

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

In the Matter of the Accusation  
Against:

Bryan Keith Lee, M.D.

Physician's and Surgeon's  
Certificate No. A 105716

Respondent

Case No. 800-2018-042684

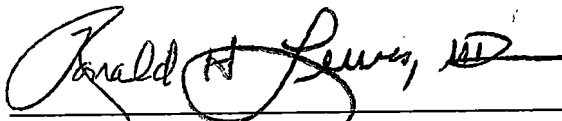
DECISION

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 30, 2021.

IT IS SO ORDERED: July 1, 2021.

MEDICAL BOARD OF CALIFORNIA



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Ronald H. Lewis, M.D., Chair  
Panel A

1 ROB BONTA  
Attorney General of California  
2 STEVEN D. MUNI  
Supervising Deputy Attorney General  
3 RYAN J. YATES  
Deputy Attorney General  
4 State Bar No. 279257  
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*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2018-042684

13 **BRYAN KEITH LEE, M.D.**  
14 **2933 Chauncy Circle**  
**Stockton, CA 95209-1616**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15 **Physician's and Surgeon's**  
16 **Certificate No. A 105716**

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

22 **PARTIES**

23 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of  
24 California (Board). He brought this action solely in his official capacity and is represented  
25 in this matter by Xavier Becerra, Attorney General of the State of California, by Ryan J. Yates,  
26 Deputy Attorney General.

27 2. Respondent Bryan Keith Lee, M.D. (Respondent) is represented in this proceeding by  
28

1 attorney Lucy S. McAllister, whose address is: 255 North Market Street, Suite 100 San Jose, CA  
2 95110-2471. On or about October 3, 2008, the Board issued Physician's and Surgeon's Certificate  
3 No. A 105716 to Bryan Keith Lee, M.D. (Respondent). The Physician's and Surgeon's  
4 Certificate was in full force and effect at all times relevant to the charges brought in Accusation  
5 No. 800-2018-042684, and will expire on October 31, 2022, unless renewed.

6 **JURISDICTION**

7 3. Accusation No. 800-2018-042684 was filed before the Board, and is currently  
8 pending against Respondent. The Accusation and all other statutorily required documents were  
9 properly served on Respondent on July 30, 2020. Respondent timely filed his Notice of Defense  
10 contesting the Accusation.

11 4. A copy of Accusation No. 800-2018-042684 is attached as exhibit A and incorporated  
12 herein by reference.

13 **ADVISEMENT AND WAIVERS**

14 5. Respondent has carefully read, fully discussed with counsel, and understands the  
15 charges and allegations in Accusation No. 800-2018-042684. Respondent has also  
16 carefully read, fully discussed with his counsel, and understands the effects of this Stipulated  
17 Settlement and Disciplinary Order.

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

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

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1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in Accusation  
3 No. 800-2018-042684, if proven at a hearing, constitute cause for imposing discipline upon his  
4 Physician's and Surgeon's Certificate.

5 9. Respondent agrees that, at a hearing, Complainant could establish a prima facie case  
6 or factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to  
7 contest those charges.

8 10. Respondent does not contest that, at an administrative hearing, complainant could  
9 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-  
10 2018-042684, a true and correct copy of which is attached hereto as Exhibit A, and that he has  
11 thereby subjected his Physician's and Surgeon's Certificate, No. A 105716 to disciplinary action.

12 11. ACKNOWLEDGMENT. Respondent acknowledges the Disciplinary Order below,  
13 requiring the disclosure of probation pursuant to Business and Professions Code section 2228.1,  
14 serves to protect the public interest.

15 12. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
16 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
17 Disciplinary Order below.

18 CONTINGENCY

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

1 14. Respondent agrees that if he ever petitions for early termination or modification of  
2 probation, or if an accusation and/or petition to revoke probation is filed against him before the  
3 Board, all of the charges and allegations contained in Accusation No. 800-2018-042684 shall be  
4 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any  
5 other licensing proceeding involving Respondent in the State of California.

