

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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In Re:

Application of  
DANIEL HSI-YUAN LEE, M.D.  
For Medical Licensure

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CONSENT ORDER  
FOR ISSUANCE OF  
RESTRICTED LICENSE  
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This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Daniel Hsi-Yuan Lee, M.D. (the "Applicant" or "Dr. Lee") for a license to practice medicine in the state of Louisiana. From information available to the Board, as supplied in Dr. Lee's application and otherwise, it appears that the Applicant, a 1990 graduate of the New Jersey Medical School, Newark, New Jersey, who currently holds medical licensure in that state, is generally qualified for Louisiana medical licensure. The Board notes with concern, however, that, having completed a one-year internship (PGY-1) in internal medicine at the Overlook Hospital, Summit, New Jersey, from July 1991 through June 1992, and having begun residency training at such institution in July 1992, Dr. Lee's appointment as a PGY-2 resident in internal medicine was terminated effective as of January 31, 1993, when it was determined by the Overlook Hospital program that he "was not able to adequately perform the duties of a second year resident."<sup>1</sup>

The Board is advised, however, that Dr. Lee has received an appointment, conditioned upon the issuance of appropriate medical licensure by the Board, to a PGY-2 residency training program in internal medicine at the University Medical Center, Lafayette, Louisiana, which is aware of the difficulties experienced by Dr. Lee during his clinical training with the Overlook Hospital. Dr. Lee's application for licensure is, moreover, supported by the recommendations of several physicians with whom he was affiliated during his

<sup>1</sup>Letter, E. C. Klein, M.D., Assoc. Dir., Internal Med., Overlook Hosp., to La. State Bd. Med. Exam. (Feb. 26, 1993). The Director and Senior Associate Director of the program concurred in this assessment, advising the Board that "because of communication skills and other problems," Dr. Lee was "clearly unable to perform appropriately as a 2nd year resident in a supervisory capacity" and that it had become "clear...that Dr. Lee would no longer be able to function as a second year resident in the internal medicine program." Letter, M. Bernstein, M.D., Dir., Internal Med., Overlook Hosp., to La. State Bd. Med. Exam. (Feb. 26, 1993); Letter, M. T. Herald, M.D., Senior Assoc. Dir., Internal Med., Dir. of Transitional Resid. Prog., Overlook Hosp., to La. State Bd. Med. Exam. (Feb. 26, 1993).

tenure at Overlook Hospital, who have generally attested to his good character while acknowledging certain problems which affected his performance in the Overlook Hospital residency program.<sup>2</sup>

In consideration of all of the circumstances attending Dr. Lee's application for medical licensure, including the bases for his dismissal from his PGY-2 residency appointment with the Overlook Hospital and the willingness of UMC to appoint Dr. Lee to a similar position at that institution and to monitor his clinical competence and performance in such program, the Board is persuaded that the public interest will be properly served by the issuance to Dr. Lee of a restricted license to practice medicine, subject to appropriate, specified terms and conditions, as hereinafter stipulated. And by his subscription hereto, Dr. Lee hereby consents to entry of the order set forth below and to issuance of restricted licensure pursuant thereto. Accordingly,

**IT IS ORDERED** that a restricted license to practice medicine shall be issued to DANIEL HSI-YUAN LEE, M.D., conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

(a) **Restriction of Practice.** Dr. Lee shall not engage in the practice of medicine in the state of Louisiana other than at, and in the course and scope of his postgraduate internal medicine residency training program with and of his employment by, the University Medical Center, Lafayette, Louisiana ("UMC").

(b) **Provision of Information to UMC.** Prior to his formal acceptance or commencement of a PGY-2 residency training position with UMC, Dr. Lee shall, if he has not already done so, fully disclose to UMC the fact of and circumstances surrounding the termination of his residency appointment by and with the Overlook Hospital, Summit, New Jersey, and shall furnish to UMC all documentation in his possession or available to him relative to evaluation of his performance as a resident at Overlook, including a copy of this Order and any and all written resident evaluations prepared with respect to Dr. Lee by his preceptors and program directors at Overlook. By his subscription hereto Dr. Lee also authorizes the Board to furnish copies of any such evaluations in its possession to UMC.

(c) **Maintenance of Appointment; Termination of Licensure.** The restricted medical license issued to Dr. Lee pursuant hereto shall be renewable annually by Dr. Lee, provided that he maintains his appointment as a resident in internal medicine at UMC and his performance in such program is and remains satisfactory, as evidenced by certification of the director of such program to the Board which Dr. Lee shall cause to be submitted to the Board in writing on or before December 1 of each year in which Dr. Lee holds restricted licensure hereunder. The restricted license issued pursuant to this Order shall expire and terminate automatically, without the necessity of action by the Board on any date that Dr. Lee's employment with or appointment as resident in internal medicine is terminated by UMC.

(d) **Eligibility, Application for Unrestricted Licensure.** Upon his satisfactory completion of residency training in internal medicine at UMC, as evidenced by the certification of the director of such program given in writing to the Board, provided that Dr. Lee is not then disqualified for licensure by virtue of the existence of any cause enumerated by La. Rev. Stat. § 37:1285(A), Dr. Lee shall be considered eligible to apply to the Board for release from the restrictions specified herein and issuance of an unrestricted license to practice medicine in the state of Louisiana.

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<sup>2</sup>Letter, M.J. Tighe, M.D., Cardiology Diagnostic Associates, to La. State Bd. Med. Exam. (Feb. 22, 1993); Letter, M.F. Durante, M.D., to La. State Bd. Med. Exam. (Feb. 17, 1993); Letter, J. S. Lozner, M.D., Summit Medical Group, to La. State Bd. Med. Exam. (Feb. 17, 1993).

**IT IS FURTHER ORDERED** that any violation of or failure of strict compliance with any of the restrictions set forth by this Order by Dr. Lee shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Lee's license to practice medicine in the state of Louisiana.

New Orleans, Louisiana, this 12 day of April, 1993.

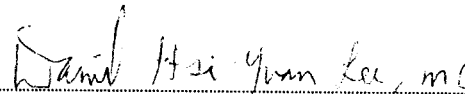
**LOUISIANA STATE BOARD OF  
MEDICAL EXAMINERS**

By: 

BERNARD L. KAPLAN, M.D.  
President

**ACKNOWLEDGEMENT  
AND CONSENT**

I, DANIEL HSI-YUAN LEE, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 2<sup>nd</sup> day of April, 1993.



DANIEL HSI-YUAN LEE, M.D.,