



# 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

June 17, 2009

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, 2<sup>nd</sup> 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

Notice of Informal Conference -Lesley H. Lee, M.D.

June 17, 2009

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good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by **June 29, 2009**. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after **June 29, 2009**, will not be considered.

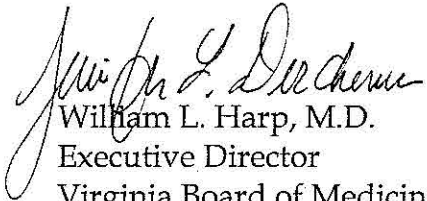
Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

In its deliberations, the Committee may utilize the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/medicine>. You may request a paper copy from the Board office by calling (804) 367-4513.

Please advise the Board, in writing, of your intention to be present. Should you fail to appear at the informal conference, the Board may proceed to a formal administrative hearing in order to impose sanctions.

If you have any questions regarding this notice, please contact Julia K. Bennett, Adjudication Specialist, at (804) 367-4427.

Sincerely,

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

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Enclosures:

Attachment I  
Informal Conference Package  
Map

cc: Stephen E. Heretick, J.D., President, Virginia Board of Medicine  
Sandra Whitley Ryals, Director, Department of Health Professions  
Reneé S. Dixon, Discipline Case Manager, Board of Medicine  
Julia K. Bennett, Adjudication Specialist, APD  
Lorraine McGehee, Deputy Director, APD  
Allan McDonald, Senior Investigator [119403]  
Marta Ishmael, Inspector [119403]

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: LESLEY H. LEE, M.D.  
License No.: 0101-055993

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 Lesley H. Lee, M.D., on July 23, 2009, in Richmond, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were: Jane E. Piness, M.D., Chair; Stuart Mackler, M.D.; and Juan Montero, M.D. Dr. Lee appeared personally and was represented by Richard During, Esquire. Julia K. 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 receive and act upon evidence that Dr. Lee may have violated certain laws and regulations governing the practice of medicine and surgery in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated June 17, 2009.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

1. Lesley H. Lee, M.D., was issued license number 0101-055993 by the Board to practice medicine and surgery in the Commonwealth of Virginia on July 1, 1997. Said license is currently active and will expire on July 31, 2010, unless renewed or otherwise acted upon.

2. Dr. Lee explained to the Committee that when conducting laser skin treatment, her staff collect the initial patient information. Dr. Lee then meets with the patient to conduct an assessment and determine the proper course of treatment. Further, Dr. Lee explains all treatment options and associated risks to the patient. Under Dr. Lee's direct supervision, staff may administer laser treatments. When this occurs, Dr. Lee is always present in the room and directing staff throughout the course of treatment.

3. Dr. Lee violated Section 54.1-2915.A(3) and (13) of the Code, in that, during an unannounced inspection of her 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 the 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.

4. Dr. Lee admits that she did not properly maintain surgical instruments in a sterile fashion, use a biohazard liner in the waste container, have a working thermometer in the office refrigerator in which drugs were stored, nor did she properly dispose of expired medications. Dr. Lee explained that many of these deficiencies were the result of her not having gotten her office in full order after a move in location three months earlier. Dr Lee stated she has since corrected all deficiencies noted by the investigator and submitted photos to the Committee confirming corrective actions were taken.

5. Dr. Lee violated Sections 54.1-2915.A(17) and 54.1-3404 of the Code, in that no biennial inventory of Schedule II through V controlled substances was maintained in her office and no records were kept regarding the receipt, sale, administration, distribution, or other disposition of such controlled substances.

6. Dr. Lee violated Sections 54.1-2915.A(13) and (18) of the Code, and 18 VAC 85-20-30.C of the Board of Medicine General Regulations, in that she 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.



7. Dr. Lee stated she has learned a lot from this process and that, regardless of the allegations, patient safety has always been her utmost concern.

8. On behalf of Dr. Lee, her counsel advised that they have addressed these issues from two perspectives: (i) educating Dr. Lee about the Board's laws and regulations governing her practice; and (ii) taking all steps to ensure compliance with the Board's laws and regulations.

### ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Lesley H. Lee, M.D., be, and hereby is, issued a REPRIMAND, and it is further ORDERED that her license be, and hereby is, subject to the following TERMS and CONDITIONS:

1. Within thirty (30) days from entry of this Order, Dr. Lee shall provide the Board with a written statement certifying that she has read, and will comply with: (i) the laws governing the practice of medicine (Title 54.1, Chapter 29 of the Code); (ii) the Regulations Governing the Practice of Medicine (18 VAC 85-20-10 *et. seq.*); and (iii) the Drug Control Act (Title 54.1, Chapter 34 of the Code).

2. Within six (6) months of entry of this Order, Dr. Lee shall complete and submit a certificate or other evidence satisfactory to the Board, verifying that she has completed twelve (12) hours of continuing medical education ("CME") in the subject of medical recordkeeping. Said CME shall be approved in advance of registration by the Executive Director of the Board, and shall be completed through face-to-face, interactive sessions (i.e., no home study, journal or Internet courses). Any CME hours obtained in compliance with



this term shall not be used towards compliance with the Board's continuing education requirements for license renewal.

3. Within six (6) months of completing Terms 1 and 2 above, Dr. Lee's practice shall be the subject of an unannounced inspection by an inspector/investigator of the Department of Health Professions to determine her compliance with the Board's laws and regulations. Said inspection shall be conducted during normal business hours, and Dr. Lee shall cooperate with the inspector/investigator in the inspection of her practice.

4. Within thirty (30) days of completion of the unannounced inspection, Dr. Lee shall submit an inspection fee to the Board in the amount of five hundred dollars (\$500).

5. Upon completion of Terms 1-3 above, the Committee authorizes the Executive Director of the Board to close this matter without further action or, in his discretion, to refer this matter to a special conference committee for its review and consideration.

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

Violation of this Order may constitute grounds for the suspension or revocation of Dr. Lee's license. In the event Dr. Lee violates any of the terms and conditions of this Order, an administrative proceeding may be convened to determine whether such action is warranted.

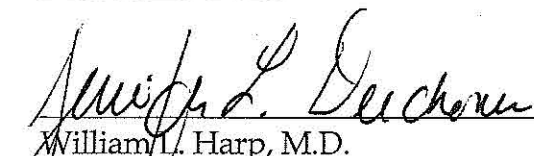
Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Sections 54.1-2400(10) of the Code, Dr. Lee may, not later than 5:00 p.m.,

on August 31, 2009, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing that she 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 August 31, 2009, 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: 7/27/2009



# COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals  
Director

## Department of Health Professions

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9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

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

February 17, 2010

Lesley H. Lee, M.D.  
4108 Woodland Road  
Annandale, Virginia 22003

RE: License No.: 0101-055993

Dear Dr. Lee:

The Virginia Board of Medicine ("Board") has received information regarding your compliance with terms of the Board's Order entered July 27, 2009, and results of the unannounced inspection conducted of your practice. A review of the information provided indicates that you have fully complied with all terms and no deficiencies were noted during the inspection.

Therefore, pursuant to the authority granted to me by Term #5, I have determined that the terms placed on your license should be TERMINATED effective this date. The record of the Board currently reflects that you have a full and unrestricted license in the Commonwealth of Virginia.

Pursuant to Va. Code §54.1-2400.2 (F), a signed copy of this letter 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.

The Board wishes you well in your future endeavors.

Sincerely,

A handwritten signature in black ink, appearing to read "William L. Harp".

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

cc: Renée S. Dixon, Compliance Manager [129584]  
Susan Brooks, Office Manager, APD

Jennie Wood, Case Manager