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

9 16. In consideration of the foregoing admissions and stipulations, the parties agree that  
10 the Board may, without further notice or opportunity to be heard by the Respondent, issue and  
11 enter the following Disciplinary Order:

12 **DISCIPLINARY ORDER**

13 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 105716  
14 issued to Respondent Bryan Keith Lee, M.D. is revoked. However, the revocation is stayed and  
15 Respondent is placed on probation for five (5) years on the following terms and conditions:

16 1. **PATIENT DISCLOSURE**. Before a patient's first visit following the effective date  
17 of this order and while the respondent is on probation, the respondent must provide all patients, or  
18 patient's guardian or health care surrogate, with a separate disclosure that includes the  
19 respondent's probation status, the length of the probation, the probation end date, all practice  
20 restrictions placed on the respondent by the board, the board's telephone number, and an  
21 explanation of how the patient can find further information on the respondent's probation on the  
22 respondent's profile page on the board's website. Respondent shall obtain from the patient, or the  
23 patient's guardian or health care surrogate, a separate, signed copy of that disclosure. Respondent  
24 shall not be required to provide a disclosure if any of the following applies: (1) The patient is  
25 unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure  
26 and a guardian or health care surrogate is unavailable to comprehend the disclosure and sign the  
27 copy; (2) The visit occurs in an emergency room or an urgent care facility or the visit is  
28 unscheduled, including consultations in inpatient facilities; (3) Respondent is not known to the

1 patient until immediately prior to the start of the visit; (4) Respondent does not have a direct  
2 treatment relationship with the patient.

3 2. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective  
4 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in  
5 advance by the Board or its designee. Respondent shall provide the approved course provider with  
6 any information and documents that the approved course provider may deem pertinent.

7 Respondent shall participate in and successfully complete the classroom component of the course  
8 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully  
9 complete any other component of the course within one (1) year of enrollment. The medical  
10 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing  
11 Medical Education (CME) requirements for renewal of licensure.

12 A medical record keeping course taken after the acts that gave rise to the charges in the  
13 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
14 or its designee, be accepted towards the fulfillment of this condition if the course would have  
15 been approved by the Board or its designee had the course been taken after the effective date of  
16 this Decision.

17 Respondent shall submit a certification of successful completion to the Board or its  
18 designee not later than 15 calendar days after successfully completing the course, or not later than  
19 15 calendar days after the effective date of the Decision, whichever is later.

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

3 A professionalism program taken after the acts that gave rise to the charges in the  
4 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
5 or its designee, be accepted towards the fulfillment of this condition if the program would have  
6 been approved by the Board or its designee had the program been taken after the effective date of  
7 this Decision.

8 Respondent shall submit a certification of successful completion to the Board or its  
9 designee not later than 15 calendar days after successfully completing the program or not later  
10 than 15 calendar days after the effective date of the Decision, whichever is later.

11 4. PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days from the  
12 effective date of this Decision, Respondent shall enroll in a professional boundaries program  
13 approved in advance by the Board or its designee. Respondent, at the program's discretion, shall  
14 undergo and complete the program's assessment of Respondent's competency, mental health  
15 and/or neuropsychological performance, and at minimum, a 24-hour program of interactive  
16 education and training in the area of boundaries, which takes into account data obtained from the  
17 assessment and from the Decision(s), Accusation(s) and any other information that the Board or  
18 its designee deems relevant. The program shall evaluate Respondent at the end of the training and  
19 the program shall provide any data from the assessment and training as well as the results of the  
20 evaluation to the Board or its designee.

21 Failure to complete the entire program not later than six (6) months after Respondent's  
22 initial enrollment shall constitute a violation of probation unless the Board or its designee agrees  
23 in writing to a later time for completion. Based on Respondent's performance in and evaluations  
24 from the assessment, education, and training, the program shall advise the Board or its designee of  
25 its recommendation(s) for additional education, training, psychotherapy and other measures  
26 necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with  
27 program recommendations. At the completion of the program, Respondent shall submit to a final  
28 evaluation. The program shall provide the results of the evaluation to the Board or its designee.

1 The professional boundaries program shall be at Respondent's expense and shall be in addition to  
2 the Continuing Medical Education (CME) requirements for renewal of licensure.

3 The program has the authority to determine whether or not Respondent successfully  
4 completed the program.

5 A professional boundaries course taken after the acts that gave rise to the charges in the  
6 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
7 or its designee, be accepted towards the fulfillment of this condition if the course would have  
8 been approved by the Board or its designee had the course been taken after the effective date of  
9 this Decision.

10 If Respondent fails to complete the program within the designated time period, Respondent  
11 shall cease the practice of medicine within three (3) calendar days after being notified by the  
12 Board or its designee that Respondent failed to complete the program.

13 5. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this  
14 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice  
15 monitor(s), the name and qualifications of one or more licensed physicians and surgeons whose  
16 licenses are valid and in good standing, and who are preferably American Board of Medical  
17 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal  
18 relationship with Respondent, or other relationship that could reasonably be expected to  
19 compromise the ability of the monitor to render fair and unbiased reports to the Board, including  
20 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree  
21 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

22 The Board or its designee shall provide the approved monitor with copies of the Decision(s)  
23 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the  
24 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed  
25 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role  
26 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees  
27 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the  
28 signed statement for approval by the Board or its designee.



