

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )  
)  
)  
Susan Yoomie Lee, M.D. )  
)  
Physician's and Surgeon's )  
Certificate No. A117131 )  
)  
Respondent )  
\_\_\_\_\_ )**

**Case No. 800-2016-022988**

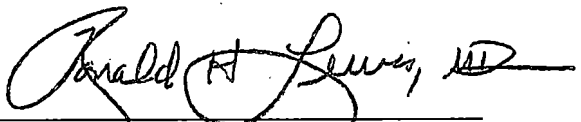
**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on March 13, 2020.**

**IT IS SO ORDERED February 13, 2020**

**MEDICAL BOARD OF CALIFORNIA**

By: 

\_\_\_\_\_  
**Ronald H. Lewis, M.D., Chair  
Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 CHRIS LEONG  
Deputy Attorney General  
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10 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**  
12

13 In the Matter of the Accusation Against:

14 SUSAN YOOMIE LEE, M.D.

15 c/o Kaiser Permanente  
10850 Arrow Route  
16 Rancho Cucamonga, CA 91730

17 Physician's and Surgeon's Certificate A 117131,  
18 Respondent.  
19  
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Case No. 800-2016-022988.

OAH No. 2019071270

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

21 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Christine J. Lally (Complainant) is the Interim Executive Director of the Medical  
25 Board of California (Board). She brought this action solely in her official capacity and is  
26 represented in this matter by Xavier Becerra, Attorney General of the State of California, by Chris  
27 Leong, Deputy Attorney General.

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1           2.     Respondent Susan Yoomie Lee, M.D. (Respondent) is represented in this proceeding  
2 by attorney Paul Spackman, whose address is 28441 Highridge Road, Suite 201, Rolling Hills  
3 Estates, California 90274.

4           3.     On June 1, 2011, the Board issued Physician's and Surgeon's Certificate No. A  
5 117131 to Susan Yoomie Lee, M.D. (Respondent). That license was in full force and effect at all  
6 times relevant to the charges brought in Accusation No. 800-2016-022988, and will expire on  
7 June 30, 2021, unless renewed.

8                                 **JURISDICTION**

9           Accusation No. 800-2016-022988 was filed before the Board, and is currently pending  
10 against Respondent. The Accusation and all other statutorily required documents were properly  
11 served on Respondent on May 8, 2019. Respondent filed a timely Notice of Defense contesting  
12 the Accusation.

13           4.     A copy of Accusation No. 800-2016-022988 is attached as Exhibit A and is  
14 incorporated herein by reference.

15                                 **ADVISEMENT AND WAIVERS**

16           5.     Respondent has carefully read, fully discussed with counsel, and understands the  
17 charges and allegations in Accusation No. 800-2016-022988. Respondent has also carefully read,  
18 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
19 Disciplinary Order.

20           6.     Respondent is fully aware of her legal rights in this matter, including the right to a  
21 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
22 the witnesses against her; the right to present evidence and to testify on her own behalf; the right  
23 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
24 documents; the right to reconsideration and court review of an adverse decision; and all other  
25 rights accorded by the California Administrative Procedure Act and other applicable laws.

26           7.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
27 every right set forth above.

28           //

1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in Accusation  
3 No. 800-2016-022988, if proven at a hearing, constitute cause for imposing discipline upon her  
4 Physician's and Surgeon's Certificate.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest  
8 those charges.

9 10. Respondent agrees that her Physician's and Surgeon's Certificate is subject to  
10 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the  
11 Disciplinary Order below.

12 CONTINGENCY

13 11. This stipulation shall be subject to approval by the Medical Board of California.  
14 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
15 Board of California may communicate directly with the Board regarding this stipulation and  
16 settlement, without notice to or participation by Respondent or her counsel. By signing the  
17 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
18 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
19 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
20 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
21 action between the parties, and the Board shall not be disqualified from further action by having  
22 considered this matter.

23 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
24 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
25 signatures thereto, shall have the same force and effect as the originals.

