

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF  
THE INVESTIGATION OF

ALICE M. LEE, M.D.,

Licensee

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MEMORANDUM AND ORDER ON SETTLEMENT CONFERENCE

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TO: Bruce F. Ehlke  
Attorney at Law  
214 West Mifflin Street  
Madison, WI 53703-2594

John R. Zwieg  
Attorney at Law  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708

An informal settlement conference was conducted in the above-captioned matter before an informal settlement conference committee of the Medical Examining Board on April 18, 1991. The purpose of the conference was to provide interested parties with an opportunity to discuss allegations received pertaining to the practice of Dr. Lee as a physician, and to attempt to reach a fair and consensual resolution of the matter.

The committee consisted of Mark Hughes, O.D., and Sandra Thomas. Dr. Lee appeared in person and by Attorney Bruce F. Ehlke. Others present included Wayne Austin, the board's legal counsel, and John R. Zwieg, attorney for the Department of Regulation & Licensing, Division of Enforcement.

The parties orally presented their respective positions regarding the matter to the committee, and the committee deliberated on a possible disposition of the matter. The committee thereafter presented a proposed Stipulation for Dr. Lee's consideration, a

copy of which is attached hereto and made a part hereof. The Stipulation was ultimately executed by Dr. Lee, Mr. Ehlke, Mr. Zwieg and Dr. Michael P. Mehr, board Secretary.

Based upon the proceedings at the conference, and upon the Stipulation of the parties, the board enters the following order.

ORDER

NOW, THEREFORE, IT IS ORDERED that based on the findings and conclusions in this case, as set forth in the Stipulation of the parties hereto, Dr. Lee shall attend the continuing medical education program presented by the Florida Medical Association entitled *Clinical, Legal and Ethical Issues in Prescribing Abusable Drugs* in November, 1991, in Tampa, Florida. Such continuing education shall be in addition to continuing education otherwise required by Wis. Stats. sec. 448.13.

Dated this 22 day of , 1990.

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

by Michael P. Mehr M.D.  
Michael P. Mehr, M.D.  
Secretary

WRA:BDLS2:376

STATE OF WISCONSIN  
BEFORE MEDICAL EXAMINING BOARD

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IN THE MATTER OF  
THE INVESTIGATION OF

ALICE M. LEE, M.D.,

Licensee

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STIPULATION

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Alice M. Lee, M.D. (Dr. Lee), and the Medical Examining Board (board), having reached agreement on disposition of the informal complaint identified as 90 Med 288, agree and stipulate as follows:

1. This Stipulation shall be made a part of a Memorandum and Order on Settlement Conference to be issued by the board, and all terms of the Stipulation shall be binding on Dr. Lee as a part of the board's order.
2. This Stipulation and the board's order shall be placed in Dr. Lee's permanent file, and may be used if there are further complaints against her.
3. Dr. Lee is licensed to practice medicine and surgery in Wisconsin by license #17362, issued on October 5, 1970, and she practices at Wausaukee Medical Center, Wausaukee, WI 54177.
4. Patient E.H. first saw Dr. Lee at Dr. Lee's office on September 4, 1981, to have her blood pressure checked. Dr. Lee noted hypertension and a past history of numerous abdominal procedures, primarily for diverticulitis. Patient E.H. complained at that time that she was unable to sleep.
5. Dr. Lee prescribed 30 tablets of Valium 2mg for Patient E.H. at the time of the initial visit, and renewed the prescription on September 10, 1981; October 3, 1981; and November 6, 1981. Dr. Lee's medical records for patient E.H. do not reflect that she saw the patient again until May, 1984.
6. In 1982, and again in 1983, Patient E.H. was treated for chemical dependency

at Bellin Memorial Hospital, Green Bay, and in a treatment program in Waverly, Minnesota. Dr. Lee was not aware of these treatment programs. After treatment in 1983, Patient E.H.'s daughter, B.G., spoke by telephone to Dr. Lee, asserting that Patient E.H. was alcohol dependent, and requesting that Dr. Lee not prescribe controlled substances for Patient E.H. unless absolutely necessary. That request was repeated in a later conversation.

7. Upon Dr. Lee's inquiry, Patient E.H. denied alcohol dependency.

8. Based on her judgment of Patient E.H.'s medical condition, Dr. Lee prescribed controlled substances to Patient E.H. on a regular basis between May, 1984, and May, 1990, including Darvocet, Librium, Valium, and acetaminophen with codeine.

9. By letter dated June 15, 1990, B.G. confirmed earlier requests by her that Dr. Lee not prescribe addicting drugs for her mother. Referring to an attached invoice dated February 2, 1990 from the Wausaukee Medical Center for medications, including Darvocet N 100 and Librium, B.G. concludes, "I want this practice to stop immediately."

10. By letter dated June 26, 1990, Dr. Lee notified Patient E.H. that she would no longer able to take care of her as a patient and that she had requested that an appointment be made for Patient E.H. with an internist from Marinette-Menominee Clinic.

11. Given the information which she now has, Dr. Lee acknowledges possible inappropriateness of her prescribing practice in her treatment of this possibly drug or alcohol impaired patient.

12. In resolution of this matter, Dr. Lee agrees that she will attend the continuing medical education program presented by the Florida Medical Association entitled *Clinical, Legal and Ethical Issues in Prescribing Abusable Drugs* in November, 1991, in Tampa, Florida. A brochure for the 1990 program is attached hereto. Such continuing education shall be in addition to continuing education otherwise required by Wis. Stats. sec. 448.13.

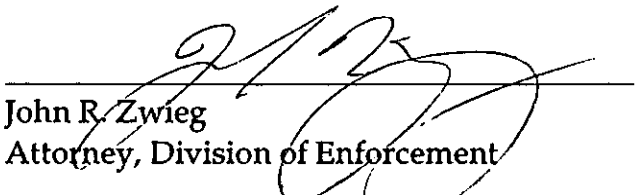
Dated this 13 day of May, 1991.

Alice M. Lee M.D.  
Alice M. Lee, M.D.

Dated this 15th day of May, 1991.

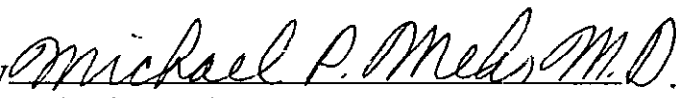
Bruce F. Ehlke  
Attorney for Dr. Lee

Dated this 24<sup>th</sup> day of May, 1991.

  
\_\_\_\_\_  
John R. Zwieg  
Attorney, Division of Enforcement

Dated this 22 day of May, 1991.

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

by   
\_\_\_\_\_  
Michael P. Mehr, M.D.  
Secretary

WRA:BDLS2:258

# PROTECTING YOUR MEDICAL PRACTICE



Continuing Medical Education  
Health Sciences Center, Box 46  
12901 Bruce B. Downs Boulevard  
University of South Florida  
Tampa, Florida 33612-4799

CONTINUING MEDICAL EDUCATION

## Clinical, Legal and Ethical Issues in Prescribing Abusable Drugs

A Physician's Education Program



November 7-9, 1990

Location:

Embassy Suites Hotel  
11310 North 30th Street  
Tampa, Florida

Presented by  
University of South Florida  
Health Sciences Center  
Tampa, Florida  
and the  
Florida Medical Association

Non-Profit Org.  
U.S. Postage  
PAID  
Permit No. 1632  
Tampa, Florida

## PROGRAM CO-DIRECTORS:

**Joseph H. Deatsch, M.D.**  
Member, Committee on Substance Abuse  
Florida Medical Association  
Jacksonville, Florida

**Joseph J. Krzanowski, Jr., Ph.D.**  
Professor, Department of Pharmacology and Therapeutics  
University of South Florida Health Sciences Center  
Tampa, Florida

## FACULTY:

**Kevin Dillon, Pharm. D.**  
Director, Department of Pharmacotherapy & Research  
Tampa General Hospital, Tampa, Florida

**John C. Eustace, M.D.**  
Chairman, Committee on Substance Abuse  
Florida Medical Association  
Clinical Director, Addiction Treatment Program  
Mt. Sinai Hospital, Miami, Florida

**John Flint, M.D.**  
Medical Director, Operation PAR, Inc.  
St. Petersburg, Florida

**Edward Jaffry, J.D.**  
General Counsel for Florida Pharmacy Association  
Katz, Kutter, Haigler,  
Alderman, Eaton, Marks & Davis, P.A.  
Ft. Lauderdale, Florida

**George M. Joseph, M.D.**  
Medical Director  
St. Johns River Hospital, Jacksonville, Florida

**Gary Kirchhoff, M.D.**  
Assistant Professor of Anesthesiology  
University of South Florida Health Sciences Center  
Tampa, Florida

