

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

In the Matter of the Accusation
Against:

Kevin Tien Lee, M.D.

Physician's and Surgeon's
Certificate No. A 99354

Case No.: 800-2022-085649

Respondent.

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 July 10, 2025.

IT IS SO ORDERED: June 10, 2025.

MEDICAL BOARD OF CALIFORNIA

Michelle A. Bholat, MD

Michelle A. Bholat, M.D., Chair
Panel A

ROB BONTA
Attorney General of California
EDWARD KIM
Supervising Deputy Attorney General
CHRISTINA SEIN GOOT
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Attorneys for Complainant

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

In the Matter of the Accusation Against:
KEVIN TIEN LEE, M.D.
5801 Rosemead Blvd.
Temple City, CA 91780-1852

Case No. 800-2022-085649

OAH No. 2024100226

**Physician's and Surgeon's Certificate
No. A 99354,**

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER

Respondent.

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

PARTIES

1. Reji Varghese (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Christina Sein Goot, Deputy Attorney General.

2. Respondent Kevin Tien Lee, M.D. (Respondent) is represented in this proceeding by attorney Seth A. Weinstein, whose address is: 3500 West Olive Avenue, Suite 300, Burbank, CA 91505-4647.

3. On or about March 16, 2007, the Board issued Physician's and Surgeon's Certificate No. A 99354 to Respondent. The Physician's and Surgeon's Certificate was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 800-2022-085649, and will
2 expire on October 31, 2026, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 800-2022-085649 was filed before the Board, and is currently
5 pending against Respondent. The Accusation and all other statutorily required documents were
6 properly served on Respondent on August 28, 2024. Respondent timely filed his Notice of
7 Defense contesting the Accusation.

8 5. A copy of Accusation No. 800-2022-085649 is attached hereto as Exhibit A and
9 incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 800-2022-085649. Respondent has also carefully read,
13 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

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

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 9. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 800-2022-085649.

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

CONTINGENCY

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

12 12. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
13 be an integrated writing representing the complete, final and exclusive embodiment of the
14 agreement of the parties in this above-entitled matter.

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

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

DISCIPLINARY ORDER

22 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 99354 issued
23 to Respondent Kevin Tien Lee, M.D. is revoked. However, the revocation is stayed and
24 Respondent is placed on probation for five (5) years on the following terms and conditions:

25 1. COMMUNITY SERVICE – FREE SERVICES. Within 60 calendar days of the
26 effective date of this Decision, Respondent shall submit to the Board or its designee for prior
27 approval a community service plan in which Respondent shall within the first 2 years of
28 probation, provide 50 hours of free services (e.g., medical or nonmedical) to a community or non-

1 profit organization. Prior to engaging in any community service, Respondent shall provide a true
2 copy of the Decision to the chief of staff, director, office manager, program manager, officer, or
3 the chief executive officer at every community or non-profit organization where Respondent
4 provides community service and shall submit proof of compliance to the Board or its designee
5 within 15 calendar days. This condition shall also apply to any change(s) in community service.
6 Community service performed prior to the effective date of the Decision shall not be accepted in
7 fulfillment of this condition.

8 2. PACE MANAGING HIGH IMPACT EMOTIONS 3-DAY COURSE (ANGER
9 MANAGEMENT COURSE). Within sixty (60) calendar days of the effective date of this
10 Decision, Respondent shall enroll in the University of California, San Diego School of
11 Medicine's Physician Assessment and Clinical Education ("PACE") Programs Managing High
12 Impact Emotions 3-Day course ("anger management course"). Respondent shall participate in
13 and successfully complete that program. Respondent shall provide any information and
14 documents that the program may deem pertinent. Respondent shall successfully complete the
15 program not later than six (6) months after Respondent's initial enrollment. The anger
16 management course shall be at Respondent's expense and shall be in addition to the Continuing
17 Medical Education (CME) requirements for renewal of licensure.

18 3. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
19 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
20 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
21 Respondent shall participate in and successfully complete that program. Respondent shall
22 provide any information and documents that the program may deem pertinent. Respondent shall
23 successfully complete the classroom component of the program not later than six (6) months after
24 Respondent's initial enrollment, and the longitudinal component of the program not later than the
25 time specified by the program, but no later than one (1) year after attending the classroom
26 component. The professionalism program shall be at Respondent's expense and shall be in
27 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

28 A professionalism program 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 program would have
3 been approved by the Board or its designee had the program 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 program or not later
7 than 15 calendar days after the effective date of the Decision, whichever is later.

