WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST

KRISTIE A. LEONG, , M.D , RESPONDENT. FINAL DECISION AND ORDER
96 MED 283
LS 9708203 MED

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

Kristie A. Leong, M.D. 9260 N. Pelham Parkway Bayside, WI 53217

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 EACT

- 1. Respondent Kristie A. Leong (dob 12/16/60) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #34769, first granted on 8/25/93. Respondent is a general practitioner.
- 2. Respondent did, on December 16, 1996, examine as a patient an undercover investigator employed by the Department of Regulation & Licensing Respondent was at that time employed by Baylor Clinic. a weight loss clinic in Brookfield, Wisconsin, owned by an osteopath who does not live in Wisconsin, and is not licensed in Wisconsin.
- 3. The patient is a 28 year old woman, 5'5" tall, weighing 133 1/4 lbs by the clinic's scale, and thus had a Body Mass Index (BMI) of 22. The patient stated that she wished to lose 20 pounds, and stated that she had a possible hyperthyroid condition.
- 4. Respondent did not ask the patient about any previous attempts to lose weight, nor did she inform the patient of any alternative therapies such as diet or exercise. Respondent stated that she would prescribe phentermine, a Schedule IV controlled substance, for weight loss upon clearance from the patient's primary care physician that her thyroid function was normal, and left an order for this drug in the patient's file to be given to the patient when the information from the other physician was received.

STATE OF WISCONSIN BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY : STIPULATION
KRISTIE A. LEONG, M.D., : 96 MED 283
RESPONDENT. : PROCEEDINGS AGAINST

It is hereby stipulated between the above Respondent and the undersigned prosecuting attorney for the Division of Enforcement of the Department of Regulation and Licensing, as follows:

- 1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.
- 2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against respondent; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; 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 respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
- 3. Respondent is aware of respondent's right to seek legal representation and has been provided the opportunity to seek legal advice before signing this Stipulation.
- 4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties 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 or the proposed Final Decision and Order, 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 agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney. for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.
- 7. The Board Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, and may relate to the Board any knowledge and view of the case acquired during the investigation.

- 8. This stipulation is subject to approval by the Division of Enforcement's attorney-supervisor. If approved by the supervisor, the Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.
- 9. Respondent is informed that should the Board adopt this stipulation, the Board's final decision and order is a public record and will be published in the monthly *Report of Decisions* issued by the department. A summary of the order will be published in the *Wisconsin Regulatory Digest* issued semiannually by the Board. This is standard department procedure and in no way specially directed at Respondent.

Respondent

<u>8 | 8 | 97</u> Date

Prosecuting Attorney

Division of Enforcement

Date

Department of Regulation & Licensing

State of Wisconsin

P.O Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416 hearing or speech TRS# 1-800-947-3529 impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On August 20, 1997, the Medical Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a forfeiture.
The amount of the costs assessed is: \$650.00 Case #: LS9708203MED ·
The amount of the forfeiture is: Case #
Please submit a check or a money order in the amount of \$ 650.00
The costs and/or forfeitures are due: September 19, 1997
NAME: Kristie A. Leong, M.D. LICENSE NUMBER: 34769
STREET ADDRESS: 9260 North Pelham Parkway
CITY: Bayside STATE: WI ZIP CODE: 53217
Check whether the payment is for costs or for a forfeiture or both:
X COSTS FORFEITURE
Check whether the payment is for an individual license or an establishment license:
X INDIVIDUAL ESTABLISHMENT
If a payment plan has been established, the amount due monthly is: For Receipting Use Only
Make checks payable to:
DEPARTMENT OF REGULATION AND LICENSING 1400 E. WASHINGTON AVE., ROOM 141 P.O. BOX 8935
MADISON, WI 53708-8935
#2145 (Rev. 9/96) Ch. 440.22, Stats. G\BDLS\FM2145.DOC

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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.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

P.O. Box 8935
Madison, WI 53708.

The Date of Mailing this Decision is:

AUGUST 26, 1997

1. 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 sec. 227.49 of the Wisconsin Statutes, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

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

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, Wisconsin Statutes a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision 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.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)