1           Within 60 calendar days of the effective date of this Decision, and continuing throughout  
2 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall  
3 make all records available for immediate inspection and copying on the premises by the monitor  
4 at all times during business hours and shall retain the records for the entire term of probation.

5           If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective  
6 date of this Decision, Respondent shall receive a notification from the Board or its designee to  
7 cease the practice of medicine within three (3) calendar days after being so notified. Respondent  
8 shall cease the practice of medicine until a monitor is approved to provide monitoring  
9 responsibility.

10           The monitor(s) shall submit a quarterly written report to the Board or its designee which  
11 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
12 are within the standards of practice of medicine, and whether Respondent is practicing medicine  
13 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure  
14 that the monitor submits the quarterly written reports to the Board or its designee within 10  
15 calendar days after the end of the preceding quarter.

16           If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of  
17 such resignation or unavailability, submit to the Board or its designee, for prior approval, the  
18 name and qualifications of a replacement monitor who will be assuming that responsibility within  
19 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60  
20 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a  
21 notification from the Board or its designee to cease the practice of medicine within three (3)  
22 calendar days after being so notified. Respondent shall cease the practice of medicine until a  
23 replacement monitor is approved and assumes monitoring responsibility.

24           In lieu of a monitor, Respondent may participate in a professional enhancement program  
25 approved in advance by the Board or its designee that includes, at minimum, quarterly chart  
26 review, semi-annual practice assessment, and semi-annual review of professional growth and  
27 education. Respondent shall participate in the professional enhancement program at  
28 Respondent's expense during the term of probation.

1           6.    SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the  
2 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice  
3 where: 1) Respondent merely shares office space with another physician but is not affiliated for  
4 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that  
5 location.

6           If Respondent fails to establish a practice with another physician or secure employment in  
7 an appropriate practice setting within 60 calendar days of the effective date of this Decision,  
8 Respondent shall receive a notification from the Board or its designee to cease the practice of  
9 medicine within three (3) calendar days after being so notified. The Respondent shall not resume  
10 practice until an appropriate practice setting is established.

11           If, during the course of the probation, the Respondent's practice setting changes and the  
12 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent  
13 shall notify the Board or its designee within five (5) calendar days of the practice setting change.  
14 If Respondent fails to establish a practice with another physician or secure employment in an  
15 appropriate practice setting within 60 calendar days of the practice setting change, Respondent  
16 shall receive a notification from the Board or its designee to cease the practice of medicine within  
17 three (3) calendar days after being so notified. The Respondent shall not resume practice until an  
18 appropriate practice setting is established.

19           7.    THIRD PARTY CHAPERONE. During probation, Respondent shall have a third  
20 party chaperone present while consulting, examining or treating female patients. Respondent  
21 shall, within 30 calendar days of the effective date of the Decision, submit to the Board or its  
22 designee for prior approval name(s) of persons who will act as the third party chaperone.

23           If Respondent fails to obtain approval of a third party chaperone within 60 calendar days of  
24 the effective date of this Decision, Respondent shall receive a notification from the Board or its  
25 designee to cease the practice of medicine within three (3) calendar days after being so notified.  
26 Respondent shall cease the practice of medicine until a chaperone is approved to provide  
27 monitoring responsibility.

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1 Each third party chaperone shall sign (in ink or electronically) and date each patient  
2 medical record at the time the chaperone's services are provided. Each third party chaperone shall  
3 read the Decision(s) and the Accusation(s), and fully understand the role of the third party  
4 chaperone.

5 Respondent shall maintain a log of all patients seen for whom a third party chaperone is  
6 required. The log shall contain the: 1) patient initials, address and telephone number; 2) medical  
7 record number; and 3) date of service. Respondent shall keep this log in a separate file or ledger,  
8 in chronological order, shall make the log available for immediate inspection and copying on the  
9 premises at all times during business hours by the Board or its designee, and shall retain the log  
10 for the entire term of probation.

11 Respondent is prohibited from terminating employment of a Board-approved third party  
12 chaperone solely because that person provided information as required to the Board or its  
13 designee. If the third party chaperone resigns or is no longer available, Respondent shall, within  
14 five (5) calendar days of such resignation or unavailability, submit to the Board or its designee,  
15 for prior approval, the name of the person(s) who will act as the third party chaperone. If  
16 Respondent fails to obtain approval of a replacement chaperone within 30 calendar days of the  
17 resignation or unavailability of the chaperone, Respondent shall receive a notification from the  
18 Board or its designee to cease the practice of medicine within three (3) calendar days after being  
19 so notified. Respondent shall cease the practice of medicine until a replacement chaperone is  
20 approved and assumes monitoring responsibility.

