

IN THE MATTER OF	*	BEFORE THE
WILLIAM H. LEE, L. Ac.	*	MARYLAND
Respondent	*	ACUPUNCTURE BOARD
License Number: U00766	*	Case Number: 2003-005

\* \* \* \* \*

**CONSENT ORDER**

On or about July 2, 2004, the Maryland Board of Acupuncture (the "Board") charged William H. Lee, L. Ac., (the "Respondent"), License number U00766, D.O.B. 1/9/69, with violations of the Maryland Acupuncture Act (the "Act"), Md. Health Occ. ("H.O.") Code Ann. §§ 1A-101 *et seq.* (2000 & Supp. 2003).

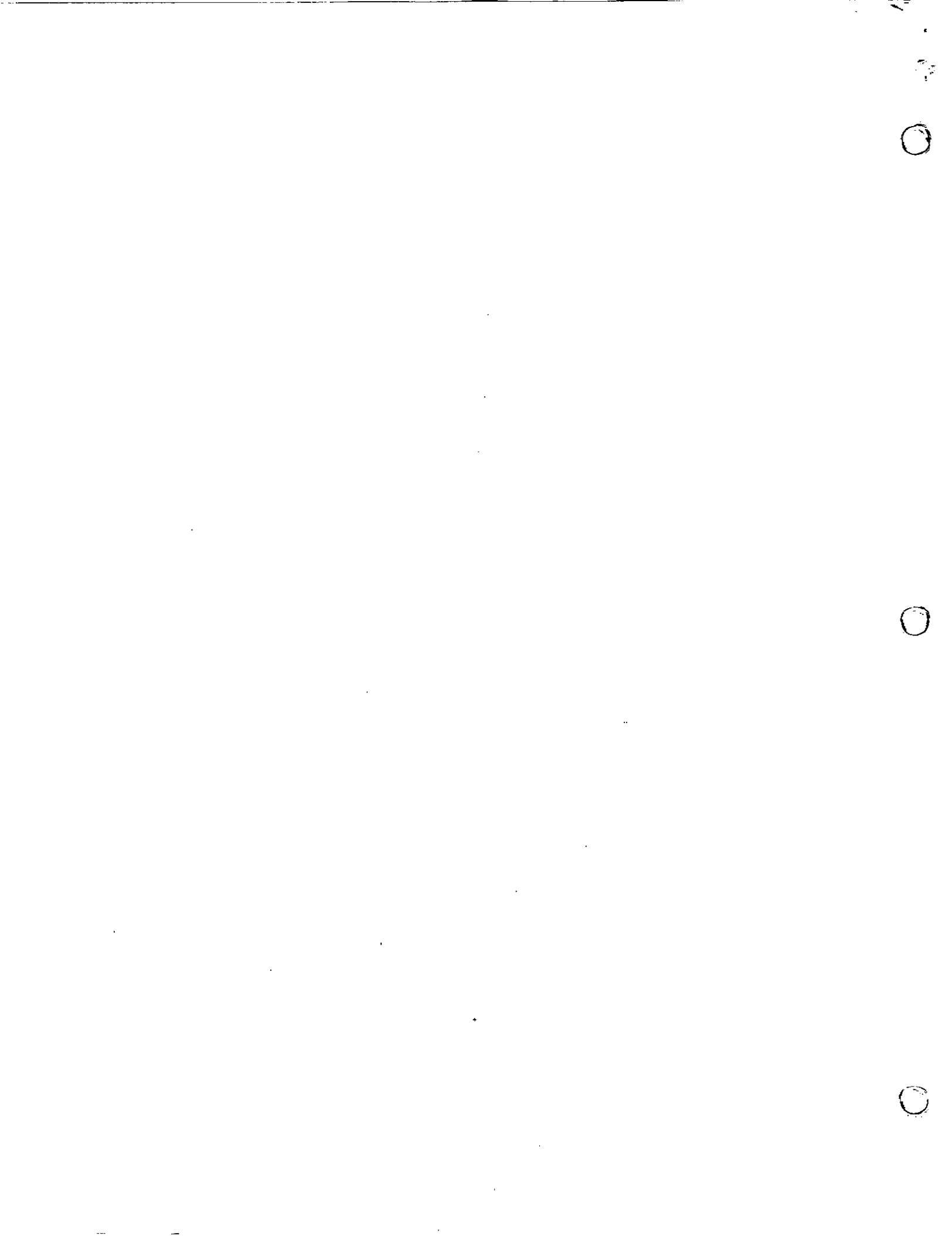
The pertinent provisions of the Act provide the following:

H.O. § 1A-309

Subject to the hearing provisions of § 1A-310 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership may deny a license to practice acupuncture to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

- (2) Fraudulently or deceptively:
  - (i) Uses a license; or
  - (ii) Solicits or advertises;
- (3) Is guilty of immoral or unprofessional conduct in the practice of acupuncture;
- (6) Knowingly violates any provision of this title or any rule or regulation of the Board adopted under this title; or
- (15) Fails to cooperate with a lawful investigation conducted by the Board.