**Shashidhar H. Kori, M.D.**  
Associate Professor of Neurology  
University of South Florida Health Sciences Center  
Chief of Neurology, James A. Haley Veterans Hospital  
Director, Clinic for Pain Management,  
Tampa General Hospital  
Tampa, Florida

**Bruce Lamb, J.D.**  
Chief Trial Attorney  
Department of Professional Regulation  
Tampa, Florida

**David H. Smith, Ph.D.**  
Professor, Department of Internal Medicine  
University of South Florida Health Sciences Center  
Tampa, Florida

**Bonnie Wilford**  
Director, Office of Substance Abuse  
American Medical Association, Chicago, Illinois

**Lynn Wecker, Ph.D.**  
Professor of Pharmacology  
Department of Pharmacology & Therapeutics  
University of South Florida Health Sciences Center  
Tampa, Florida

November 7-9, 1990

## PROTECTING YOUR MEDICAL PRACTICE: Clinical, Legal and Ethical Issues in Prescribing Abusable Drugs REGISTRATION

Registration Fee: \$400.00

Name	First	Degree
Office Address		
City	State	Zip Code
Specialty		

Please complete the registration form and mail with your remittance (payable to Office of Continuing Medical Education) University of South Florida, Health Sciences Center, 12901 N. Bruce B. Downs, Box 46, Tampa, Florida 33612.

For additional program information, please call (813) 974-4296.



## EDUCATIONAL OBJECTIVES

Upon completion of the program, participants will be able to describe the basic pharmacology and pharmacokinetics of controlled drugs: the opiates, sedative-hypnotics, psychotropic drugs and the stimulants. The participant will learn to assess the need and proper use of the above listed drug classes in the treatment of pain management and mood disorders. Participants will achieve an improved understanding of drug abuse, drug dependence and addiction. The legal basis of national and state drug control policies will be presented with special emphasis on the Florida Medical Practice Act.

This educational program is presented in consultation with the Department of Substance Abuse, American Medical Association, Bonnie B. Wilford, Director.

## ACCREDITATION

The University of South Florida College of Medicine is accredited by the Accreditation Council for Continuing Medical Education to sponsor continuing medical education for physicians.

The University of South Florida College of Medicine certifies that this continuing medical education program meets the criteria for 21 hours of credit in Category I for the Physician's Recognition Award of the American Medical Association.

This program meets the requirements for 5 hours of mandatory risk management in continuing medical education for relicensure of physicians as designated by the Florida Legislature, Florida Statute 455.213(5).

## REGISTRATION

\$400 registration fee which covers all materials, continental breakfasts, breaks and luncheons. All reservations include a \$50 non-refundable administrative fee for cancellation.

The University of South Florida Office of Continuing Medical Education reserves the right to cancel this program, in which event the full enrollment fee will be returned to the registrant.

## ACCOMMODATIONS

A block of rooms has been reserved at the Embassy Suites Hotel. To receive the reduced room rate of \$59.00 single/\$69.00 double occupancy, please identify that you are attending the USF College of Medicine Conference, code DEP. Telephone (813) 971-7690.

## WEDNESDAY, NOVEMBER 7, 1990

7:30 - 9:00 a.m.

Continental Breakfast and Registration

9:00 - 9:15 a.m.

Introduction and Instructions

*Joseph H. Deatsch, M.D.*

9:15 - 10:00 a.m.

Basic Drugs and Pharmacokinetics of Mood  
Altering Substances (Part 1)

*Kevin Dillon, Pharm. D.*

10:00 - 10:15 a.m.

Break

10:15 - 11:00 a.m.

Basic Drugs and Pharmacokinetics of Mood  
Altering Substances (Part 2)

*Kevin Dillon, Pharm. D.*

11:00 - 11:15 a.m.

Break

11:15 - 12:30 p.m.

Basic Pharmacology of Ethanol and Its  
Implications with Regard to Therapy

*Joseph J. Krzanowski, Ph.D.*

12:30 - 1:30 p.m.

Lunch

1:30 - 2:20 p.m.

An Overview of Psychopharmacology

*Lynn Wecker, Ph.D.*

2:20 - 2:30 p.m.

Break

2:30 - 3:20 p.m.

The Pharmacology of Benzodiazepines

*Lynn Wecker, Ph.D.*

3:20 - 3:30 p.m.