8 4. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
9 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
10 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
11 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
12 consider any information provided by the Board or designee and any other information the
13 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
14 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
15 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
16 psychiatric evaluations and psychological testing.

17 Respondent shall comply with all restrictions or conditions recommended by the evaluating
18 psychiatrist within 15 calendar days after being notified by the Board or its designee.

19 5. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
20 Respondent shall submit to the Board or its designee for prior approval the name and
21 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
22 has a doctoral degree in psychology and at least five years of postgraduate experience in the
23 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
24 undergo and continue psychotherapy treatment, including any modifications to the frequency of
25 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

26 The psychotherapist shall consider any information provided by the Board or its designee
27 and any other information the psychotherapist deems relevant and shall furnish a written
28 evaluation report to the Board or its designee. Respondent shall cooperate in providing the

1 psychotherapist with any information and documents that the psychotherapist may deem
2 pertinent.

3 Respondent shall have the treating psychotherapist submit quarterly status reports to the
4 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
5 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
6 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
7 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
8 period of probation shall be extended until the Board determines that Respondent is mentally fit
9 to resume the practice of medicine without restrictions.

10 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

11 6. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
12 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
13 Chief Executive Officer at every hospital where privileges or membership are extended to
14 Respondent, at any other facility where Respondent engages in the practice of medicine,
15 including all physician and locum tenens registries or other similar agencies, and to the Chief
16 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
17 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
18 calendar days.

19 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

20 7. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
21 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
22 advanced practice nurses.

23 8. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
24 governing the practice of medicine in California and remain in full compliance with any court
25 ordered criminal probation, payments, and other orders.

26 9. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
27 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
28 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena

1 enforcement, as applicable, in the amount of \$34,805.25 (thirty-four thousand eight hundred five
2 dollars and twenty-five cents). Costs shall be payable to the Medical Board of California. Failure
3 to pay such costs shall be considered a violation of probation.

4 Payment must be made in full within 30 calendar days of the effective date of the Order, or
5 by a payment plan approved by the Medical Board of California. Any and all requests for a
6 payment plan shall be submitted in writing by Respondent to the Board. Failure to comply with
7 the payment plan shall be considered a violation of probation.

8 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility
9 to repay investigation and enforcement costs, including expert review costs (if applicable).

10. **QUARTERLY DECLARATIONS.** Respondent shall submit quarterly declarations
11 under penalty of perjury on forms provided by the Board, stating whether there has been
12 compliance with all the conditions of probation.

13 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
14 of the preceding quarter.

15. **GENERAL PROBATION REQUIREMENTS.**

16. **Compliance with Probation Unit**

17 Respondent shall comply with the Board's probation unit.

18. **Address Changes**

19 Respondent shall, at all times, keep the Board informed of Respondent's business and
20 residence addresses, email address (if available), and telephone number. Changes of such
21 addresses shall be immediately communicated in writing to the Board or its designee. Under no
22 circumstances shall a post office box serve as an address of record, except as allowed by Business
23 and Professions Code section 2021, subdivision (b).

24. **Place of Practice**

25 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
26 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
27 facility.

28. //

1 License Renewal

2 Respondent shall maintain a current and renewed California physician's and surgeon's
3 license.

4 Travel or Residence Outside California

5 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
6 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
7 (30) calendar days.

8 In the event Respondent should leave the State of California to reside or to practice
9 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
10 departure and return.

11 12. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
12 available in person upon request for interviews either at Respondent's place of business or at the
13 probation unit office, with or without prior notice throughout the term of probation.

14 13. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
15 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
16 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
17 defined as any period of time Respondent is not practicing medicine as defined in Business and
18 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
19 patient care, clinical activity or teaching, or other activity as approved by the Board. If
20 Respondent resides in California and is considered to be in non-practice, Respondent shall
21 comply with all terms and conditions of probation. All time spent in an intensive training
22 program which has been approved by the Board or its designee shall not be considered non-
23 practice and does not relieve Respondent from complying with all the terms and conditions of
24 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
25 on probation with the medical licensing authority of that state or jurisdiction shall not be
26 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
27 period of non-practice.

