

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

ALICE M. LEE, M.D.,

FINAL DECISION AND ORDER
96 MED 226

RESPONDENT. :

LS9806243MED

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Alice M. Lee, M.D.
511 Church Street
Wausauke, WI 54177

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Alice M. Lee (D.O.B. 11/30/30) is duly licensed in the state of Wisconsin as a physician and surgeon (license # 17362). This license was first granted on October 5, 1970. Respondent is a general practitioner.

2. A review of Respondent's prescriptive practice and recordkeeping revealed in some instances a lack of a recorded assessment, diagnosis or plan of treatment justifying the long term use of controlled substances; a failure to document prescription orders or refills in the patient record; and a failure to document the evaluation of the effectiveness of the analgesic therapy or an assessment of the patient's functional ability over time.

3. Respondent has completed State Medical Society of Wisconsin Seminars held November 17, 1997 and April 7, 1998, on the subject of AMA and HCFA documentation for evaluation and management services. Respondent has completed the Forensic and Educational Consultants 44 hour Mini-Residency in the Proper Prescribing of Controlled Substances scheduled for April 27, 1998.

CONCLUSIONS OF LAW

4. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to sec. 448.02(3) Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5) Wis. Stats.

5. By the conduct described above, Alice M. Lee, M.D., is subject to disciplinary action against her license to practice as a physician and surgeon in the state of Wisconsin, pursuant to Wis. Adm. Code sec. Med 10.02(2)(h).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED :

1. The attached Stipulation of the parties is accepted.
2. Alice M. Lee, M.D., is REPRIMANDED.
3. The license and registration of Respondent to practice medicine and surgery in Wisconsin is LIMITED as follows:
 - a. No later than July 1, 1998, Respondent shall certify to the Board the successful completion of the 44 hour course in Proper Prescribing of Controlled Dangerous Substances sponsored by the Forensic and Educational Consultants of Margate, N.J., or an equivalent course which has been approved in advance by the Board. Respondent shall be responsible for all costs associated with the completion of this educational requirement. Respondent shall arrange for the course sponsor to report directly to the Department Monitor at P.O. Box 8935, Madison, WI 53708-8935, telephone: (608) 267-7139. Respondent shall authorize release of all records of attendance and performance during the course to the Department Monitor and the Board.
 - b. Respondent shall, no later than July 1, 1998, at her own expense, participate in and certify to the Board the successful completion of an educational program concerning medical records documentation by an approved CME provider (the SMS seminars described in Paragraph 3 of the Findings of Fact are approved).

c. Under the tutelage of an approved mentor Respondent shall introduce the mentor's recommended improvements into her medical records system in both her office and hospital records. All of Respondent's records may be reviewed and discussed periodically with the mentor as the mentor shall determine. The review may include not only the adequacy of documentation but any other quality of care or related issue.

The mentor shall agree to report any matter which may constitute a danger to the health, safety or welfare of patient or public, or any violation of law to the Board whenever it comes to the attention of the mentor.

No later than September 1, 1998, Respondent's progress and outcome in implementing appropriate medical record keeping practices shall be reported directly to the Department Monitor, who may discuss Respondent's progress with the mentor. The Department Monitor may be contacted at the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, WI 53708-8935; telephone (608) 267-7139.

Dr. Lester A. Nathan, M.D. 110 South River Road, Des Plaines, IL 60016 is an approved mentor.

If Respondent does not successfully complete or achieve the objectives of the educational and/or mentoring program set forth above, the matter shall be referred to the Board to determine whether additional discipline for the conduct set forth in the Findings of Fact shall be imposed.

4. Respondent shall pay to the Department of Regulation and Licensing the costs of the investigation and prosecution of this action in the sum of \$ 400.00 within thirty days of the date of this Order.

5. Pursuant to sec. 448.02(4) Wis. Stats., if the Board determines that there is probable cause to believe that Respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of Respondent be summarily suspended pending investigation of the alleged violation.

6. The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

7. This Order shall become effective upon the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Wanda Laever
A Member of the Board

June 24, 1998
Date

jh.

STATE OF WISCONSIN

BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

ALICE M. LEE, M.D.,
RESPONDENT.

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:
:
STIPULATION
96 MED 226
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It is hereby stipulated between Dr. Alice M. Lee, personally on her own behalf, and her attorney, Bruce F. Ehlke, and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by Stipulation and without the issuance of a formal complaint.
2. Respondent understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Respondent is aware of her right to seek legal representation and has been provided the opportunity to seek legal advice prior to signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

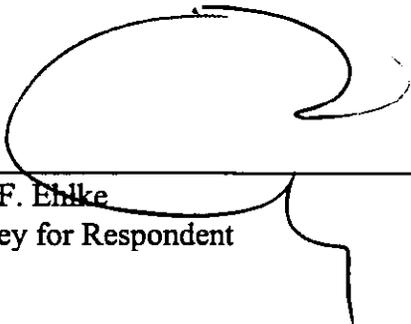
6. The parties to this Stipulation agree that the attorney for the Division of Enforcement may appear before the Medical Examining Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the Stipulation.
7. The Division of Enforcement joins respondent in recommending the Medical Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Alice M. Lee M.D.

Alice M. Lee, M.D..

5-29-98

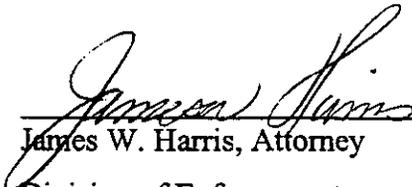
Date



Bruce F. Ehke
Attorney for Respondent

June 1, 1998

Date



James W. Harris, Attorney
Division of Enforcement

June 12, 1998

Date

NOTICE OF RIGHTS OF APPEAL

TO: BRUCE F EHLKE ATTY

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 6/26/98. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935