

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 WENDY WIDLUS
Deputy Attorney General
4 State Bar No. 82958
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-2867
Facsimile: (213) 897-9395
7 E-mail: Wendy.Widlus@doj.ca.gov
Attorneys for Complainant
8

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

11 In the Matter of the Accusation Against,
12
13 KATHERINE EUNJU LEE, M.D.
8122 Day Street
Sunland, California 91040
14 Physician's and Surgeon's Certificate
No. A 72902,

Case No. 06-2013-232359

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

15 Respondent.
16

17 **FINDINGS OF FACT**
18

19 1. On or about August 14, 2014, Complainant Kimberly Kirchmeyer, in her official
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer
21 Affairs, filed Accusation No. 06-2013-232359 against Katherine Eunju Lee, M.D. (Respondent)
22 before the Medical Board of California.

23 2. On or about August 24, 2000, the Medical Board of California (Board) issued
24 Physician's and Surgeon's Certificate No. A 72902 to Respondent. The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein. That certificate is currently delinquent, having expired on June 30, 2014. A Certificate of
27 Licensure is attached as Exhibit A and is incorporated by reference.

28 3. On or about August 14, 2014, Richard M. Acosta (Acosta), an Associate Analyst of

1 the Board's Discipline Coordination Unit, served by Certified Mail a copy of the Accusation No.
2 06-2013-232359, a Statement to Respondent, a Notice of Defense (2 copies), a Request for
3 Discovery, copies of Government Code sections 11507.5, 11507.6, and 11507.7, and a Manual of
4 Model Disciplinary Orders and Model Disciplinary Guidelines to Respondent's address of record
5 with the Board, which was and is 8122 Day Street, Sunland, California 91040. Copies of the
6 Accusation, the related documents, Declaration of Service-Certified and First Class Mail, and
7 U.S. Postal Service Certified Mail Receipt are attached as Exhibit B and are incorporated by
8 reference.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c).

11 5. On or about September 24, 2014, the United States Postal Service notified the Board
12 that the aforementioned documents were being returned to the Board as "unclaimed." On
13 September 30, 2014, the aforementioned documents were returned to the Board. A copy of the
14 U.S. Postal Service notification is attached as exhibit C, and is incorporated herein by reference.

15 6. No Notice of Defense was received by the Board.

16 7. A copy of the Declaration of Acosta attesting to the foregoing facts is attached as
17 Exhibit D, and is incorporated herein by reference.

18 8. Deputy Attorney General Wendy Widlus (Widlus) is assigned to prepare the Default
19 Decision & Order in the above matter and has reviewed the file. No Notice of Defense was
20 received by the California Department of Justice, Health Quality Enforcement Section.

21 9. A copy of the Declaration of Widlus attesting to the fact that no Notice of Defense
22 from Respondent was ever received by the California Department of Justice, Health Quality
23 Enforcement Section is attached as exhibit E, and is incorporated herein by reference.

24 10. Government Code section 11506 states, in pertinent part:

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

1 Respondent failed to file a Notice of Defense within 15 days after service upon her of the
2 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 06-2013-
3 232359.

4 11. California Government Code section 11520 states, in pertinent part:

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

8 12. Pursuant to its authority under Government Code section 11520, the Board finds
9 Respondent is in default. The Board will take action without further hearing and, based on
10 Respondent’s express admissions by way of default and the evidence before it, contained in
11 exhibits A, B, C, D, E and F finds that the allegations in Accusation No. 06-2013-232359 are true.

12 DETERMINATION OF ISSUES

13 1. Based on the foregoing findings of fact, Katherine Eunju Lee, M.D. has subjected her
14 Physician’s and Surgeon’s Certificate No. A 72902 to discipline.

15 2. A copy of the Accusation and the related documents and Declaration of Service are
16 attached.

17 3. The agency has jurisdiction to adjudicate this case by default.

18 4. The Medical Board of California is authorized to revoke Respondent’s Physician’s
19 and Surgeon’s Certificate based upon the following violations alleged in the Accusation:

20 a. Gross negligence as a result of patient abandonment;

21 b. Unprofessional conduct as a result of patient abandonment;

22 c. Gross negligence as a result of the failure to provide medical records to patients
23 upon request; and

24 d. Unprofessional conduct as a result of the failure to provide medical records to
25 patients upon request.

