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

In the Matter of the Accusation Against: **KWOK CHEUNG LEE, M.D.** **9505 Piscataway Road** **Clinton, MD 20735** **Physician's and Surgeon's Certificate** **No. C 39650** Respondent	Case No. 800-2018-050907 **DEFAULT DECISION AND ORDER** [Gov. Code §11520]

1. On or about August 1, 2019, an employee of the Medical Board of California (Board) served by certified mail a copy of Accusation No. 800-2018-050907, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to the address of record of Kwok Cheung Lee, M.D. (Respondent), which was and is 9505 Piscataway Road, Clinton, MD 20735. The aforementioned documents were returned to the Board marked "Unclaimed. Being returned to Sender." (Exhibit Package, Exhibit 1[1]:

[1] The evidence in support of this Default Decision and Order is contained in the "Exhibit Package."

Accusation, related documents, Declarations of Service, and U.S. Postal Service Tracking printout.)

2. Respondent did not file a Notice of Defense. On August 20, 2019, the Attorney General's Office served by certified mail a Courtesy Notice of Default on Respondent at the aforementioned address of record. The Courtesy Notice of Default advised Respondent of the Accusation and provided Respondent with an opportunity to request relief from default. (Exhibit Package, Exhibit 2: Courtesy Notice of Default, proof of service, and U.S. Postal Service Tracking printout.) Respondent has not filed a Notice of Defense.

FINDINGS OF FACT

I.

Complainant Christine J. Lally is the Interim Executive Director of the Medical Board of California, Department of Consumer Affairs. The charges and allegations in Accusation No. 800-2018-050907 were at all times brought and made solely in the official capacity of the Board's Executive Director.

II

On March 2, 1981, the Board issued Physician's and Surgeon's Certificate No. C 39650 to 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 September 30, 2020. (Exhibit Package, Exhibit 3: Certificate of License.)

III

On August 1, 2019, the Board served Respondent with an Accusation, alleging causes for discipline against him. A Courtesy Notice of Default was thereafter served on Respondent.

IV.

Government Code section 11506 states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and he therefore waived his right to a hearing on the merits of Accusation No. 800-2018-049166.

V.

The allegations of the Accusation are true as follows:

On November 7, 2017, the Maryland State Board of Physicians charged Respondent with unprofessional conduct, willfully making a false representation on his license renewal application that he had completed required continuing medical education (CME) credits, and failure to have obtained the CME credits required for license renewal. Respondent contested the charges at a hearing, and the Maryland Board subsequently adopted a Final Decision and Order, on December 3, 2018 (Exhibit Package, Exhibit 4: Certified copy of Maryland State Board of Physicians Final Decision and Order.) In its Decision and Final Order, the Maryland Board concluded that Respondent was guilty of unprofessional conduct, willfully making a false representation on his license renewal application, and failure to have obtained the CME credits required for license renewal. As a result, the Maryland Board disciplined Respondent by reprimanding him and requiring him to pay a $10,000 civil fine.

VI

California Government Code section 11520 states, in pertinent part:

> (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it contained in Exhibits 1-4, finds that the allegations in Accusation No. 800-2018-050907 are true.

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DETERMINATION OF ISSUES

Respondent's conduct and the action of the Maryland State Board of Physicians constitutes unprofessional conduct within the meaning of Business and Professions Code section 2305 and conduct subject to discipline within the meaning of Code section 141(a).

ORDER

IT IS SO ORDERED that Physician's and Surgeon's Certificate No. 39650, heretofore issued to Respondent KWOK CHEUNG LEE , M.D, is revoked.

Respondent shall not be deprived of making a request for relief from default as set forth in Government Code section 11520, subdivision (c), for good cause shown. However, such showing must be made in writing by way of a motion to vacate the default decision and directed to the Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within seven (7) days after service of the Decision on Respondent.

This Decision shall become effective on FEB 07 2020.

It is so ORDERED JAN 09 2020

MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

CHRISTINE J. LALLY, Interim Executive Director

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 1, 2019
BY: ANALYST

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

In the Matter of the Accusation Against:	Case No. 800-2018-050907
Kwok Cheung Lee, M.D. **9505 Piscataway Road** **Clinton, MD 20735** **Physician's and Surgeon's Certificate No. C 39650,** Respondent.	**ACCUSATION**

PARTIES

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

2. On or about March 2, 1981, the Medical Board issued Physician's and Surgeon's Certificate Number C 39650 to Kwok Cheung Lee, M.D. (Respondent). The certificate was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2020, unless renewed.

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JURISDICTION

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 2004 of the Code provides that the Board shall have the responsibility for the enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

5. Section 2227 of the Code authorizes the Board to take action against a licensee who has been found guilty under the Medical Practice Act by revoking his or her license, suspending the license for a period not to exceed one year, placing the license on probation and requiring payment of costs of probation monitoring, or taking such other action as the Board deems proper.

STATUTORY PROVISIONS

6. Section 141 of the Code states:

> (a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.
>
> (b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.

7. Section 2305 of the Code states:

> The revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

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CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

8. On November 7, 2017, the Maryland State Board of Physicians charged Respondent with unprofessional conduct, willfully making a false representation on his license renewal application that he had completed required continuing medical education (CME) credits, and failure to have obtained the CME credits required for license renewal. Respondent contested the charges at a hearing, and the Maryland Board subsequently adopted a Final Decision and Order, on December 3, 2018, attached as **Exhibit A** and incorporated herein. In its Decision and Final Order, the Maryland Board concluded that Respondent was guilty of unprofessional conduct, willfully making a false representation on his license renewal application, and failure to have obtained the CME credits required for license renewal. As a result, the Maryland Board disciplined Respondent by reprimanding him and requiring him to pay a $10,000 civil fine.

9. Respondent's conduct and the actions of the Maryland Board, as set forth above, are substantially related to the practice of medicine and constitute unprofessional conduct within the meaning of Code section 2305 and conduct subject to discipline within the meaning of Code section 141(a).

PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 39650, issued to Kwok Cheung Lee, M.D.;

2. Revoking, suspending or denying approval of Kwok Cheung Lee, M.D.'s authority to supervise physician assistants and advanced practice nurses;

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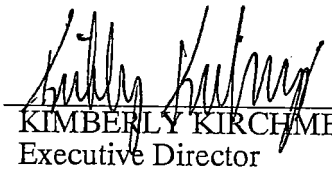
3. Ordering Kwok Cheung Lee, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

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

DATED: August 1, 2019



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

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