

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHA LEE, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: 0003031

Division of Legal Services and Compliance¹ Case No. 11 MED 232

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Cha Lee, M.D.
N112W21637 Mequon Road
Germantown, WI 53022

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Cha Lee, M.D., (dob May 30, 1968), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 42508-20, first issued on August 4, 2000 with registration current through October 31, 2015. Respondent's address on file with the Wisconsin Department of Safety and Professional Services is N112W21637 Mequon Road, Germantown, Wisconsin 53022.

2. At all relevant times to this action, Respondent worked at Lee Medical Clinic, which he founded to serve the Hmong community in Milwaukee, Wisconsin.

¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

3. From at least 2009 to March 2010, Patient X worked as a registered nurse at St. Joseph's Hospital in Milwaukee, Wisconsin.

4. Respondent knew Patient X since about 2002: both were active members of the Hmong community; Patient X consulted Respondent about Patient X's healthcare-related businesses; and Respondent was the physician for Patient X's children, though Respondent was not involved in the prenatal care of Patient X or in the delivery of the children.

5. On September 28, 2009, Patient X called Respondent with concerns that she was suffering from appendicitis. Respondent advised Patient X to go to the emergency room, where other physicians attended to her and performed an appendectomy the following day. Patient X listed Respondent as her primary care physician.

6. On October 6, 2009, Patient X called Respondent and requested that he sign return-to-work forms for her. Based on his phone conversation with Patient X, Respondent completed and signed a "Certification of Health Care Provider for Associate's Serious Health Condition" and a "Healthcare Practitioner's Return to Work Recommendations" form for Patient X. Respondent neither treated nor personally examined Patient X prior to filling out these forms.

7. Respondent wrote the following prescriptions for Patient X:

Prednisone, 20 mg on February 17, 2010;
Plan B (birth control) on March 3, 2010; and
Ciprofloxacin, 500 mg on January 22, 2011.

8. Respondent maintained no records related to the forms referred to in paragraph 6, or for the prescriptions referred to in paragraph 7.

9. Respondent had a sexual relationship with Patient X within two years of the events described in paragraphs 6 and 7.

10. At the Board's request Respondent submitted to an evaluation by Gary Schoener, M.Ed. Schoener's December 15, 2012 report concluded that the sexual relationship with Patient X did not result from the exploitation of the physician-patient relationship.

11. Schoener's report also concluded that the Respondent did not pose any serious risk to the public, recommended that Respondent attend a Professional Boundaries, Inc. workshop, and recommended that he consult with a professional colleague to set the stage for future consultations on professional boundary issues.

12. Respondent attended the Professional Boundaries, Inc. workshop in Irvine, California on January 11-13, 2013 and has consulted with a professional colleague with whom he may consult in the future on professional boundary issues.

13. By the conduct described in paragraphs 6-9, Respondent engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med. 10.02(2)(za) and 21.03(2) by failing to create or maintain patient healthcare records for the medical treatment rendered to Patient X for the prescriptions written for Patient X.

13. By the conduct described in paragraphs 6-9, Respondent engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med. 10.02(2)(zd) by engaging in inappropriate, though consensual, sexual contact with a patient.

14. As a result of the above described conduct in paragraphs 6-9, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02.

CONCLUSIONS OF LAW

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

2. By the conduct described in the Findings of Fact, Respondent Cha Lee, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.02(2)(zd) by engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient.

3. By the conduct described in the Findings of Fact, Respondent Cha Lee, M.D., violated Wis. Admin. Code § Med 21.03(2) by failing to create or maintain patient health care records for the medical treatment rendered to, and prescriptions written for, Patient X.

4. As a result of the above conduct, Cha Lee, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. The medicine and surgery license issued to Respondent Cha Lee, M.D., (license number 42508-20) is SUSPENDED for a period of 90 (ninety) days, effective immediately. At the end of the 90 days, the period of suspension shall end without further order of the Board.

3. The Board recognizes the aforementioned Professional Boundaries Inc. seminar as the equivalent of the education the Board would have otherwise required.

4. Within six months of the date of this Order, Respondent Cha Lee, M.D., shall pay COSTS of this matter in the amount of \$6,100.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

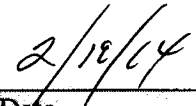
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license (no. 20-42508) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs.

7. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

CHA LEE, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

000303 1

Division of Legal Services and Compliance¹ Case No. 11 MED 232

Respondent Cha Lee, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Respondent, 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 Respondent;
 - the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
 - the right to testify on Respondent's own behalf;
 - 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, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel prior to signing this Stipulation. Respondent is represented by Attorney Robert J. Dvorak.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (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.


¹ The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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.

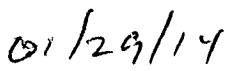
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. 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 accordance with standard Department procedure.


8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



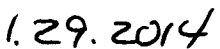
Cha Lee, M.D., Respondent
N112W21637 Mequon Road
Germantown, WI 53022
License no. 20-42508




Date



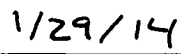
Robert J. Dvorak, Attorney for Respondent
Halling & Cayo, S.C.
320 E. Buffalo Street, Suite 700
Milwaukee, WI 53202-5837



Date



Kim M. Kluck, Attorney
Division of Legal Services and Compliance
P.O. Box 8935
Madison, WI 53708-8935



Date