26 ORDER

27 **IT IS SO ORDERED** that Physician’s and Surgeon’s Certificate No. A 72902, heretofore
28 issued to Respondent KATHERINE E. LEE, M.D., is revoked.

1 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
2 written motion requesting that the Decision be vacated and stating the grounds relied on within
3 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
4 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

5 This Decision shall become effective on May 13, 2016.

6 It is so ORDERED April 13, 2016

7 

8 FOR THE MEDICAL BOARD OF CALIFORNIA

9 DEPARTMENT OF CONSUMER AFFAIRS

10 Kimberly Kirchmeyer
11 Executive Director

1 KAMALA D. HARRIS
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 CLAUDIA RAMIREZ
Deputy Attorney General
4 State Bar No. 205340
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, California 90013
6 Telephone: (213) 897-5678
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 06-2013-232359

12 KATHERINE EUNJU LEE, M.D.
13 8122 Day Street
Sunland, California 91040

ACCUSATION

14
15 Physicians and Surgeon's Certificate
No. A 72902,

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about August 24, 2000, the Board issued Physicians and Surgeon's Certificate
24 Number A 72902 to Katherine Eunju Lee, M.D. ("Respondent"). That license is currently
25 delinquent, having expired on June 30, 2014.

26 **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 2227 of the Code provides that a licensee who is found guilty under the
3 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
4 one year, placed on probation and required to pay the costs of probation monitoring, or such other
5 action taken in relation to discipline as the Board deems proper.

6 5. Section 2234 of the Code states:

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

10 "..."

11 "(b) Gross negligence.

12 "..."

13 6. Section 123110, subdivisions (a) and (b) of the Health and Safety Code states, among
14 other things, that a patient "shall be entitled to inspect patient records upon presenting to the
15 health care provider a written request for those records and upon payment of reasonable clerical
16 costs incurred in locating and making the records available" and that a patient "shall be entitled to
17 copies of all or any portion of the patient records that he or she has a right to inspect, upon
18 presenting a written request to the health care provider specifying the records to be copied,
19 together with a fee to defray the cost of copying, that shall not exceed twenty-five cents (\$0.25)
20 per page or fifty cents (\$0.50) per page for records that are copied from microfilm and any
21 additional reasonable clerical costs incurred in making the records available." The records must
22 be transmitted within 15 days of receiving the request.

23 7. Section 123110, subdivision (i) of the Health and Safety Code provides that "[a]ny
24 health care provider described in paragraphs (4) to (10), inclusive, of subdivision (a) of Section
25 123105 who willfully violates this chapter is guilty of unprofessional conduct. . . . The state
26 agency, board, or commission that issued the health care provider's professional or institutional
27 license shall consider a violation as grounds for disciplinary action with respect to the licensure,
28 including suspension or revocation of the license or certificate."

1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence - Patient Abandonment)

3 8. Respondent's license is subject to disciplinary action under section 2234, subdivision
4 (b) of the Code for gross negligence in that she failed to provide her patients notice of her
5 departure from practice, failed to provide them with verified, alternative sources of care, and
6 failed to provide them information on how to obtain copies of their medical records from her.
7 The circumstances are as follows:

8 Patient L.K.¹

9 9. Patient L.K. was contacted by her pharmacy to notify her that her prescription could
10 not be re-filled because her physician (Respondent) could not be reached by telephone or
11 facsimile. On or about May 2013, Patient L.K. went to Respondent's office and observed that the
12 door sign was gone and the door was locked. Patient L.K. did not receive any correspondence
13 from Respondent informing her of the closure of Respondent's practice, Respondent's new
14 address, or a referral to a new physician. Patient L.K. would like to obtain copies of her medical
15 records to provide to her new physician, but she has no way of obtaining such records because
16 Respondent cannot be located.