28 In the event Respondent's period of non-practice while on probation exceeds 18 calendar

1 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
2 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
3 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
4 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

5 Respondent's period of non-practice while on probation shall not exceed two (2) years.

6 Periods of non-practice will not apply to the reduction of the probationary term.

7 Periods of non-practice for a Respondent residing outside of California will relieve
8 Respondent of the responsibility to comply with the probationary terms and conditions with the
9 exception of this condition and the following terms and conditions of probation: Obey All Laws;
10 General Probation Requirements; and Quarterly Declarations.

11 14. COMPLETION OF PROBATION. Respondent shall comply with all financial
12 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
13 completion of probation. This term does not include cost recovery, which is due within 30
14 calendar days of the effective date of the Order, or by a payment plan approved by the Medical
15 Board and timely satisfied. Upon successful completion of probation, Respondent's certificate
16 shall be fully restored.

17 15. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
18 of probation is a violation of probation. If Respondent violates probation in any respect, the
19 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
20 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
21 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
22 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
23 the matter is final.

24 16. LICENSE SURRENDER. Following the effective date of this Decision, if
25 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
26 the terms and conditions of probation, Respondent may request to surrender his or her license.
27 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
28 determining whether or not to grant the request, or to take any other action deemed appropriate

1 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
2 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
3 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
4 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
5 application shall be treated as a petition for reinstatement of a revoked certificate.

6. 17. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
7. with probation monitoring each and every year of probation, as designated by the Board, which
8. may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
9. California and delivered to the Board or its designee no later than January 31 of each calendar
10. year.

11 18. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
12 a new license or certification, or petition for reinstatement of a license, by any other health care
13 licensing action agency in the State of California, all of the charges and allegations contained in
14 Accusation No. 800-2022-085649 shall be deemed to be true, correct, and admitted by
15 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
16 restrict license.

ACCEPTANCE

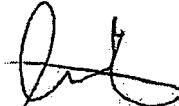
18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Seth A. Weinstein. I understand the stipulation and the effect it
20 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
21 Disciplinary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

24 DATED: 3/25/2025 L
25 KEVIN TIEN LEE, M.D.
Respondent

[Signatures on Following Page]

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

4
5 DATED: 03-25-2025


6 SETH A. WEINSTEIN
7 Attorney for Respondent

8 **ENDORSEMENT**

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

11 DATED: _____

12 Respectfully submitted,

13 ROB BONTA
14 Attorney General of California
15 EDWARD K. KIM
16 Supervising Deputy Attorney General

17 CHRISTINA SEIN GOOT
18 Deputy Attorney General
19 Attorneys for Complainant

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

4
5 DATED: _____

6 SETH A. WEINSTEIN
7 *Attorney for Respondent*

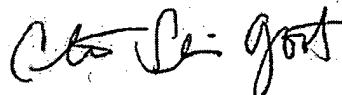
8 **ENDORSEMENT**

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

11 DATED: 3/25/2025

12 Respectfully submitted,

13 ROB BONTA
14 Attorney General of California
15 EDWARD K. KIM
16 Supervising Deputy Attorney General

17 

18 CHRISTINA SEIN GOOT
19 Deputy Attorney General
20 *Attorneys for Complainant*

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22 67488870.docx

Exhibit A

Accusation 800-2022-085649

1 ROB BONTA
2 Attorney General of California
3 EDWARD KIM
4 Supervising Deputy Attorney General
5 DANG VU
6 Deputy Attorney General
7 State Bar No. 306393
8 300 So. Spring Street, Suite 1702
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12 E-mail: Dang.Vu@doj.ca.gov
13 *Attorneys for Complainant*

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

11	In the Matter of the Accusation Against:	Case No. 800-2022-085649
12	KEVIN TIEN LEE, M.D. 5801 Rosemead Blvd. Temple City, CA 91780-1852	ACCUSATION
13	Physician's and Surgeon's Certificate No. A 99354,	
14		
15	Respondent.	

17 Complainant alleges:

PARTIES

19 1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as
20 the Executive Director of the Medical Board of California, Department of Consumer Affairs
21 (Board).

22 2. On or about March 16, 2007, the Board issued Physician's and Surgeon's Certificate
23 Number A 99354 to Kevin Tien Lee, M.D. (Respondent). The Physician's and Surgeon's
24 Certificate was in full force and effect at all times relevant to the charges brought herein and will
25 expire on October 31, 2024, unless renewed.