Break

3:30 - 5:00 p.m.

Ethical Issues

*David H. Smith, Ph.D.*

5:00 - 5:15 p.m.

Introduction to Patient Oriented  
Problem Solving (POPS)

*Joseph J. Krzanowski, Ph.D.*

5:15 p.m.

Adjourn

## THURSDAY, NOVEMBER 8, 1990

7:30 - 8:00 a.m.

Continental Breakfast and Registration

8:00 - 8:10 a.m.

Announcements

8:10 - 9:00 a.m.

Acute Pain Management  
Part I

*Gary Kirchhoff, M.D.*

9:00 - 9:10 a.m.

Break

9:10 - 10:00 a.m.

Acute Pain Management.  
Pharmacologic Agents (Opioids) -  
Part 2

*Gary Kirchhoff, M.D.*

10:00 - 11:30 a.m.

Chronic Pain  
Acute versus Chronic Pain  
Pain Control in Drug Dependent Patients  
Pain Control and the Terminal Patient  
Pain Centers versus Usual Clinical  
Management

*Shashidhar H. Kori, M.D.*

11:30 - 11:45 a.m.

Break

11:45 - 12:30 p.m.

Pain Management Video

12:30 - 2:00 p.m.

Lunch

2:00 - 2:50 p.m.

Patient Oriented Problem Solving —  
Complications of Analgesic Therapy —  
Upjohn Series

*Facilitator: J. Krzanowski, Ph.D.*

2:50 - 3:00 p.m.

POPS — Program Contained Questions

3:00 - 3:30 p.m.

Break

3:30 - 4:20 p.m.

Understanding Abuse, Dependence  
and Addiction

*John C. Eustace, M.D.*

4:20 - 4:30 p.m.

Break

4:30 - 5:00 p.m.

Case Presentations  
(The Patient With Low Back Pain, Who Can-  
not Sleep, With Migraine, Seeing 3 Physi-  
cians, etc. — What Do I Do Now?)

*John C. Eustace, M.D.*

5:00 - 5:15 p.m.

Issues for Discussion  
Choice of Drug  
Method of Administration  
Route of Drug Administration  
Development of Tolerance  
Risk of Substance Abuse and  
Psychological Dependence  
Dispensing Physicians  
Generic Drugs

5:15 p.m.

Adjourn

**FRIDAY, NOVEMBER 9, 1990**

7:30 - 8:15 a.m.

Continental Breakfast and Registration

8:15 - 9:30 a.m.

Managing Mood Disorders

*George M. Joseph, M.D.*

9:30 - 9:45 a.m.

Break

9:45 - 10:45 a.m.

Stimulant Drugs  
Weight Reduction  
Narcolepsy  
Attention Deficit Disorder  
Issues of Proper Use versus Abuse

*Joseph J. Krzanowski, Ph.D.*

10:45 - 11:00 a.m.

Break

11:00 - 12:30 p.m.

Regulatory Issues:  
Laws  
Regulations  
Policies  
Procedures  
(How to Practice Effectively Within the  
System, Sources of Information)

*Ed Jaffry, J.D.*

12:30 - 1:45 p.m.

Lunch

1:45 - 3:00 p.m.

Panel Presentation

Topics:

Dealing With the "Professional Patient"

Identifying Common Ruses

(SCAM of the Month)

Prescribing Controlled Drugs Video

Security For the Physician and Office

Office Procedures - An Education

Seeking Assistance:

"Hotlines"

Enforcement Agencies

Treatment Options

Documenting Case Management

Facilitator: *Joseph J. Krzanowski, Ph.D.*

Panelists: *John Flint, M.D.*

*Joseph Deatsch, M.D.*

*Bruce Lamb, J.D.*

3:00 - 3:15 p.m.

Break

3:15 - 4:15 p.m.

Future Shock

A Look Into the Future

Regulatory and Enforcement Initiatives

Resources for Keeping Up to Date

*Bonnie Wilford*

4:15 - 5:15 p.m.

Post Course Examination

Course Evaluation

5:15 p.m.

Adjourn

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## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is May 24, 1991.

WLD:dms  
886-490

**227.49 Petitions for rehearing in contested cases.** (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

**227.52 Judicial review; decisions reviewable.** Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employee trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

**227.53 Parties and proceedings for review.** (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally

disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.

2. The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.