17 Patient S.F.

18 10. On or about May 1, 2013, Patient S.F. was not feeling well and telephoned
19 Respondent's office to schedule an appointment. She left a voicemail for Respondent, but she did
20 not receive a return call. Patient S.F. telephoned Respondent's office everyday for approximately
21 two weeks. When she called again, the telephone number was no longer in service. Patient S.F.
22 decided to stop by Respondent's office. When she arrived at the building, she observed that
23 Respondent's name was no longer listed in the lobby directory. She went to Respondent's suite
24 and observed the sign on the door was gone and the door was locked. Patient S.F. did not receive
25 any correspondence from Respondent informing her of the closure of Respondent's practice,
26 Respondent's new address, or a referral to a new physician. Patient S.F. has not been able to

27 _____
28 ¹ The initials of patients' names are used to protect their right of privacy.

1 obtain copies of her medical records.

2 Patient P.C.

3 11. On or about June 28, 2013, Patient P.C. fell, injured her knee, and went to urgent care
4 for treatment. A couple of days later, she attempted to make an appointment with Respondent and
5 learned that Respondent's telephone number had been disconnected. Patient P.C. went to
6 Respondent's office and observed that Respondent's name had been removed from the lobby as
7 well as the office door. Patient P.C. did not receive any correspondence from Respondent
8 informing her of the closure of Respondent's practice, Respondent's new address, or a referral to
9 a new physician. Patient P.C. mailed a letter to Respondent requesting copies of her medical
10 records. She assumed the letter would be forwarded to a new business address. Patient P.C. did
11 not receive a response from Respondent nor was her letter returned. Patient P.C. would like to
12 obtain copies of her medical records, but she has no way of obtaining such records because
13 Respondent cannot be located.

14 Patient M.S.

15 12. On or about August 2013, Patient M.S. needed copies of her medical records from
16 Respondent in order to undergo knee surgery. She gave her specialist Respondent's information
17 and an authorization for release of her medical records. Her specialist was unable to reach
18 Respondent by telephone because it was not in service. Patient M.S. telephoned Respondent
19 herself and learned that the telephone number was disconnected. Patient M.S. did not receive any
20 correspondence from Respondent informing her of Respondent's departure from practice,
21 Respondent's new address, or a referral to a new physician. Patient M.S. has not been contacted
22 by Respondent nor has she been able to obtain copies of her medical records.

23 Patient D.Y.

24 13. Patient D.Y. was visiting a physician next door to Respondent's office. She noticed
25 Respondent's sign was no longer on the door. She then learned that Respondent had closed her
26 office. Patient D.Y. did not receive any correspondence from Respondent informing her of
27 Respondent's departure from practice, Respondent's new address, or a referral to a new physician.
28 She has not requested copies of her medical records because various online complaints show that

1 patients have been unable to reach Respondent.

2 Patient B.G.

3 14. On or about July 2013, Patient B.G. called Respondent to schedule an appointment
4 for her yearly physical. She learned that the telephone number was not in service. On or about
5 September 2013, Patient B.G.'s spouse mailed a certified letter to Respondent's address of record
6 on the Board's website requesting copies of his wife's medical records. The letter was returned
7 unclaimed. Patient B.G. did not receive any correspondence from Respondent informing her of
8 Respondent's departure from practice, Respondent's new address, or a referral to a new physician.
9 She has not been able to obtain copies of her medical records.

10 Patient A.S.

11 15. In 2013, Patient A.S. went to Respondent's office to obtain a re-fill prescription.
12 Respondent's office was closed and the sign on the door with Respondent's name had been
13 removed. She returned approximately one week later and noticed that Respondent's name had
14 been removed from the listing on the main lobby. She went to Respondent's office and the door
15 was locked. Patient A.S. made various attempts to contact Respondent's office, but the telephone
16 number was disconnected. She did not receive any correspondence from Respondent informing
17 her of Respondent's departure from practice, Respondent's new address, or a referral to a new
18 physician. She has not been able to obtain copies of her medical records.

19 Patient M.O.

20 16. On or about April 2013, Patient M.O. tried reaching Respondent and learned
21 Respondent was gone from her practice. Patient M.O. did not receive any correspondence from
22 Respondent informing her of the closure of Respondent's practice, Respondent's new address, or
23 a referral to a new physician. She would like to obtain copies of her medical records, but has no
24 way of obtaining such records because Respondent cannot be located.

