

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re: LICENSURE IN MEDICINE)
Michele S. Lee, M.D.)
Complaint No. CR04-101)

CONSENT
AGREEMENT

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against and conditions imposed upon the license to practice medicine in the State of Maine held by Michele S. Lee, M.D. The parties to the Consent Agreement are: Michele Lee, M.D. ("Dr. Lee"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 3282-A.

STATEMENT OF FACTS

1. Dr. Lee held a temporary license to practice medicine in the State of Maine from January 19, 2004 to July 18, 2004. She is board certified in Neurology.
2. Between on or about July 26, 2004 and August 4, 2004, the Board received communications from St. Mary's Regional Medical Center reporting action taken against Dr. Lee in connection with her care of patient JB.
3. On or about November 2004, the Board reviewed the information from St. Mary's Regional Hospital, and voted to initiate a complaint against Dr. Lee alleging incompetence based on failure to diagnose meningitis in the patient at issue. The Board docketed that complaint as Complaint CR04-101.
4. On or about January 26, 2005, the Board received a response from Dr. Lee to the complaint. In her response, Dr. Lee asserted that, in light of the

information available to her at the time of her consultation, she was not incompetent in her care of patient JB. Specifically, Dr. Lee asserted that, at the time of her consultation, she had not been informed of the patient's vital signs upon admission (temperature nearly 105 F) and her laboratory tests results (abnormally elevated white blood cell count). According to Dr. Lee, had she had access to this information, she would likely have included meningitis in her differential diagnosis and taken appropriate steps to confirm/exclude it. Finally, Dr. Lee admitted that she did not have all of the patient records at the time of the consult, but asserted that she acted reasonably in relying upon verbal reports.

5. On July 12, 2005, the Board held an informal conference with Dr. Lee concerning Complaint No. CR04-101. Following that informal conference, the Board voted to set the matter for an adjudicatory hearing, and authorized its assistant attorney general to negotiate a Consent Agreement to resolve this complaint.

6. Absent Dr. Lee's acceptance of this Consent Agreement by signing it, dating it, having it notarized, and returning it to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before August 15, 2006, the Board will resolve this matter by holding an adjudicatory hearing.

COVENANTS

In lieu of proceeding to an adjudicatory hearing in this matter, Dr. Lee agrees to the following :

7. Dr. Lee admits, that with regard to Complaint No. CR04-101, the Board has sufficient evidence from which it could reasonably conclude that she failed to conduct an appropriate consultation on patient JB because, at the time of the consultation, she did not obtain and review the patient JB's complete medical records to confirm her understanding of the patient's vital signs and laboratory test results at the time of admission. Dr. Lee admits that the Board could reasonably conclude that such conduct could amount to incompetence and unprofessional conduct, and constitutes grounds for discipline pursuant to 32 M.R.S.A. § 3282-A.

8. As discipline for the conduct admitted in paragraph 8 above, Dr. Lee agrees to:

a. Accept a REPRIMAND from the Board. Dr. Lee shall not engage in this type of conduct again, and shall ensure that she obtains and reviews complete patient records, including laboratory test results, during her consultations; and

b. Within one year following the execution¹ of this Consent Agreement, enroll in and successfully complete a Board-approved course in diagnosing and treating critically ill patients.

9. Dr. Lee waives her right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Lee agrees that this Consent Agreement and Order is a final order resolving the

¹ For the purposes of this Consent Agreement, "execution" means the date on which the final signature is affixed to this Consent Agreement.

complaints CR04-101. This Consent Agreement is not appealable and is effect until modified or rescinded by the parties hereto. This Consent Agreement cannot be amended orally. It can only be amended by a writing signed by the parties hereto and approved by the Department of Attorney General. Requests for amendments by Dr. Lee shall be made in writing and submitted to the Board.

10. The Board and the Office of the Attorney General may communicate and cooperate regarding Dr. Lee or any other matter relating to this Consent Agreement.

11. This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.

12. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

13. The Board and Dr. Lee agree that no further agency or legal action will be initiated against her by the Board based upon the facts described herein, except or unless she fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that similar true allegations are brought against Dr. Lee in the future. The Board may also consider the fact that discipline was imposed by this Consent Agreement to: (a) determine appropriate discipline in any further complaints

against Dr. Lee's license; and (b) determine whether to grant or deny Dr. Lee a license (temporary or otherwise) to practice medicine in this State.

14. Dr. Lee acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will and that she agrees to abide by all terms and conditions set forth herein.

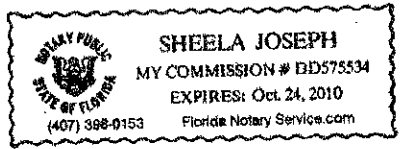
I, MICHELE LEE, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 2nd August, 2006 *Michele Lee*
MICHELE S. LEE, M.D.

STATE OF Florida
[Redacted], S.S.

Personally appeared before me the above-named Michele S. Lee, M.D., and swore to the truth of the foregoing based upon her own personal knowledge, or upon information and belief, and so far as upon information and belief, she believes it to be true.

DATED: 8/7/06 *Sheela Joseph*
NOTARY PUBLIC/ATTORNEY



MY COMMISSION ENDS:
oct - 24 - 2010

DATED:

8/8/06

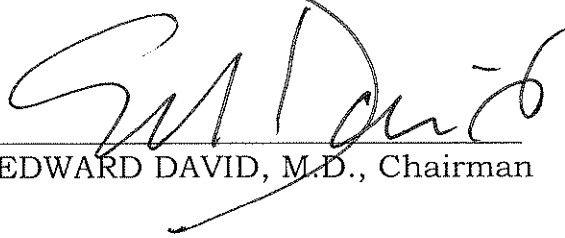


TERESA CLOUTIER, ESQ.
Attorney for Michele S. Lee, M.D.

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:

8/17/06



EDWARD DAVID, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

8/29/06



DENNIS E. SMITH
Assistant Attorney General

Effective Date: