

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

In the Matter of the First Amended
Accusation Against:

Joon Won Rhee, M.D.

Physician's and Surgeon's
Certificate No. A 77852

Respondent.

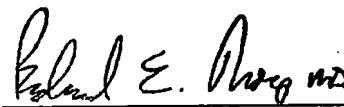
MBC File # 800-2018-042932

**ORDER CORRECTING NUNC PRO TUNC
CLERICAL ERROR IN "CASE NUMBER" PORTION OF DECISION**

On its own motion, the Medical Board of California (hereafter "Board") finds that there is a clerical error in the "case number" shown on page 4, line 26 of the Stipulated Settlement and Disciplinary Order in the above-entitled matter, and that such clerical error should be corrected so that the case number will conform to the Board's case number.

IT IS HEREBY ORDERED that the case number contained within the Decision of the above-entitled matter be and hereby is amended and corrected nunc pro tunc as of the date of entry of the decision to read as "800-2018-042932."

October 5, 2021



Richard E. Thorp, M.D.,
Chair
Panel B

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

**In the Matter of the First Amended
Accusation Against:**

Joon Won Rhee, M.D.

**Physician's & Surgeon's
Certificate No A 77852**

Respondent

Case No. 800-2018-042932

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 September 30, 2021.

IT IS SO ORDERED August 31, 2021.

MEDICAL BOARD OF CALIFORNIA



**Alejandra Campoverdi, Vice Chair
Panel B**

1 ROB BONTA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CHRIS LEONG
Deputy Attorney General
4 State Bar No. 141079
California Department of Justice
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Attorneys for Complainant

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
Against:

13 **JOON WON RHEE, M.D.**
14 **1895 Orange Tree Lane #201**
Redlands, California 92374-0113

15 Physician's and Surgeon's Certificate A 77852,
16
17 Respondent.

Case No. 800-2018-042932

OAH No. 2021030035

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
23 California (Board). He brought this action solely in his official capacity and is represented in this
24 matter by Rob Bonta, Attorney General of the State of California, by Chris Leong, Deputy
25 Attorney General.

26 2. Respondent Joon Won Rhee, M.D. (Respondent) is represented in this proceeding by
27 attorney Steven H. Zeigen, 10815 Rancho Bernardo Road, Suite 310, San Diego, California
28 92127-2189.

1 ADVISEMENT AND WAIVERS

2 8. Respondent has carefully read, fully discussed with counsel, and understands the
3 charges and allegations in First Amended Accusation No. 800-2018-042932. Respondent has
4 also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated
5 Settlement and Disciplinary Order.

6 9. Respondent is fully aware of his legal rights in this matter, including the right to a
7 hearing on the charges and allegations in the First Amended Accusation; the right to confront and
8 cross-examine the witnesses against him; the right to present evidence and to testify on his own
9 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
10 production of documents; the right to reconsideration and court review of an adverse decision;
11 and all other rights accorded by the California Administrative Procedure Act and other applicable
12 laws.

13 10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
14 every right set forth above.

15 CULPABILITY

16 11. Respondent understands and agrees that the charges and allegations in First Amended
17 Accusation No. 800-2018-042932, if proven at a hearing, constitute cause for imposing discipline
18 upon his Physician's and Surgeon's Certificate.

19 12. Respondent agrees that, at a hearing, Complainant could establish a prima facie case
20 or factual basis for the charges in the First Amended Accusation, and that Respondent hereby
21 gives up his right to contest those charges.

22 13. Respondent does not contest that, at an administrative hearing, the Complainant could
23 establish a prima facie case with respect to the charges and allegations in First Amended
24 Accusation No. 800-2018-042932, a copy of which is attached, and that he has thereby subjected
25 his Physician's and Surgeon's Certificate, No. A 77852 to disciplinary action.

26 14. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
27 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
28 Disciplinary Order below.

1 15. Respondent agrees that if the Board ever takes action pursuant to the Order below, all
2 of the charges and allegations contained in First Amended Accusation No. 800-2018-042932,
3 shall be deemed true, and correct and fully admitted by Respondent for purposes of that
4 proceeding or any other licensing proceeding involving Respondent in the State of California.

5 **CONTINGENCY**

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

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

19 18. In consideration of the foregoing admissions and stipulations, the parties agree that
20 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
21 enter the following Disciplinary Order:

22 **DISCIPLINARY ORDER**

23 **IT IS HEREBY ORDERED THAT** Joon Won Rhee, M.D. is publicly reprimanded
24 pursuant to Business and Professions Code section 2227. This public reprimand is issued in
25 connection with Respondent's actions as set forth in the First Amended Accusation
26 No. 800-2016-021838, related to the lack of a transfer agreement at the time of the procedure.

27 **IT IS FURTHER ORDERED THAT** Respondent comply with the following:

28 1. **EDUCATION COURSE.** Within 60 calendar days of the effective date of this

1 decision, Respondent shall enroll in an educational program(s) or course(s) approved in advance
2 by the Board or its designee. Respondent shall successfully complete the program(s) or course(s)
3 not later than one (1) year after Respondent's initial enrollment unless the Board or its designee
4 agrees in writing to an extension of that time.

5 The educational program(s) or course(s) shall be aimed at correcting any areas of deficient
6 practice or knowledge in the area of liposuction procedure and practice and shall be Category I
7 certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be
8 in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.
9 Following the completion of each course, the Board or its designee may administer an
10 examination to test Respondent's knowledge of the course. Respondent shall provide proof of
11 attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

12 Determination as to whether Respondent successfully completed the educational
13 program(s) or course(s) is solely within the program's jurisdiction.


14 If Respondent fails to enroll, participate in, or successfully complete the educational
15 program(s) or course(s) within the designated time period, Respondent shall receive a notification
16 from the Board or its designee to cease the practice of medicine within three (3) calendar days
17 after being so notified. The Respondent shall not resume the practice of medicine until
18 enrollment or participation in the outstanding portions of the education course have been
19 completed. If the Respondent does not successfully complete the educational program(s) or
20 course(s), the Respondent shall not resume the practice of medicine until a final decision has been
21 rendered on a subsequently filed accusation.

22 **ACCEPTANCE**

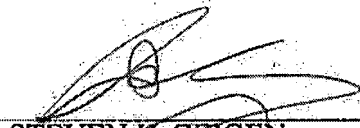
23 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
24 discussed it with my attorney, Steven H. Zeigen. I understand the stipulation and the effect it will
25 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
26 Disciplinary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

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DATED: 6/16/2021 
JOON WON RHEE, M.D.
Respondent

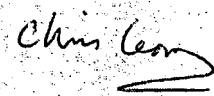
I have read and fully discussed with Respondent Joon Won Rhee, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 6/17/21 
STEVEN H. ZEIGEN
Attorney for Respondent

ENDORSEMENT

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

DATED: June 17, 2021

Respectfully submitted,
ROB BONTA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

CHRIS LEONG
Deputy Attorney General
Attorneys for Complainant

LA2020601367
With Board Edits Stipulated Settlement and Disc Order.docx

Exhibit A

1 MATTHEW RODRIQUEZ
Acting Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CHRIS LEONG
Deputy Attorney General
4 State Bar No. 141079
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, California 90013
6 Telephone: (213) 269-6460
Facsimile: (213) 897-9395
7 Attorneys for Complainant

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the First Amended Accusation
Against:

Case No. 800-2018-042932

FIRST AMENDED ACCUSATION

14 JOON WON RHEE, M.D.
15 1895 Orange Tree Lane #201
Redlands, California 92374-0113
16 Physician's and Surgeon's Certificate
No. A 77852,

17 Respondent.
18
19

20 **PARTIES**

21 1. William Prasifka (Complainant) brings this First Amended Accusation solely in his
22 official capacity as the Executive Director of the Medical Board of California, Department of
23 Consumer Affairs (Board).

24 2. On February 1, 2002, the Board issued Physician's and Surgeon's Certificate Number
25 A 77852 to Joon Won Rhee, M.D. (Respondent). That license was in full force and effect at all
26 times relevant to the charges brought herein and will expire on October 31, 2021, unless renewed.

27 3. In a disciplinary action entitled *In the Matter of the Accusation Against Joon Won*
28 *Rhee, M.D.*, Case No. 18-2013-232643, the Board issued a Decision, effective November 2, 2016,

1 in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the
2 revocation was stayed, and Respondent's Physician's and Surgeon's Certificate was placed on
3 probation for thirty-five months with specific terms and conditions.

4 4. In a disciplinary action entitled *In the Matter of the Accusation/Petition to Revoke*
5 *Probation Against Joon Won Rhee, M.D.*, Case No. 800-2019-053094, the Board issued a
6 Decision, effective April 10, 2020, in which Respondent's Physician's and Surgeon's Certificate
7 was revoked. However, the revocation was stayed, and the probation period from Respondent's
8 prior disciplinary action was extended by one year from the effective date of the Decision, with
9 specific terms and conditions.

10 11 12 JURISDICTION

13 5. This First Amended Accusation is brought before the Board under the authority of the
14 following laws. All section references are to the Business and Professions Code (Code) unless
15 otherwise indicated.

16 6. Section 2227 of the Code states:

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

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

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

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

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

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

28 (b) Any matter heard pursuant to subdivision (a), except for warning letters,
medical review or advisory conferences, professional competency examinations,

1 continuing education activities, and cost reimbursement associated therewith that are
2 agreed to with the board and successfully completed by the licensee, or other matters
3 made confidential or privileged by existing law, is deemed public, and shall be made
4 available to the public by the board pursuant to Section 803.1.”

5
6 7. Section 2234 of the Code, states:

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

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

12 (b) Gross negligence.

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

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

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

25 (d) Incompetence.

26 (e) The commission of any act involving dishonesty or corruption which is
27 substantially related to the qualifications, functions, or duties of a physician and
28 surgeon.

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

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

8. Section 2266 of the Code states:

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

CALIFORNIA CODE OF REGULATIONS

9. Title 16, California Code of Regulations, section 1356.6, provides that:

Liposuction Extraction and Postoperative Care Standards.

1 (a) A liposuction procedure that is performed under general anesthesia or
2 intravenous sedation or that results in the extraction of 5,000 or more cubic
centimeters of total aspirate shall be performed in a general acute-care hospital or in a
setting specified in Health and Safety Code Section 1248.1.

3 (b) The following standards apply to any liposuction procedure not required by
4 subsection (a) to be performed in a general acute-care hospital or a setting specified in
Health and Safety Code Section 1248.1:

5 (1) Intravenous Access and Emergency Plan. Intravenous access shall be
6 available for procedures that result in the extraction of less than 2,000 cubic
7 centimeters of total aspirate and shall be required for procedures that result in the
8 extraction of 2,000 or more cubic centimeters of total aspirate. There shall be a
9 written detailed plan for handling medical emergencies and all staff shall be informed
10 of that plan. The physician shall ensure that trained personnel, together with adequate
and appropriate equipment, oxygen, and medication, are onsite and available to
handle the procedure being performed and any medical emergency that may arise in
connection with that procedure. The physician shall either have admitting privileges
at a local general acute-care hospital or have a written transfer agreement with such a
hospital or with a licensed physician who has admitting privileges at such a hospital.

11 (2) Anesthesia. Anesthesia shall be provided by a qualified licensed
12 practitioner. The physician who is performing the procedure shall not also administer
or maintain the anesthesia or sedation unless a licensed person certified in advanced
13 cardiac life support is present and is monitoring the patient.

14 (3) Monitoring. The following monitoring shall be available for volumes
15 greater than 150 and less than 2,000 cubic centimeters of total aspirate and shall be
required for volumes between 2,000 and 5,000 cubic centimeters of total aspirate:

- 16 (A) Pulse oximeter
- 17 (B) Blood pressure (by manual or automatic means)
- 18 (C) Fluid loss and replacement monitoring and recording
- 19 (D) Electrocardiogram

20 (4) Records. Records shall be maintained in the manner necessary to
21 meet the standard of practice and shall include sufficient information to determine the
quantities of drugs and fluids infused and the volume of fat, fluid, and supernatant
22 extracted and the nature and duration of any other surgical procedures performed
during the same session as the liposuction procedure.

23 (5) Discharge and Postoperative-care Standards.

24 (A) A patient who undergoes any liposuction procedure,
25 regardless of the amount of total aspirate extracted, shall not be discharged from
professionally supervised care unless the patient meets the discharge criteria
26 described in either the Aldrete Scale or the White Scale. Until the patient is
discharged, at least one staff person who holds a current certification in advanced
cardiac life support shall be present in the facility.

27 (B) The patient shall only be discharged to a responsible adult
28 capable of understanding postoperative instructions.

1 FACTUAL ALLEGATIONS

2 10. JWR Wellness Clinics (the "Clinic") is an outpatient preventive medicine facility
3 located in Redlands, California, owned by the Respondent, an internist. At the Clinic, patient
4 evaluation includes bone density X-rays and body fat composition analysis X-rays using
5 equipment owned and maintained by the Respondent.

6 11. The patient¹ in this case was a 48-year-old morbidly obese (BMI 43) female, a
7 chronic one-pack-per-day smoker, taking medications for blood pressure, depression and asthma.
8 She desired improvement in her abdominal contour. A physician had previously recommended a
9 gastric sleeve procedure for treatment of her obesity which she had declined.

10 12. On May 11, 2015, three days pre-operatively, the patient was started on antibiotics
11 and was advised to discontinue smoking peri-operatively.

12 13. On May 14, 2015, Respondent performed an abdominal liposuction surgery on the
13 patient at his JWR Wellness Clinic. This facility was not an accredited outpatient surgical
14 facility. Respondent did not have admitting or surgical privileges at any hospital. He had no
15 written transfer agreement with an accredited hospital at the time of this procedure. It was only
16 on June 16, 2015, a month after this procedure, that Respondent has documentation of a transfer
17 agreement with Redlands Community Hospital.

18 14. The surgery on the patient was performed in a "procedure room." Review of the
19 relevant photographs of the "procedure room" document an examination type table, not an
20 operating room table. There was no overhead lighting or other form of adequate surgical lighting.
21 Other photographs demonstrate a small capacity autoclave, no segregation of cleaning and
22 processing "clean" and "dirty" instruments, no designated scrub sink other than standard counter-
23 top sink, and no photographic documentation of a "crash" cart or emergency defibrillator. The
24 drug cabinet had a limited stock of drugs. There was no designated cabinet for the storage of
25 sterile supplies. The patient alleged that Respondent left the room several times during the
26 procedure and was not sterile upon returning to the operating room.

27
28 ¹ Patient's name is being withheld to protect their identity.

1 15. Respondent calculated her safe dose of lidocaine to be 45 mg/kg x 115 kg, or 5,216
2 mg (the correct safe dose is 35 mg/kg x 115 kg, or 4,025 mg). She had 3,400 cc tumescent fluid
3 infiltrated (containing 3,400 mg Lidocaine), and 4,550 cc fat aspirated. Following completion of
4 the surgery, the patient was discharged home. She was scheduled to return for follow-up the next
5 day but was not seen by Respondent until May 19, 2015, five days after the surgery. The patient
6 did not stop smoking perioperatively, and in fact, was noted by Respondent's staff as smoking a
7 cigarette immediately after her surgical procedure.

8 16. For the procedure, the patient was given oral premedication consisting of 1 mg
9 Ativan, 1 tablet of Vicodin (5/300), and Zofran (which was not documented). She had also been
10 started on prophylactic oral keflex 500 mg, beginning three days before the procedure.

11 17. On May 19, 2015, postoperative day #5, Respondent saw the patient for the first time
12 after surgery. Respondent noted that "on the lower hypogastric area there is purpura, bruising,
13 edema and seroma. There is swelling, and there is some tenderness to touch. Minimal drainage."
14 No temperature or other vital signs were documented. Respondent diagnosed that the observed
15 physical findings were due to poor circulation and referred the patient for lymphatic massage.

16 18. On May 21, 2015, postoperative day #7, the patient's ten-day course of Keflex was
17 completed.

18 19. On May 26, 2015, postoperative day #12, Respondent noted "minimal redness,
19 moderate edema, purpura, soreness, significant seroma/edema. No temperature or vital signs
20 were documented. The patient was told to return in 1-2 days or go to the E.R. if her condition
21 worsened.

22 20. On May 28, 2015, postoperative day #14, the patient was seen by her primary M.D.,
23 who felt she had cellulitis and immediately sent her to the Emergency Room at San Geronio
24 Hospital in Banning, California. At the hospital, she did not have a fever or elevated white blood
25 cell count. She had CT scans performed on her abdomen, which the radiologist read as "Probable
26 abdominal wall cellulitis" and she was given Clindamycin and antibiotics were continued on an
27 outpatient basis.

28

1 21. On June 15, 2015, the patient returned to the ER at San Gorgonio Hospital a second
2 time because her IV had been bleeding; she did not have a fever, and she left without being seen.
3 On the same day, she presented to Redlands Community Hospital, where again she was afebrile,
4 had a normal white blood cell count, and a negative CT scan. The next day, June 16, 2015, the
5 patient left the hospital early in the morning "against medical advice," and requested copies of her
6 medical records as she left.

7 22. Later that day, on June 16, 2015, the patient was seen again at Redlands Community
8 Hospital. A CT scan of the abdomen and pelvis was done on which showed "prominent stranding
9 seen along the anterior abdominal wall, consistent with cellulitis." June 17, 2015, a PICC² line
10 was placed for continued IV antibiotics.

11 23. On December 6, 2019, Respondent was interviewed by an investigator in the Health
12 Quality Investigation Unit and by a District Medical Consultant (DMC) regarding this incident.
13 During the interview, Respondent acknowledged that he had no hospital admitting privileges.

14 24. It was an extreme departure from the standard of care for (a) failing to have a transfer
15 agreement to a local hospital should an emergency arise; (b) IV access, a pulse oximeter, blood
16 pressure, and electrocardiogram monitoring; (c) an emergency plan with a transfer agreement;
17 and (d) either admitting privileges at a local general acute-care hospital or have a written transfer
18 agreement with such a hospital or with a licensed physician who has admitting privileges at such
19 a hospital.

20 25. California Code of Regulations 1356.6, entitled "Liposuction Extraction Standards,"
21 states: "The physician shall either have admitting privileges at a local general acute-care hospital
22 or have a written transfer agreement with such a hospital or with a licensed physician who has
23 admitting privileges at such a hospital." However, Respondent did not have a written transfer
24 agreement with local physicians at a local hospital. Therefore, he should not have been
25 performing large-volume liposuction in his clinic.

26
27 ² Peripherally inserted central catheter (PICC) - A PICC is a thin, flexible tube that is
28 inserted into a vein in the upper arm and guided (threaded) into a large vein above the right side
of the heart called the superior vena cava.

1 26. An Independent Practice Association (IPA) Agreement is insufficient to meet the
2 requirements of California Code of Regulations (CCR) 1356.6. Respondent's Internal Medicine
3 Colleagues in the IPA cannot perform surgery; the IPA is a rotating calendar for coverage of
4 other doctors' patient phone calls. An arrangement in which a covering Internal Medicine doctor
5 tries to locate a surgeon does not qualify as a written transfer agreement for coverage of
6 emergencies.

7 27. At this interview, Respondent acknowledged that he started the patient on pre-op
8 antibiotics earlier than was customary because he was "concerned about her hygiene." The
9 Medical Board's consultant asked Respondent, "So this is someone who is obviously dirty and
10 unkempt?" to which the Respondent replied, "At times, yes." Respondent decided to perform
11 liposuction knowing that his patient was "dirty," had hypertension, and was a chronic smoker.

12 28. Despite documenting abnormal findings on two occasions, Respondent failed to
13 diagnose cellulitis. Instead, he mistakenly attributed the clinical findings to impaired circulation
14 and smoking. At this interview, Respondent explicitly dismissed the possibility of infection,
15 stating incorrectly there was, "no sign of infection because the incision sites were closed and there
16 was no drainage."