26 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
27 the Board may, without further notice or formal proceeding, issue and enter the following  
28 Disciplinary Order:

1 **DISCIPLINARY ORDER**

2 1. **PUBLIC REPRIMAND.**

3 **IT IS HEREBY ORDERED THAT** Physician's and Surgeon's Certificate No. A 117131  
4 issued to Respondent Susan Yoomie Lee, M.D. is publicly reprimanded pursuant to Business and  
5 Professions Code section 2227, subdivision (a)(4). This Public Reprimand is issued in  
6 connection with the allegations relating to Respondent's care and treatment of Patient 1, as set  
7 forth in Accusation No. 800-2016-022988.

8 2. **EDUCATION COURSE.**

9 Within 60 calendar days of the effective date of this Decision, and on an annual basis  
10 thereafter, Respondent shall submit to the Board or its designee for its prior approval educational  
11 programs or courses that shall not be less than 40 hours per year, for each year of probation. The  
12 educational programs or courses shall be aimed at correcting any areas of deficient practice or  
13 knowledge and shall be Category I certified. The educational programs or courses shall be at  
14 Respondent's expense and shall be in addition to the Continuing Medical Education (CME)  
15 requirements for renewal of licensure. Following the completion of each course, the Board or its  
16 designee may administer an examination to test Respondent's knowledge of the course.  
17 Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in  
18 satisfaction of this condition.

19 3. **MEDICAL RECORD KEEPING COURSE.** Within 60 calendar days of the effective

20 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in  
21 advance by the Board or its designee. Respondent shall provide the approved course provider  
22 with any information and documents that the approved course provider may deem pertinent.  
23 Respondent shall participate in and successfully complete the classroom component of the course  
24 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully  
25 complete any other component of the course within one (1) year of enrollment. The medical  
26 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing  
27 Medical Education (CME) requirements for renewal of licensure.

28 A medical record keeping course taken after the acts that gave rise to the charges in the

1 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
2 or its designee, be accepted towards the fulfillment of this condition if the course would have  
3 been approved by the Board or its designee had the course been taken after the effective date of  
4 this Decision.

5 Respondent shall submit a certification of successful completion to the Board or its  
6 designee not later than 15 calendar days after successfully completing the course, or not later than  
7 15 calendar days after the effective date of the Decision, whichever is later.

8 4. CLINICAL COMPETENCE ASSESSMENT PROGRAM. Within 60 calendar days  
9 of the effective date of this Decision, Respondent shall enroll in a clinical competence assessment  
10 program approved in advance by the Board or its designee. Respondent shall successfully  
11 complete the program not later than six (6) months after Respondent's initial enrollment unless  
12 the Board or its designee agrees in writing to an extension of that time.

13 The program shall consist of a comprehensive assessment of Respondent's physical and  
14 mental health and the six general domains of clinical competence as defined by the Accreditation  
15 Council on Graduate Medical Education and American Board of Medical Specialties pertaining to  
16 Respondent's current or intended area of practice. The program shall take into account data  
17 obtained from the pre-assessment, self-report forms and interview, and the Decision(s),  
18 Accusation(s), and any other information that the Board or its designee deems relevant. The  
19 program shall require Respondent's on-site participation for a minimum of three (3) and no more  
20 than five (5) days as determined by the program for the assessment and clinical education  
21 evaluation. Respondent shall pay all expenses associated with the clinical competence  
22 assessment program.

23 At the end of the evaluation, the program will submit a report to the Board or its designee  
24 which unequivocally states whether the Respondent has demonstrated the ability to practice  
25 safely and independently. Based on Respondent's performance on the clinical competence  
26 assessment, the program will advise the Board or its designee of its recommendation(s) for the  
27 scope and length of any additional educational or clinical training, evaluation or treatment for any  
28 medical condition or psychological condition, or anything else affecting Respondent's practice of

1 medicine. Respondent shall comply with the program's recommendations.

2 Determination as to whether Respondent successfully completed the clinical competence  
3 assessment program is solely within the program's jurisdiction.

4 If Respondent fails to enroll, participate in, or successfully complete the clinical  
5 competence assessment program within the designated time period, Respondent shall receive a  
6 notification from the Board or its designee to cease the practice of medicine within three (3)  
7 calendar days after being so notified. The Respondent shall not resume the practice of medicine  
8 until enrollment or participation in the outstanding portions of the clinical competence assessment  
9 program have been completed.