JURISDICTION

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code (Code) unless otherwise

1 indicated.

2 4. Section 2220 of the Code states:

3 Except as otherwise provided by law, the board may take action against all
4 persons guilty of violating this chapter. The board shall enforce and administer this
5 article as to physician and surgeon certificate holders, including those who hold
6 certificates that do not permit them to practice medicine, such as, but not limited to,
7 retired, inactive, or disabled status certificate holders, and the board shall have all the
8 powers granted in this chapter for these purposes including, but not limited to:

9 (a) Investigating complaints from the public, from other licensees, from health
10 care facilities, or from the board that a physician and surgeon may be guilty of
11 unprofessional conduct. The board shall investigate the circumstances underlying a
12 report received pursuant to Section 805 or 805.01 within 30 days to determine if an
13 interim suspension order or temporary restraining order should be issued. The board
14 shall otherwise provide timely disposition of the reports received pursuant to Section
15 805 and Section 805.01.

16 (b) Investigating the circumstances of practice of any physician and surgeon
17 where there have been any judgments, settlements, or arbitration awards requiring the
18 physician and surgeon or his or her professional liability insurer to pay an amount in
19 damages in excess of a cumulative total of thirty thousand dollars (\$30,000) with
20 respect to any claim that injury or damage was proximately caused by the physician's
21 and surgeon's error, negligence, or omission.

22 (c) Investigating the nature and causes of injuries from cases which shall be
23 reported of a high number of judgments, settlements, or arbitration awards against a
24 physician and surgeon.

25 5. Section 2227 of the Code states:

26 (a) A licensee whose matter has been heard by an administrative law judge of
27 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
28 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:

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

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

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

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

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

39 (b) Any matter heard pursuant to subdivision (a), except for warning letters,
40 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 **STATUTORY PROVISIONS**

6. 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 that is
27 substantially related to the qualifications, functions, or duties of a physician and
28 surgeon.

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

30 (g) The failure by a certificate holder, in the absence of good cause, to attend
31 and participate in an interview by the board no later than 30 calendar days after being
32 notified by the board. This subdivision shall only apply to a certificate holder who is
33 the subject of an investigation by the board.

34 (h) Any action of the licensee, or another person acting on behalf of the
35 licensee, intended to cause their patient or their patient's authorized representative to
36 rescind consent to release the patient's medical records to the board or the
37 Department of Consumer Affairs, Health Quality Investigation Unit.

38 (i) Dissuading, intimidating, or tampering with a patient, witness, or any person in an
39 attempt to prevent them from reporting or testifying about a licensee.

1 7. Section 2236 of the Code states:

2 (a) The conviction of any offense substantially related to the qualifications,
3 functions, or duties of a physician and surgeon constitutes unprofessional conduct
4 within the meaning of this chapter. The record of conviction shall be conclusive
5 evidence only of the fact that the conviction occurred.

6 (b) The district attorney, city attorney, or other prosecuting agency shall notify
7 the Division of Medical Quality of the pendency of an action against a licensee
8 charging a felony or misdemeanor immediately upon obtaining information that the
9 defendant is a licensee. The notice shall identify the licensee and describe the crimes
10 charged and the facts alleged. The prosecuting agency shall also notify the clerk of
11 the court in which the action is pending that the defendant is a licensee, and the clerk
12 shall record prominently in the file that the defendant holds a license as a physician
13 and surgeon.

14 (c) The clerk of the court in which a licensee is convicted of a crime shall,
15 within 48 hours after the conviction, transmit a certified copy of the record of
16 conviction to the board. The division may inquire into the circumstances surrounding
17 the commission of a crime in order to fix the degree of discipline or to determine if
18 the conviction is of an offense substantially related to the qualifications, functions, or
19 duties of a physician and surgeon.

20 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
21 deemed to be a conviction within the meaning of this section and Section 2236.1. The
22 record of conviction shall be conclusive evidence of the fact that the conviction
23 occurred.

24 8. Section 2236.1 of the Code states:

25 (a) A physician and surgeon's certificate shall be suspended automatically
26 during any time that the holder of the certificate is incarcerated after conviction of a
27 felony, regardless of whether the conviction has been appealed. The Division of
28 Medical Quality shall, immediately upon receipt of the certified copy of the record of
 conviction, determine whether the certificate of the physician and surgeon has been
 automatically suspended by virtue of the physician and surgeon's incarceration, and if
 so, the duration of that suspension. The division shall notify the physician and
 surgeon of the license suspension and of the right to elect to have the issue of penalty
 heard as provided in this section.