21 Respondent shall provide written notification to Respondent's patients that a third party  
22 chaperone shall be present during all consultations, examination, or treatment with [insert: male,  
23 female or minor] patients. Respondent shall maintain in the patient's file a copy of the written  
24 notification, shall make the notification available for immediate inspection and copying on the  
25 premises at all times during business hours by the Board or its designee, and shall retain the  
26 notification for the entire term of probation.

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

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

10          9.    SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
11 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
12 advanced practice nurses.

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

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

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

21          12. GENERAL PROBATION REQUIREMENTS.

22       Compliance with Probation Unit

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

24       Address Changes

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

3 Place of Practice

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

7 License Renewal

8 Respondent shall maintain a current and renewed California physician's and surgeon's  
9 license.

10 Travel or Residence Outside California

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

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

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

20 14. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
21 its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30  
22 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
23 defined as any period of time Respondent is not practicing medicine as defined in Business and  
24 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
25 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
26 Respondent resides in California and is considered to be in non-practice, Respondent shall  
27 comply with all terms and conditions of probation. All time spent in an intensive training  
28 program which has been approved by the Board or its designee shall not be considered non-

1 practice and does not relieve Respondent from complying with all the terms and conditions of  
2 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
3 on probation with the medical licensing authority of that state or jurisdiction shall not be  
4 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
5 period of non-practice.

6 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
7 months, Respondent shall successfully complete the Federation of State Medical Board's Special  
8 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
9 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
10 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

13 Periods of non-practice for a Respondent residing outside of California will relieve.

14 Respondent of the responsibility to comply with the probationary terms and conditions with  
15 the exception of this condition and the following terms and conditions of probation: Obey All  
16 Laws; General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol  
17 and/or Controlled Substances; and Biological Fluid Testing.

18 15. COMPLETION OF PROBATION. Respondent shall comply with all financial  
19 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
20 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
21 be fully restored.

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

1           17. LICENSE SURRENDER. Following the effective date of this Decision, if  
2 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
3 the terms and conditions of probation, Respondent may request to surrender his or her license.  
4 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
5 determining whether or not to grant the request, or to take any other action deemed appropriate  
6 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
7 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
8 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
9 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
10 application shall be treated as a petition for reinstatement of a revoked certificate.

11           18. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
12 with probation monitoring each and every year of probation, as designated by the Board, which  
13 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
14 California and delivered to the Board or its designee no later than January 31 of each calendar  
15 year.

16           19. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for a  
17 new license or certification, or petition for reinstatement of a license, by any other health care  
18 licensing action agency in the State of California, all of the charges and allegations contained in  
19 Accusation No. 800-2018-042684 shall be deemed to be true, correct, and admitted by  
20 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or  
21 restrict license.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Lucy S. McAllister. 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: 6/1/2021 Bryan Lee  
BRYAN KEITH LEE, M.D.  
*Respondent*

I have read and fully discussed with Respondent Bryan Keith 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: 6/1/2021 Lucy McAllister  
LUCY S. MCALLISTER  
*Attorney for Respondent*

ENDORSEMENT

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

DATED: 6/2/21

Respectfully Submitted,  
ROB BONTA  
Attorney General of California  
STEVEN D. MUNI  
Supervising Deputy Attorney General



RYAN J. YATES  
Deputy Attorney General  
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Medical Board of California*

SA2020301265  
Lee Stipulated Settlement 2 (003).docx



**Exhibit A**

**Accusation No. 800-2018-042684**

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

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In the Matter of the Accusation Against:

Case No. 800-2018-042684

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**Bryan Keith Lee, M.D.  
2933 Chauncy Circle  
Stockton, CA 95209-1616**

**ACCUSATION**

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**Physician's and Surgeon's Certificate  
No. A 105716,**

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Respondent.

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**PARTIES**

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

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2. On or about October 3, 2008, the Medical Board issued Physician's and Surgeon's Certificate Number A 105716 to Bryan Keith 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 October 31, 2020, unless renewed.

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**JURISDICTION**

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

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code states:

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

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

“(b) Gross negligence.

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

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

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

“(d) Incompetence.