10 5. FAILURE TO COMPLY.

11 Any failure of Respondent to comply with the terms and conditions of the Disciplinary  
12 Order set forth above shall constitute unprofessional conduct and grounds for further disciplinary  
13 action.

14 In addition, if Respondent fails to comply with the terms and conditions of the Disciplinary  
15 Order, within 60 days after Respondent has been notified of the failure to comply, Respondent  
16 shall participate in a professional enhancement program approved in advance by the Board or its  
17 designee, which shall include quarterly chart review, semi-annual practice assessment, and semi-  
18 annual review of professional growth and education. Respondent shall participate in the  
19 professional enhancement program at Respondent's expense until the Board or its designee  
20 determines that further participation is no longer necessary.

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**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Paul Spackman. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 1/14/2020   
SUSAN YOOMIE LEE, M.D.  
*Respondent*


I have read and fully discussed with Respondent Susan Yoomie Lee, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1/14/2020   
PAUL SPACKMAN  
*Attorney for Respondent*

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: 1/14/2020 Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General

  
CHRIS LEONG  
Deputy Attorney General  
*Attorneys for Complainant*

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*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO May 8 2019  
BY [Signature] ANALYST

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**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 800-2016-022988

Susan Yoomie Lee, M.D.  
Kaiser Permanente  
10850 Arrow Route  
Rancho Cucamonga, CA 91730

**A C C U S A T I O N**

Physician's and Surgeon's Certificate  
No. A 117131,

Respondent.

Complainant alleges:

**PARTIES**

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about June 1, 2011, the Medical Board issued Physician's and Surgeon's Certificate Number A 117131 to Susan Yoomie Lee, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2019, unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Board, under the authority of the following

1 laws. All section references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2227 of the Code states:

3 “(a) A licensee whose matter has been heard by an administrative law judge of the Medical  
4 Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default  
5 has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary  
6 action with the board, may, in accordance with the provisions of this chapter:

7 “(1) Have his or her license revoked upon order of the board.

8 “(2) Have his or her right to practice suspended for a period not to exceed one year upon  
9 order of the board.

10 “(3) Be placed on probation and be required to pay the costs of probation monitoring upon  
11 order of the board.

12 “(4) Be publicly reprimanded by the board. The public reprimand may include a  
13 requirement that the licensee complete relevant educational courses approved by the board.

14 “(5) Have any other action taken in relation to discipline as part of an order of probation, as  
15 the board or an administrative law judge may deem proper.

16 “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical  
17 review or advisory conferences, professional competency examinations, continuing education  
18 activities, and cost reimbursement associated therewith that are agreed to with the board and  
19 successfully completed by the licensee, or other matters made confidential or privileged by  
20 existing law, is deemed public, and shall be made available to the public by the board pursuant to  
21 Section 803.1.”

22 5. Section 2004 of the Code states:

23 “The board shall have the responsibility for the following:

24 “(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice  
25 Act.

26 “(b) The administration and hearing of disciplinary actions.

27 “(c) Carrying out disciplinary actions appropriate to findings made by a panel or an  
28 administrative law judge.

1           “(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of  
2 disciplinary actions.

3           “(e) Reviewing the quality of medical practice carried out by physician and surgeon  
4 certificate holders under the jurisdiction of the board.

5           “(f) Approving undergraduate and graduate medical education programs.

6           “(g) Approving clinical clerkship and special programs and hospitals for the programs in  
7 subdivision (f).

8           “(h) Issuing licenses and certificates under the board's jurisdiction.

9           “(i) Administering the board's continuing medical education program.”

10          6.     Section 2234 of the Code, states:

11           “The board shall take action against any licensee who is charged with unprofessional  
12 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
13 limited to, the following:

14           “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
15 violation of, or conspiring to violate any provision of this chapter.

16           “(b) Gross negligence.

17           “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
18 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
19 the applicable standard of care shall constitute repeated negligent acts.

20           “(1) An initial negligent diagnosis followed by an act or omission medically appropriate for  
21 that negligent diagnosis of the patient shall constitute a single negligent act.