 (b) Upon receipt of the certified copy of the record of conviction, if after a
 hearing it is determined therefrom that the felony of which the licensee was convicted
 was substantially related to the qualifications, functions, or duties of a physician and
 surgeon, the Division of Medical Quality shall suspend the license until the time for
 appeal has elapsed, if an appeal has not been taken, or until the judgment of
 conviction has been affirmed on appeal or has otherwise become final, and until
 further order of the division. The issue of substantial relationship shall be heard by an
 administrative law judge from the Medical Quality Hearing Panel sitting alone or
 with a panel of the division, in the discretion of the division.

 (c) Notwithstanding subdivision (b), a conviction of any crime referred to in
 Section 2237, or a conviction of Section 187, 261, 288, or former Section 262, of the
 Penal Code, shall be conclusively presumed to be substantially related to the
 qualifications, functions, or duties of a physician and surgeon and a hearing shall not
 be held on this issue. Upon its own motion or for good cause shown, the division may

1 decline to impose or may set aside the suspension when it appears to be in the interest
2 of justice to do so, with due regard to maintaining the integrity of and confidence in
3 the medical profession.

4 (d) (1) Discipline may be ordered in accordance with Section 2227, or the
5 Division of Licensing may order the denial of the license when the time for appeal
6 has elapsed, the judgment of conviction has been affirmed on appeal, or an order
7 granting probation is made suspending the imposition of sentence, irrespective of a
8 subsequent order under Section 1203.4 of the Penal Code allowing the person to
9 withdraw the plea of guilty and to enter a plea of not guilty, setting aside the verdict
10 of guilty, or dismissing the accusation, complaint, information, or indictment.

11 (2) The issue of penalty shall be heard by an administrative law judge from the
12 Medical Quality Hearing Panel sitting alone or with a panel of the division, in the
13 discretion of the division. The hearing shall not be had until the judgment of
14 conviction has become final or, irrespective of a subsequent order under Section
15 1203.4 of the Penal Code, an order granting probation has been made suspending the
16 imposition of sentence; except that a licensee may, at the licensee's option, elect to
17 have the issue of penalty decided before those time periods have elapsed. Where the
18 licensee so elects, the issue of penalty shall be heard in the manner described in this
19 section at the hearing to determine whether the conviction was substantially related to
20 the qualifications, functions, or duties of a physician and surgeon. If the conviction of
21 a licensee who has made this election is overturned on appeal, any discipline ordered
22 pursuant to this section shall automatically cease. This subdivision does not prohibit
23 the division from pursuing disciplinary action based on any cause other than the
24 overturned conviction.

25 (e) The record of the proceedings resulting in the conviction, including a
26 transcript of the testimony therein, may be received in evidence.

27 (f) The other provisions of this article setting forth a procedure for the
28 suspension or revocation of a physician and surgeon's certificate shall not apply to
29 proceedings conducted pursuant to this section.

30 9. Section 2228.1 of the Code states:

31 (a) On and after July 1, 2019, except as otherwise provided in subdivision (c),
32 the board and the Podiatric Medical Board of California shall require a licensee to
33 provide a separate disclosure that includes the licensee's probation status, the length
34 of the probation, the probation end date, all practice restrictions placed on the licensee
35 by the board, the board's telephone number, and an explanation of how the patient
36 can find further information on the licensee's probation on the licensee's profile page
37 on the board's online license information internet web site, to a patient or the
38 patient's guardian or health care surrogate before the patient's first visit following the
39 probationary order while the licensee is on probation pursuant to a probationary order
40 made on and after July 1, 2019, in any of the following circumstances:

41 (1) A final adjudication by the board following an administrative hearing or
42 admitted findings or *prima facie* showing in a stipulated settlement establishing any
43 of the following:

44 (A) The commission of any act of sexual abuse, misconduct, or relations with a
45 patient or client as defined in Section 726 or 729.

46 (B) Drug or alcohol abuse directly resulting in harm to patients or the extent

that such use impairs the ability of the licensee to practice safely.

(C) Criminal conviction directly involving harm to patient health.