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

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

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

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Gross Negligence)**

7 6. Respondent Bryan Keith Lee, M.D., is subject to disciplinary action under section  
8 2234; subdivision (b) of the Code, in that he was grossly negligent in his care and treatment of  
9 Patient A. The circumstances are as follows:

10 7. Patient A, a then 21-year-old female, became Respondent’s patient following a  
11 suicide attempt and a month long commitment at a psychiatric hospital. Respondent is a primary  
12 care physician, who was working with the Kaiser Permanente Medical Group at the South  
13 Sacramento Medical Center (Kaiser). On or about November 15, 2017, shortly after Patient A’s  
14 release from the psychiatric hospital, Respondent conducted a post-hospital follow-up visit with  
15 Patient A. During the visit, which was the first meeting between Respondent and Patient A,  
16 Respondent performed a physical examination, ordered blood work, and discussed her earlier  
17 suicide attempt with her. Following the examination, Respondent offered to follow up with  
18 Patient A regarding her mental health and Patient A provided Respondent with her personal  
19 telephone number.

20 8. Shortly thereafter, Respondent and Patient A began text messaging each other, in  
21 which several messages were exchanged, approximately every two (2) to three (3) days.  
22 Respondent discussed meeting with Patient A and socializing, as well as discussing the issues  
23 surrounding her self-harm. Respondent additionally offered to meet with Patient A, in person, on  
24 several occasions.

25 9. At some point during their text message conversations, in January of 2018, Patient A  
26 accepted an invitation from Respondent to go to his home. Shortly after Patient A’s arrival,  
27 Respondent and Patient A smoked marijuana together in his guest bedroom. During the  
28 interaction, Respondent sat close to Patient A on the bed. Respondent then touched Patient A’s

1 leg and/or shoulder, and/or behind her ear, and/or breast. Following the interaction, Respondent  
2 hugged Patient A and she left.

3 10. Respondent and Patient A continued exchanging text messages with each other.  
4 Respondent apologized, and Patient A replied that Respondent had lost her trust, or words to that  
5 effect.

6 11. A few weeks to a month after their first social interaction, Respondent met with  
7 Patient A for a second time. Respondent drove to Patient A's residence and picked her up in his  
8 car. They smoked marijuana together in his vehicle, and Respondent drove Patient A back to her  
9 home.

10 12. Following each of these interactions, Respondent failed to produce and/or maintain  
11 medical records regarding each meeting with Patient A.

12 13. Respondent continued to engage Patient A in text conversations until approximately  
13 February of 2018. On or about March 9, 2018, Patient A was re-admitted to Kaiser, following  
14 another suicide attempt. While at Kaiser, Patient A disclosed her interactions with Respondent to  
15 a nurse and a therapist.

16 14. Following an internal investigation by Kaiser into Respondent's misconduct, on or  
17 about March 26, 2018, Respondent resigned from his position with Kaiser. Following  
18 Respondent's resignation, Kaiser submitted a Business and Professions Code, section 805 report  
19 with the Board.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Repeated Negligent Acts)**

22 15. Respondent's license is subject to disciplinary action under section 2234, subdivision  
23 (c), of the Code, in that he committed repeated negligent acts during his interactions with Patient  
24 A, as more fully described in paragraphs 6 through 14, above, and those paragraphs are  
25 incorporated by reference as if fully set forth herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to Maintain Adequate and Accurate Records)**

3 16. Respondent's license is subject to disciplinary action under section 2266 of the Code,  
4 in that he failed to maintain adequate and accurate medical records relating to his care and  
5 treatment of Patient A, as more fully described in paragraphs 6 through 15 above, and those  
6 paragraphs are incorporated by reference as if fully set forth herein.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(General Unprofessional Conduct)**

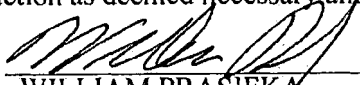
9 17. Respondent is further subject to disciplinary action under sections 2227 and 2234, as  
10 defined by section 2234, of the Code, in that he has engaged in conduct which breaches the rules  
11 or ethical code of the medical profession, or conduct which is unbecoming of a member in good  
12 standing of the medical profession, and which demonstrates an unfitness to practice medicine, as  
13 more particularly alleged in paragraphs 6 through 16 above, which are hereby realleged and  
14 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 105716,  
19 issued to Bryan Keith Lee, M.D.;
- 20 2. Revoking, suspending or denying approval of Bryan Keith Lee, M.D.'s authority to  
21 supervise physician assistants and advanced practice nurses;
- 22 3. Ordering Bryan Keith Lee, M.D., if placed on probation, to pay the Board the costs of  
23 probation monitoring; and
- 24 4. Taking such other and further action as deemed necessary and proper.

25 DATED: **JUL 30 2020**

26   
27 WILLIAM PRASIFKA  
28 Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*