22           “(2) When the standard of care requires a change in the diagnosis, act, or omission that  
23 constitutes the negligent act described in paragraph (1), including, but not limited to, a  
24 reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs from the  
25 applicable standard of care, each departure constitutes a separate and distinct breach of the  
26 standard of care.

27           “(d) Incompetence.

28           “(e) The commission of any act involving dishonesty or corruption which is substantially

1 related to the qualifications, functions, or duties of a physician and surgeon.

2 “(f) Any action or conduct which would have warranted the denial of a certificate.

3 “(g) The practice of medicine from this state into another state or country without meeting  
4 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not  
5 apply to this subdivision. This subdivision shall become operative upon the implementation of the  
6 proposed registration program described in Section 2052.5.

7 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and  
8 participate in an interview by the board. This subdivision shall only apply to a certificate holder  
9 who is the subject of an investigation by the board.”

10 7. Section 2266 of the Code states:

11 “The failure of a physician and surgeon to maintain adequate and accurate records  
12 relating to the provision of services to their patients constitutes unprofessional conduct.”

### 13 FIRST CAUSE FOR DISCIPLINE

#### 14 (Gross Negligence)

15 8. Respondent is subject to disciplinary action under Code section 2234, subdivision (b),  
16 in that she was grossly negligent in her care and treatment of a patient (the Patient). The  
17 circumstances are as follows:

18 9. On September 16, 2011, the Patient, a fourteen year-old female, was seen by another  
19 physician who was a co-worker of Respondent, for left lower extremity pain with symptoms for  
20 the prior nine months. During that time, the Patient had reported exercising 150 minutes per  
21 week at a moderate to strenuous level. At that time the Patient had a normal lumbosacral x-ray,  
22 was diagnosed with sciatica, and referred for physical therapy, which she attended at least once  
23 on September 19, 2011.

24 10. In or around 2012, Respondent started caring for the Patient as primary care provider.  
25 The Patient had a significant psychiatric history documented since 2007, including depression, an  
26 eating disorder, suicide attempts, self-injurious behaviors, possible sexual abuse, as well as  
27 episodes of inappropriate ingestion of certain medications/substances (many of these requiring  
28 hospitalizations, including in the intensive care unit).

1           11. On October 12, 2012, Respondent saw the Patient for a lab check on Abilify.  
2 Respondent ordered unnecessary labs on top of those ordered by Psychiatry, and ordered a test for  
3 herpes simplex virus (HSV) as part of a Sexually Transmitted Disease (STD) screen. However,  
4 Respondent did not order a pregnancy test nor direct counseling regarding pregnancy and STDs.

5           12. On October 16, 2012, Respondent saw the Patient. She diagnosed the Patient with  
6 otitis media and bronchitis and prescribed antibiotics, despite both conditions having benign  
7 presentations.

8           13. On November 7, 2012, Respondent saw the Patient and started to wean the Patient off  
9 Abilify without consulting the Patient's treating psychiatrist. This was despite the fact that the  
10 Patient was a teenager with a significant psychiatric history, including having harmed herself  
11 multiple times.

12           14. On June 11, 2014, Respondent saw the Patient and noted a history of recurrent left  
13 lower extremity pain off and on for over three (3) years, sometimes numbness/tingling,  
14 sometimes muscle tightness and "Charlie horses," worsening in the prior two months, with a pain  
15 level of 7-8 out of 10. She was diagnosed with muscle spasm and treated with meloxicam, a non-  
16 steroidal anti-inflammatory (NSAID), and home stretching instructions.

17           15. On September 5, 2014, the Patient was seen by another physician who was a co-  
18 worker of Respondent. The Patient presented with the complaint of coccyx pain after an increase  
19 in exercise (including riding a bicycle and doing squats), as well as some constipation, numbness  
20 in thighs, and tingling in her tailbone area. These were considered to be related to a strain from  
21 recent exercise and diagnosed as paresthesias, constipation, and coccyx pain. Again she was  
22 treated with non-steroidal anti-inflammatories (this time an injection of Toradol, followed by oral  
23 ibuprofen) and medications for the constipation (stool softener Colace and laxative Miralax).