(D) Inappropriate prescribing resulting in harm to patients and a probationary period of five years or more.

(2) An accusation or statement of issues alleged that the licensee committed any of the acts described in subparagraphs (A) to (D), inclusive, of paragraph (1), and a stipulated settlement based upon a nolo contendre or other similar compromise that does not include any *prima facie* showing or admission of guilt or fact but does include an express acknowledgment that the disclosure requirements of this section would serve to protect the public interest.

(b) A licensee required to provide a disclosure pursuant to subdivision (a) shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure.

(c) A licensee shall not be required to provide a disclosure pursuant to subdivision (a) if any of the following applies:

(1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure pursuant to subdivision (b) and a guardian or health care surrogate is unavailable to comprehend the disclosure and sign the copy.

(2) The visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities.

(3) The licensee who will be treating the patient during the visit is not known to the patient until immediately prior to the start of the visit.

(4) The licensee does not have a direct treatment relationship with the patient.

(d) On and after July 1, 2019, the board shall provide the following information, with respect to licensees on probation and licensees practicing under probationary licenses, in plain view on the licensee's profile page on the board's online license information internet web site.

(1) For probation imposed pursuant to a stipulated settlement, the causes alleged in the operative accusation along with a designation identifying those causes by which the licensee has expressly admitted guilt and a statement that acceptance of the settlement is not an admission of guilt.

(2) For probation imposed by an adjudicated decision of the board, the causes for probation stated in the final probationary order.

(3) For a licensee granted a probationary license, the causes by which the probationary license was imposed.

(4) The length of the probation and end date.

(5) All practice restrictions placed on the license by the board.

(e) Section 2314 shall not apply to this section.

1 10. Unprofessional conduct is conduct which breaches rules or ethical codes of a
2 profession or conduct which is unbecoming a member in good standing of a profession. (*Shea v.*
3 *Board of Medical Examiners* (1978) 81 Cal.App.3rd 564, 575.)

4 11. California Code of Regulations, title 16, section 1360, states:

5 (a) For the purposes of denial, suspension or revocation of a license pursuant to
6 Section 141 or Division 1.5 (commencing with Section 475) of the code, a crime,
7 professional misconduct, or act shall be considered to be substantially related to the
8 qualifications, functions or duties of a person holding a license if to a substantial
9 degree it evidences present or potential unfitness of a person holding a license to
10 perform the functions authorized by the license in a manner consistent with the public
health, safety or welfare. Such crimes, professional misconduct, or acts shall include
but not be limited to the following: Violating or attempting to violate, directly or
indirectly, or assisting in or abetting the violation of, or conspiring to violate any
provision of state or federal law governing the applicant's or licensee's professional
practice.

11 (b) In making the substantial relationship determination required under
12 subdivision (a) for a crime, the board shall consider the following criteria:

13 (1) The nature and gravity of the crime;
14 (2) The number of years elapsed since the date of the crime; and
15 (3) The nature and duties of the profession.

COST RECOVERY

16 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licensee found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
20 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
21 included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

22 13. Respondent is subject to disciplinary action under sections 2227 and 2234, as defined
23 by section 2236, of the Code, in that he has been convicted of a crime substantially related to the
24 qualifications, functions, or duties of a physician and surgeon, as more particularly alleged
25 hereinafter:

1 14. On or about February 4, 2022, an Arcadia Police Department (APD) officer
2 responded to 1325 South Baldwin Avenue in the City of Arcadia regarding a traffic collision with
3 injury. While enroute, the APD dispatch advised the officer that the victim stated that somebody
4 had intentionally rammed into his vehicle.

5 15. When the officer arrived on scene, he observed a vehicle with extensive collision
6 damage. As the officer continued driving into the parking lot, he observed Respondent standing
7 near a vehicle. As the officer exited his patrol vehicle, Respondent approached the officer with his
8 hands raised up in the air. Respondent spontaneously admitted to the officer, "I did it, it was me.
9 You can kill me or arrest me." Based on Respondent's statement, the officer detained Respondent
10 in handcuffs until additional officers arrived on scene.

