17) and 54.1-3404 of the Code in that no biennial inventory of Schedule II through V controlled substances was maintained in your office and no records were kept regarding the receipt, sale, administration, dispensation, distribution, or other disposition of such controlled substances.

5. You may have violated Sections 54.1-2915.A(3), (12), (13), (16), and (18) of the Code, and 18 VAC 85-20-30.C of the Board of Medicine General Regulations, in that you failed to properly manage and maintain accurate, legible, and complete patient records. Specifically:

- a. All patient records were maintained in one folder, rather than separate files for each patient, thereby commingling all the patient records.

b. Numerous photographs of patients before and after liposuction and other procedures were found in a drawer, not attached to any patient record, in the kitchen that is used by staff.

c. As demonstrated by Patient Z's record, illegible information is included in patient records, in that significant portions of the record are documented in a foreign language.

Please see Attachment I for the name of the individuals and patient referenced above.

After consideration of all information, the Committee may:

1. Exonerate you;
2. Place you on probation with such terms it deems appropriate;
3. Reprimand you; and
4. Impose a monetary penalty pursuant to Section 54.1-2401 of the Code.

Further, the Committee may refer this matter for a formal administrative proceeding when it has failed to dispose of a case by consent pursuant to Section 2.2-4019 of the Code.

You have the right to information that will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the Committee for its consideration when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. Further, if you retain counsel, it is your responsibility to provide the enclosed materials to your attorney.

To facilitate this proceeding, you must submit eight (8) copies of any documents you wish for the Committee to consider to Reneé S. Dixon, Discipline Case Manager, Virginia Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, Virginia, 23233, by **July 8, 2009**. Your documents may not be submitted by facsimile or e-mail. Should you or Adjudication Specialist Julia K. Bennett wish to submit any documents for the Committee's consideration after **July 8, 2009**, such documents shall be considered only upon a ruling by the Chair of the Committee that good cause has been shown for late submission.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on July 23, 2009. A request to continue this proceeding must state **in detail** the reason for the request and must establish