24           16. On September 6, 2014, the Patient called the clinic and spoke with the triage nurse.  
25 She reported persistent "sciatic pain with numbness at rectum and down legs to knee" without  
26 improvement of the constipation symptoms, no bowel movement (BM) since the day before. She  
27 also reported that she started the constipation medications. The nurse's note lists Metamucil (a  
28 fiber supplement), but the Patient was prescribed Miralax (a laxative). The nurse noted that the

1 physician could follow up directly with the Patient as necessary. There is no note in the record  
2 provided after this phone call indicating that anyone followed up with the Patient.

3 17. On September 24, 2014, the Patient returned to see the Respondent. She complained  
4 of the persistent tailbone pain from the prior visit, and stated it had improved after treatment and  
5 was now at 2 out of 10 pain level, though constant. This time she also reported numbness and  
6 decreased sensation in her "vaginal area" and buttocks since that visit, in addition to symptoms of  
7 both urinary and fecal incontinence. The urinary incontinence appeared to occur with increases in  
8 intra abdominal pressure (i.e., "stress incontinence"), such as laughing and coughing. The fecal  
9 incontinence was intermittent. She stated that since the last visit she "took a bunch of  
10 medications" to help with the constipation and did not have constipation symptoms anymore.  
11 However, she also mentioned vomiting. Decreased sensation was found in her medial thigh on  
12 the right more than left and normal elsewhere. There was no rectal exam conducted. There was  
13 no specific diagnosis documented beyond the above symptoms (coccyx pain, fecal and urinary  
14 incontinence, numbness of the skin, constipation), but the Respondent noted that she considered  
15 the Patient's symptoms to be most likely due to a "muscle strain with pinched nerve." The plan  
16 included x-rays of the sacrum, coccyx, and abdomen, lab tests for urinary tract infection,  
17 pregnancy, vitamin deficiencies (namely B6, B12, and D), STDs (namely chlamydia and  
18 gonorrhea), as well as basic blood panels (blood cells, electrolytes, renal and thyroid function).  
19 She was also treated with systemic corticosteroids, an injectable dose followed by a course of oral  
20 treatment. The chart documented generic documentation regarding warnings and a follow-up  
21 plan if symptoms worsened. This included: to "seek immediate medical care," that "patient  
22 expressed understanding," and that "patient education and anticipatory guidance was given," as  
23 well as several more lines regarding risks, instructions, and follow-up plans being discussed and  
24 reviewed. She was also given an After Visit Summary, which included written information on  
25 "coccyx pain," "becoming more active," and to "return if symptoms worsen or fail to improve."  
26 There was no indication that a follow-up appointment was made.

27 18. On September 29, 2014, the Patient's mother called for the results of the x-rays,  
28 which were taken on September 24, 2014, and was told they are not available yet. The x-ray

1 results were signed on October 3, 2014. Findings of the x-rays of the abdomen ("KUB") and  
2 sacrum/coccyx (no lumbosacral images) were significant for sclerotic changes in the sacroiliac  
3 joints bilaterally and stool in colon and rectum.

4 19. On October 8, 2014, the Patient returned with complaints of coccyx pain and  
5 constipation again, this time seeing another physician. At this appointment, the Patient also  
6 reported insomnia and received a flu shot. She reported that her coccyx pain had improved, but  
7 still with intermittent problems with constipation (last BM was 2 days prior). She did not  
8 mention any reports of numbness or incontinence. She was examined mainly for her bowel  
9 complaints and recommended Miralax again, as well as other bowel hygiene tips. Sleep hygiene  
10 and melatonin were discussed for sleep and a similar After Visit Summary was given, this time  
11 for "constipation in teens"- which included instructions to follow up if symptoms did not improve  
12 or get worse, and if there were other changes, including leaking of stool.