17 **FIRST CAUSE FOR DISCIPLINE**

18 (Gross Negligence)

19 29. By reason of the facts set forth above in paragraphs 10 through 28, which are
20 incorporated herein as if fully set forth, Respondent is subject to disciplinary action under section
21 2234, subdivision (b) of the Code for gross negligence. The circumstances are as follows:

22 A. Respondent failed to have a transfer agreement to a local hospital should an
23 emergency arise.

24 B. Respondent failed to have IV access, a pulse oximeter, blood pressure, and
25 electrocardiogram monitoring.

26 C. Respondent failed to have an emergency plan with a transfer agreement in
27 place as required by California Code of Regulations section 1356.6.

28 D. Respondent failed to have either admitting privileges at a local general acute-

1 care hospital or a written transfer agreement with such a hospital or with a licensed
2 physician who had admitting privileges at such a hospital.

3 E. Respondent exercised poor judgment in conducting high-volume liposuction on
4 the patient, knowing that the patient was morbidly obese, had hypertension, was a chronic
5 smoker, and was, as he put it, "dirty," suggesting the patient was at high risk of infection.

6 F. Respondent failed to diagnose cellulitis despite documenting two occasions of
7 abnormal findings.

8 G. Respondent demonstrated a lack of knowledge by not suspecting or diagnosing
9 post-op cellulitis and by incorrectly stating that there was "no sign of infection because the
10 incision sites were closed and there was no drainage."

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Repeated Negligent Acts)

13 30. By reason of the facts set forth above in paragraphs 10 through 29, which are
14 incorporated herein as if fully set forth, the Respondent is subject to disciplinary action under
15 section 2234, subdivision (c) of the Code for repeated negligent acts.

16 **THIRD CAUSE FOR DISCIPLINE**

17 (Inadequate and Inaccurate Record Keeping)

18 31. By reason of the facts set forth above in paragraphs 10 through 30, which are
19 incorporated herein as if fully set forth, the Respondent is subject to disciplinary action under
20 section 2266 of the Code for failing to maintain adequate and accurate medical records.

21 **DISCIPLINARY CONSIDERATIONS**

22 32. To determine the degree of discipline, if any, to be imposed on Respondent Joon Won
23 Rhee, M.D., Complainant alleges that on or about November 2, 2016, in a prior disciplinary
24 action entitled *In the Matter of the Accusation Against Joon Won Rhee, M.D.*, before the Medical
25 Board of California, Case Number 18-2013-232643, Respondent's license was revoked, but the
26 revocation was stayed and Respondent was placed on probation for thirty-five months for gross
27 negligence, repeated negligent acts, incompetence, failure to maintain adequate and accurate
28 records of patient care, false advertising, and unprofessional conduct. The probation terms and

1 conditions included the requirement to complete an education course, a professionalism program
2 [that is, ethics course], a medical training program, a requirement to obey all laws, and to submit
3 quarterly declarations, among other terms. That Decision is now final and is incorporated by
4 reference as if fully set forth herein.

5 33. In addition, to determine the degree of discipline, if any, to be imposed on
6 Respondent Joon Won Rhee, M.D., Complainant alleges that on or about April 10, 2020, in an
7 additional disciplinary action entitled *In the Matter of the Accusation and Petition to Revoke*
8 *Probation Against Joon Won Rhee, M.D.* before the Medical Board of California, Case Number
9 800-2019-053094, Respondent's license was revoked, but the revocation was stayed and the
10 probation period from Respondent's prior disciplinary action was extended by one (1) year from
11 the effective date of this Decision for gross negligence, repeated negligent acts, failure to obey all
12 laws. Probation terms and conditions included the requirement to complete an education course, a
13 professionalism program [ethics course] and the standard terms and conditions. That Decision is
14 now final and is incorporated by reference as if fully set forth herein.

15 **PRAYER**

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

- 18 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 77852,
19 issued to Joon Won Rhee, M.D.;
- 20 2. Revoking, suspending, or denying approval of Joon Won Rhee, M.D.'s authority to
21 supervise physician assistants and advanced practice nurses;
- 22 3. If placed on probation, ordering Joon Won Rhee, M.D. to pay the Board the costs of
23 probation monitoring; and

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4. Taking such other and further action as deemed necessary and proper.

DATED: April 8, 2021



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

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