11 16. The APD officer contacted the victim on scene, who was sitting in the driver's seat of
12 his car in the parking lot. The victim stated to the officer that he knew Respondent. The victim
13 explained what had occurred as follows:

14 A. While the victim was sitting in his car, Respondent's vehicle struck the driver's side
15 of the victim's car. The victim recognized the driver of the vehicle that hit his car as Respondent.
16 Respondent next exited his vehicle with a hammer in his hand and began to strike the driver's
17 side window and front windshield of the victim's car with the hammer. Respondent then jumped
18 on the hood of the victim's car and continued to strike the victim's car's windshield while yelling,
19 "Just kill me."

20 B. Once Respondent got off the hood of the victim's car, the victim shifted the
21 transmission of his car into drive and attempted to drive away from Respondent. Respondent
22 then entered his vehicle and followed the victim's car. As the victim attempted to drive away,
23 Respondent intentionally rammed his vehicle into the victim's car, hitting it on all four sides
24 multiple times. At one point, Respondent positioned his vehicle in front of the victim's car and
25 intentionally rammed the victim's car head on. The victim told the APD officer that he feared for
26 his safety and believed Respondent was trying to kill him.

27 ///

28 ///

1 C. The victim complained of back pain and neck pain as a result of these collisions. The
2 APD officer directly observed that the victim sustained a small laceration to his left hand near his
3 knuckles.

4 17. On or about February 4, 2022, another APD officer interviewed two witnesses at the
5 scene of the crime. Witness 1 observed two vehicles speeding in the parking lot and pulled out
6 his cellphone to record the incident. Witness 1 then observed one of the vehicles collide into the
7 other vehicle in the parking lot. Witness 2 observed a vehicle following another vehicle at a high
8 rate of speed in the parking lot. Witness 2 pulled out her cellphone to record the incident.
9 Witness 2 then observed one of the vehicles rear end the other vehicle.

10 18. Respondent was arrested for assault with a deadly weapon and transported to APD
11 jail. Officers attempted to speak with Respondent, but Respondent invoked his Miranda rights.

12 19. During the search of Respondent and Respondent's vehicle, APD officers found a
13 pocket knife in Respondent's pants and two hammers and four shotgun shells in Respondent's
14 vehicle.

15 20. On or about August 8, 2022, the Los Angeles County District Attorney filed a
16 Criminal Complaint against Respondent in the matter of *The People of the State of California v.*
17 *Lee, Kevin Tien*, Superior Court Case No. XNEGA112191-01. Count One of the Criminal
18 Complaint charged Respondent with assault with a deadly weapon, not a firearm, in violation of
19 Penal Code Section 245(a)(1), a felony. Count Two of the Criminal Complaint charged
20 Respondent with assault with a deadly weapon, with force with possible great bodily injury, in
21 violation of Penal Code Section 245(a)(4), a felony.

22 21. On or about October 31, 2023, Respondent was convicted upon his no contest pleas to
23 Count Two, assault with a deadly weapon with force with possible great bodily injury, a felony.
24 On or about October 31, 2023, the Superior Court sentenced Respondent to jail (which was
25 suspended) and probation for two years with terms and conditions, including being required to: (1)
26 not own or possess any firearms or deadly weapons, (2) pay fines and fees, (3) submit to
27 warrantless search and seizure, and (4) pay restitution.

28

SECOND CAUSE FOR DISCIPLINE

(General Unprofessional Conduct)

3 22. Respondent is further subject to disciplinary action under sections 2227 and 2234 of
4 the Code, in that he has engaged in conduct which breaches the rules or ethical code of the
5 medical profession or conduct which is unbecoming to a member in good standing of the medical
6 profession, and which demonstrates an unfitness to practice medicine. The circumstances are as
7 follows:

8 23. The allegations of the First Cause for Discipline are incorporated herein by reference
9 as if fully set forth.

PRAAYER

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

13 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 99354,
14 issued to Respondent Kevin Tien Lee, M.D.;

15 2. Revoking, suspending or denying approval of Respondent Kevin Tien Lee, M.D.'s
16 authority to supervise physician assistants and advanced practice nurses;

17 3. Ordering Respondent Kevin Tien Lee, M.D., to pay the Board the costs of the
18 investigation and enforcement of this case, and if placed on probation, the costs of probation
19 monitoring;

20 4. Ordering Respondent Kevin Tien Lee, M.D., if placed on probation, to provide
21 patient notification in accordance with Business and Professions Code section 2228.1; and

22 5. Taking such other and further action as deemed necessary and proper.

23
24 DATED: AUG 28 2024

DS-1

REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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