13 20. On October 23, 2014, the Patient's mother called stating that the Patient still has the  
14 coccygeal pain despite ibuprofen 600 mg, rated at 8/10 pain. Also, she stated that the Patient  
15 now has daily BMs on Miralax, and is no longer constipated. A phone appointment with the  
16 Respondent was booked for the next day; however, the Patient was not present for the  
17 appointment, only the mother again. She reiterated the history above, including that the pain had  
18 improved since the last office visit, but was still present and ibuprofen was not helping. Again,  
19 constipation, incontinence, and numbness was not noted as part of her complaint. The Respondent  
20 changed the non-steroidal anti-inflammatory drug (NSAID) from ibuprofen to naproxen, and  
21 reiterated the same prior precautions and instructions.

22 21. On November 6, 2014, Respondent saw the Patient for complaints of urinary urgency,  
23 frequency, and pain. She was found to have suprapubic tenderness and a urine dip positive for  
24 infection, without signs of a kidney infection. Her other complaint was constipation, though  
25 details on this complaint were not documented; it was unclear if she was still taking the  
26 constipation treatments recommended previously. There was no mention of tailbone pain,  
27 numbness, or incontinence of any kind. She was diagnosed with a Urinary Tract Infection (UTI)  
28 and constipation, and then treated with antibiotics, Metamucil, and lactulose (another laxative).

1 Her urine was also sent for STD check and she was given an After Visit Summary for UTI and  
2 constipation.

3 22. On November 11, 2014, the Patient's urine test came back positive for Chlamydia.  
4 The subject sent messages to inform the Patient, give instructions and counseling, as well as to  
5 advise the Patient to pick up the treatment for the infection and to get re-tested. A registered nurse  
6 (RN) gave these messages on November 12, 2014.

7 23. On November 13, 2014, the Patient called the clinic to "check status of message" and  
8 other concerns. She stated that her boyfriend was 20 years old and was asking about free clinic  
9 options for him, was advised regarding Planned Parenthood. She did not discuss any other  
10 symptoms at this time, nor is there any documentation of discussion regarding testing for other  
11 STDs, pregnancy, or STD prevention, or birth control.

12 24. On December 2, 2014, the Patient came in with flu-like symptoms, as well as UTI  
13 symptoms again, this time seeing a different provider. At this visit, the Patient also reported  
14 symptoms consistent with saddle anesthesia and "total urinary incontinence since early  
15 September," her need to wear a diaper "all the time," and also constipation to the point of needing  
16 manual disimpaction for every BM. The Patient was diagnosed with a UTI with urine culture  
17 sensitive to Cipro, based on urine culture sent at prior visit. This was not recorded in the chart of  
18 this visit. She was treated for UTI with Cipro and for chlamydia with azithromycin. She was  
19 also diagnosed with "cauda equina syndrome with neurogenic bladder," with the plan for routine  
20 magnetic resonance imaging (MRI) of coccyx and sacrum and Neurosurgery consult. On  
21 December 11, 2014, the same provider was advised by Radiology to add an MRI of lumbosacral  
22 spine to the order, which she did, and these tests were performed on December 12, 2014, after  
23 which time cauda equina syndrome was confirmed.

24 25. The following acts and/or omissions in Respondent's care and treatment of the Patient  
25 constitute gross negligence:

26 A. Respondent, on the September 24, 2014, visit, failed to consider and recognize  
27 cauda equina syndrome as part of the Patient's differential diagnosis, despite the Patient's  
28 reports of paresthesias in her pubic and buttock area, saddle anesthesia, as well as both



1 urinary and fecal incontinence.

2 B. Respondent, on the September 24, 2014, visit, failed to document details  
3 regarding the Patient's urinary and fecal incontinence symptoms. This is significant given  
4 the atypical presentation in this young, healthy patient. There was no documentation of  
5 context where these symptoms could have been explained as a benign side effect or other  
6 clear benign cause.

7 C. Respondent, on the September 24, 2014, visit, failed to perform urinary system  
8 testing beyond evaluation for a UTI. This was after reported symptoms of stress  
9 incontinence, which is unusual in a young, nulliparous patient. No imaging was done to see  
10 if she was emptying her bladder properly or if the rest of her urinary tract was normal in  
11 appearance. There was a lack of follow-up for the Patient's symptoms of urinary  
12 incontinence.

