BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

EUN M. LEE, M.D.

Case No. MD-17-0720A

INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION

Holder of License No. 29485
For the Practice of Allopathic Medicine
In the State of Arizona.

INTERIM CONSENT AGREEMENT

Eun M. Lee, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

INTERIM FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 29485 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-17-0720A after receiving a complaint alleging that Respondent inappropriately touched a female patient during an examination.

4. Respondent presented for a licensed professional assessment from a Board-approved evaluator. The evaluator opined that Respondent is safe to practice medicine provided he have a female chaperone present for all encounters with female patients, complete a professional boundaries course and engage in individual counseling.

5. Respondent states that he currently employs a medical assistant, and is seeking to hire a female licensed professional to act as a chaperone.
6. The aforementioned information was presented to the investigative staff, the medical consultant and the lead Board member. All reviewed the information and concur that the interim consent agreement to restrict Respondent’s practice is appropriate.

7. The investigation into this matter is pending and will be forwarded to the Board promptly upon completion for review and action.

INTERIM CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to enter into a consent agreement when there is evidence of danger to the public health and safety.

3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an interim consent agreement when there is evidence that a restriction is needed to mitigate imminent danger to the public’s health and safety. Investigative staff, the Board’s medical consultant and the lead Board member have reviewed the case and concur that an interim consent agreement is appropriate.

INTERIM ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is prohibited from engaging in the practice of medicine in the State of Arizona as set forth in A.R.S. § 32-1401(22) except as stated herein. Respondent shall implement the recommendations of the evaluator, including without limitation:

   a. **Chaperone**

   Respondent shall have a female chaperone present while examining or treating all female patients in all settings, including but not limited to office, hospital, and clinic. For up to 14 days from the date of this Order, Respondent may utilize the services of the on-staff
medical assistant employed by his practice. Thereafter, the female chaperone must be an Arizona licensed healthcare provider (i.e. registered nurse, licensed practical nurse or physician assistant) employed by the Respondent, hospital or clinic and may not be a representative or relative who accompanied the patient. Respondent shall instruct the female chaperone to document her presence by signing, dating, and legibly printing her name on each patient's chart at the time of the examination, or the electronic equivalent thereof. Respondent shall instruct the female chaperone to immediately report any inappropriate behavior to Respondent and the Board. Respondent shall promptly provide Board staff with written verification that he has hired a chaperone that meets the requirements of this Order.

b. **Continuing Medical Education**

   Respondent shall within 6 months of the effective date of this Order obtain no less than 10 hours of Board staff pre-approved Category I Continuing Medical Education (“CME”) in an intensive, in-person course regarding professional boundaries. Respondent shall within **thirty days** of the effective date of this Order submit his request for CME to the Board for pre-approval. Upon completion of the CME, Respondent shall provide Board staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical licensure.

c. **Individual Therapy**

   Within 30 days of the effective date of this Order, Respondent shall enter treatment with a Board-approved therapist as recommended by his evaluator and shall comply with any and all treatment recommendations. Respondent shall provide the therapist with a copy of the evaluation report and instruct the treating therapist to submit quarterly written reports to Board staff regarding diagnosis, prognosis, current medications, recommendation for continuing care and treatment, and ability to safely practice medicine.
The reports shall be submitted quarterly to Board staff for the duration of treatment. Respondent shall pay the expenses of treatment and is responsible for paying for the preparation of the quarterly reports. Respondent shall authorize the therapist to communicate with Board staff regarding Respondent's compliance with treatment, and if at any time the therapist finds evidence that Respondent is a safety threat to patients.

2. Respondent may request, in writing, release and/or modification of this Interim Consent Agreement. Respondent's request must be accompanied by information demonstrating that Respondent is safe to practice medicine. The Executive Director, in consultation with and agreement of the lead Board member and the Chief Medical Consultant, has the discretion to determine whether it is appropriate to release Respondent from this Interim Consent Agreement.

3. The Board retains jurisdiction and may initiate new action based upon any violation of this Interim Consent Agreement, including, but not limited to, summarily suspending Respondent's license.

4. Because this is an Interim Consent Agreement and not a final decision by the Board regarding the pending investigation, it is subject to further consideration by the Board. Once the investigation is complete, it will be promptly provided to the Board for its review and appropriate action.

5. This Interim Consent Agreement shall be effective on the date signed by the Board's Executive Director.

DATED this 14th day of December, 2017.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Executive Director
REQUITALS

Respondent understands and agrees that:

1. The Board, through its Executive Director, may adopt this Interim Consent Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-504.

2. Respondent has read and understands this Interim Consent Agreement as set forth herein, and has had the opportunity to discuss this Interim Consent Agreement with an attorney or has waived the opportunity to discuss this Interim Consent Agreement with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so agrees to abide by all of its terms and conditions.

3. By entering into this Interim Consent Agreement, Respondent freely and voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters related to the Interim Consent Agreement.

4. Respondent understands that this Interim Consent Agreement does not constitute a dismissal or resolution of this matter or any matters that may be currently pending before the Board and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding this or any other pending or future investigations, actions, or proceedings. Respondent also understands that acceptance of this Interim Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting civil or criminal proceedings with respect to the conduct that is the subject of this Interim Consent Agreement. Respondent further does not
relinquish Respondent’s rights to an administrative hearing, rehearing, review, reconsideration, judicial review or any other administrative and/or judicial action, concerning the matters related to a final disposition of this matter, unless Respondent affirmatively does so as part of the final resolution of this matter.

5. Respondent acknowledges and agrees that upon signing this Interim Consent Agreement and returning it to the Board’s Executive Director, Respondent may not revoke Respondent’s acceptance of this Interim Consent Agreement or make any modifications to it. Any modification of this original document is ineffective and void unless mutually approved by the parties in writing.

6. Respondent understands that this Interim Consent Agreement shall not become effective unless and until it is signed by the Board’s Executive Director.

7. Respondent understands and agrees that if the Board’s Executive Director does not adopt this Interim Consent Agreement, Respondent will not assert in any future proceedings that the Board’s consideration of this Interim Consent Agreement constitutes bias, prejudice, prejugment, or other similar defense.

8. Respondent understands that this Interim Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

9. Respondent understands that this Interim Consent Agreement does not alleviate Respondent’s responsibility to comply with the applicable license-renewal statutes and rules. If this Interim Consent Agreement remains in effect at the time Respondent’s allopathic medical license comes up for renewal, Respondent must renew the license if Respondent wishes to retain the license. If Respondent elects not to renew
licensed in the future, Respondent must submit a new application for licensure and meet all of the requirements set forth in the statutes and rules at that time.

10. Respondent understands that any violation of this Interim Consent Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter.").

EUN M. LEE, M.D.  

DATED: 12/12/2017

EXECUTED COPY of the foregoing e-mailed this 14th day of December, 2017 to:

Eun M. Lee, M.D.  
Address of Record

ORIGINAL of the foregoing filed this 14th day of December, 2017 with:

Arizona Medical Board  
9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

Mary Baker  
Board staff