25 Patient R.M.

26 17. On or about June 2013, Patient R.M. tried contacting Respondent, but learned that
27 Respondent's office telephone number was not in service and that Respondent's name was
28 removed from her office door and building directory. Patient R.M. also learned that Respondent's

1 office closed with no forwarding address or telephone number. She did not receive any
2 correspondence from Respondent informing her of the closure of Respondent's practice,
3 Respondent's new address, or a referral to a new physician. On or about October 2013, Patient
4 R.M. mailed a certified letter to Respondent requesting copies of her medical records, but did not
5 receive a response.

6 Patient N.S.

7 18. Patient N.S. did not receive any correspondence from Respondent informing her of
8 Respondent's departure from practice, Respondent's new address, or a referral to a new physician.
9 On or about September 15, 2013, she attempted to contact Respondent via certified mail, but the
10 post office could not make contact with Respondent. Patient N.S. would like to obtain copies of
11 her medical records in order to provide them to her new physician, but she has no way of
12 obtaining such records because Respondent cannot be located.

13 19. Respondent's acts and/or omissions as set forth in paragraphs 9 through 18, inclusive
14 above, whether proven individually, jointly, or in any combination thereof, constitute gross
15 negligence in violation of section 2234, subdivision (b) of the Code. Therefore, cause for
16 discipline exists.

17 **SECOND CAUSE FOR DISCIPLINE**

18 (Unprofessional Conduct - Patient Abandonment)

19 20. Respondent's license is subject to disciplinary action under section 2234 of the Code
20 for unprofessional conduct in she failed to provide her patients notice of her departure from
21 practice, failed to provide them with verified, alternative sources of care, and failed to provide
22 them information on how to obtain copies of their medical records from her. The circumstances
23 are as follows:

24 21. Paragraphs 9 through 18 are incorporated by reference and re-alleged as if fully set
25 forth herein.

26 22. Respondent's acts and/or omissions as set forth in paragraphs 9 through 18, inclusive
27 above, whether proven individually, jointly, or in any combination thereof, constitute
28 unprofessional conduct in violation of section 2234 of the Code. Therefore, cause for discipline

1 exists.

2 **THIRD CAUSE FOR DISCIPLINE**

3 (Gross Negligence - Failure to Provide Records to Patient Upon Request)

4 23. Respondent's license is subject to disciplinary action under 2234, subdivision (b) of
5 the Code for gross negligence in that she failed to provide patients copies of their medical records
6 in response to their requests for copies of the records. The circumstances are as follows:

7 24. Paragraphs 9 through 18 are incorporated by reference and re-alleged as if fully set
8 forth herein.

9 25. Respondent's acts and/or omissions as set forth in paragraphs 8 through 18, inclusive
10 above, whether proven individually, jointly, or in any combination thereof, constitute gross
11 negligence in violation of section 2234, subdivision (b) of the Code. Therefore, cause for
12 discipline exists.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 (Unprofessional Conduct - Failure to Provide Records to Patient Upon Request)

15 26. Respondent's license is subject to disciplinary action under section 2234 of the Code
16 and section 123110 of the Health and Safety Code for unprofessional conduct in that she failed to
17 provide patients copies of their medical records in response to their requests for copies of the
18 records. The circumstances are as follows:

19 27. Paragraphs 9 through 18 are incorporated by reference and re-alleged as if fully set
20 forth herein.

21 28. Respondent's acts and/or omissions as set forth in paragraphs 8 through 18, inclusive
22 above, whether proven individually, jointly, or in any combination thereof, constitute
23 unprofessional conduct in violation of section 2234 of the Code and section 123110 of the Health
24 and Safety Code. Therefore, cause for discipline exists.

25 **PRAYER**

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

28 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 72902,

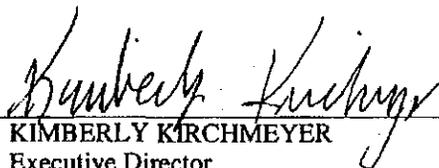
1 issued to Respondent;

2 2. Revoking, suspending or denying approval of Respondent's authority to supervise
3 physician assistants pursuant to section 3527 of the Code;

4 3. Ordering Respondent to pay the Board, if placed on probation, the costs of probation
5 monitoring; and

6 4. Taking such other and further action as the Board deems necessary and proper.
7

8
9 DATED: August 14, 2014



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

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