13 D. Respondent, on the September 24, 2014, visit, incorrectly diagnosed the Patient  
14 with "muscle strain with a pinched nerve." This was despite the Patient's symptoms not  
15 being unilateral nor mild. Also this was after the Patient complained of decreased sensation,  
16 found in the medial thigh on the right more than left and normal elsewhere (not just one  
17 side). There was also mention of symptoms, which included fecal and urinary incontinence,  
18 numbness in the "saddle" region, and constipation.

19 E. Respondent failed to document any specific red flag symptoms discussed; seek  
20 immediate medical attention for them; and plan follow-up, including certain "red flag"  
21 symptoms that could have prompted more urgent evaluation (e.g., MRI). Respondent failed  
22 to clearly warn the Patient specifically about these concerns, in case they presented more  
23 clearly between the time of the initial visit and follow up. Respondent failed to plan to  
24 check in on the Patient to ensure that her symptoms were not becoming more concerning.

25 F. Respondent, on October 24, 2014, failed to perform a more urgent reevaluation,  
26 including higher order imaging. When the Patient's mother told Respondent that the  
27 coccygeal pain was persisting and ibuprofen was not helping, the Respondent changed only  
28 the NSAID. Respondent failed to arrange for follow-up evaluation or testing.



1 The Patient did not meet any criteria for otitis media nor acute bronchitis. Respondent also  
2 failed to document an eye exam when the Patient complained of eye pain.

3 F. On November 11, 2014, Respondent failed to order testing for other STDs, or  
4 pregnancy. This was after the Patient was found to be positive for Chlamydia. When the  
5 Patient called back later, Respondent failed to document the discussion and appropriate  
6 counseling regarding risk of recurrent STDs, pregnancy, STD prevention or birth control.

7 G. The allegations of gross negligence set forth in paragraph 25 above, also  
8 constitute repeated negligent acts.

### 9 THIRD CAUSE FOR DISCIPLINE

#### 10 (Incompetence)

11 28. Respondent is subject to disciplinary action under Code section 2234, subdivision (d),  
12 in that she was incompetent in the care and treatment of the Patient. The facts and circumstances  
13 alleged in the First and Second Cause for Discipline above are incorporated here as if fully set  
14 forth. The circumstances are as follows.

15 29. The following acts and/or omissions in Respondent's care and treatment of the Patient  
16 constitute repeated incompetence:

17 A. Respondent was incompetent in the care and treatment of the Patient when she  
18 failed to properly diagnose the Patient with cauda equina syndrome.

19 B. Respondent was incompetent in ordering laboratory testing for the Patient  
20 because:

21 1. Ordering unnecessary lab test due to being on Abilify, when the Patient's  
22 treating psychiatrist had already ordered the appropriate lab test.

23 2. Ordering HSV (herpes simplex virus) as an STD screening test absent any  
24 symptoms.

25 3. Ordering STD screening without testing and/or discussing with the  
26 Patient, pregnancy and STD prevention.

27 ///

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Inadequate and Inaccurate Records)**

3 30. Respondent is subject to disciplinary action under Code section 2266 in that she  
4 failed to maintain adequate and accurate records relating to the provision of medical services to  
5 the Patient. The facts and circumstances alleged above in paragraphs 8 through 29 are  
6 incorporated here as if fully set forth.

7 **FIFTH CAUSE FOR DISCIPLINE**

8 **(Unprofessional conduct)**

9 31. Respondent is subject to disciplinary action under Code section 2234 in that she  
10 engaged in unprofessional conduct in the care and treatment of the Patient. The facts and  
11 circumstances alleged above in paragraphs 8 through 30 are incorporated here as if fully set forth.

12 **PRAAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
14 and that following the hearing, the Medical Board of California issue a decision:

- 15 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 117131,  
16 issued to Susan Yoomie Lee, M.D.;
- 17 2. Revoking, suspending or denying approval of Susan Yoomie Lee, M.D.'s authority to  
18 supervise physician assistants and advanced practice nurses;
- 19 3. Ordering Susan Yoomie Lee, M.D., if placed on probation, to pay the Board the costs  
20 of probation monitoring; and
- 21 4. Taking such other and further action as deemed necessary and proper.

22 DATED:

23 May 8, 2019

24   
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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