The regulations violated by the Respondent are Md. Regs. Code ("COMAR") tit. 10 § 26.03.03; 04; 05; 07 and 08 (Code of Ethics) which provide:



10.26.03.03 *Standards of Practice*

C. A licensee shall:

- (1) Use professional discretion and integrity in relationships with a member of the health community;
- (2) Be professional in conduct, with honesty, integrity, self-respect, and fairness;
- (5) At all times respect the patient's dignity, autonomy, and privacy;
- (6) Practice acupuncture only as defined in the scope of practice set forth in Health Occupations Article, § 1A-205, Annotated Code of Maryland;
- (7) Cooperate with a lawful investigation conducted by the Board, including:
  - (a) Furnishing information requested,
  - (b) Complying with a subpoena,
  - (c) Responding to a complaint at the request of the Board, and
  - (d) Providing meaningful and timely access to relevant patient records.

D. A licensee may not:

- (1) Misrepresent the licensee's credentials, qualifications, or affiliations and shall attempt to correct others who misrepresent the licensee's credentials, qualifications, or affiliations;
- (2) Knowingly engage in or condone behavior which is fraudulent, dishonest, or deceitful, or involves moral turpitude.

10.26.03.04 *Relationship with Patient*

A. A licensee shall:

- (4) Maintain a written record of treatment of the patient under the licensee's care for at least 5 years after the termination of treatment.

10.26.03.05 *Professional Boundaries*

B. The licensee may not:

- (3) Engage in sexual misconduct which includes behavior in which a licensee has engaged in sexual behavior with a patient in the context of a professional evaluation, treatment, procedure, or other service to the patient, regardless of the setting in which the professional service is provided.



10.26.03.07 *Education and Training*

A. The licensee shall:

(1) Recognize the licensee's limitations and qualifications and practice acupuncture within the limits of these limitations and qualifications.

B. The licensee may not perform a treatment or provide a service which the licensee is not qualified to perform or which is beyond the scope of the licensee's education, training, capabilities, experience, and scope of practice.

10.26.03.08 *Advertising*

B. A licensee may not use statements in an advertisement that:

(1) Contain a misrepresentation of facts;

(7) Contain a representation or implication that, in reasonable probability, can be expected to cause an ordinarily prudent person to misunderstand or be deceived.

As a result of negotiations between the Respondent, by Bruce A. Johnson, Jr., Esquire and the Office of the Attorney General, by Kimberly S. Cammarata, Assistant Attorney General, and the Board, the parties agreed to enter into this Consent Order as an appropriate resolution of the Charges.

**FINDINGS OF FACT**

**BACKGROUND**

1. The Respondent is, and at all times relevant to these charges, was licensed to practice acupuncture in the State of Maryland, initially receiving his license on July 14, 1998.



2. On or about December 9, 2002, the Board received a complaint from another licensed acupuncturist, KMM<sup>1</sup>, with whom the Respondent had been associated. In the complaint, KMM noted that one of the Respondent's patients had called AcuMedicine Associates<sup>2</sup> and advised that he believed that the Respondent had been practicing medicine without a license.

3. On or about January 14, 2003, the Board received a complaint from a certified massage therapist, Patient BF, who advised that the Respondent held himself out to Patient BF as a medical doctor and that Patient BF referred clients to the Respondent for medical treatment. Patient BF advised that she later learned that the Respondent was not a licensed medical doctor.

4. The Board voted to investigate these complaints. The Board was also made aware that similar complaints about the Respondent's actions had been made to the Maryland Board of Physician Quality Assurance.<sup>3</sup>

#### PATIENT-SPECIFIC FINDINGS

##### Patients BF and CF

5. The Respondent told Patient BF and her husband, Patient JF, that he was a medical doctor and provided Patient JF with a copy of his *curriculum vitae*. The *curriculum vitae* was titled "William H. Lee, M.D., Ph.D." and provided, *inter alia*: that the Respondent had been licensed by the Maryland Board of Physicians from 2002 to the present; had obtained a M.D. degree from the Johns Hopkins University School of Medicine in 2000; and was a resident physician at the Johns

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<sup>1</sup> Names withheld for confidentiality purposes.

<sup>2</sup> The name of the practice with whom the Respondent was associated.

<sup>3</sup> Now known as the Maryland Board of Physicians pursuant to Chapter 252, Acts 2003, effective July 1, 2003.





Hopkins University School of Medicine from 2000-2001. The Respondent frequently told Patient BF stories about his residency at Johns Hopkins. The Respondent had not obtained a degree in medicine from Johns Hopkins, nor had he ever been a resident physician at Johns Hopkins.

6. The Respondent advised Patients B and C that he was going to open a private practice and provided them with a business card captioned "AcuMedicine Associates, William H. Lee, M.D., Ph.D., L.Ac."

7. Sometime in or around December 2001, Patient BF fractured her shoulder. She sought treatment from the Respondent for her shoulder. She was also treated over time by the Respondent for chronic tendonitis of both elbows. The Respondent, on approximately ten occasions, injected Patient BF's elbow(s) with traumeel.<sup>4</sup> The Respondent offered to be Patient BF's primary care provider and offered to perform gynecologic examinations on Patient BF.<sup>5</sup> Patient BF paid the Respondent for the medical services he provided either in monetary form or in trade for massage therapy services.

8. Patient JF began seeking medical treatment from the Respondent in or around 2000 and was treated through October or November of 2002.

9. The Respondent treated Patient JF for general health-related issues, ankle sprain and neck pain. The Respondent examined, diagnosed and treated Patient JF for an ankle sprain, including injecting Patient JF's ankle with traumeel. The Respondent also performed chiropractic manipulations/

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<sup>4</sup> A homeopathic substance purported to be an anti-inflammatory and an analgesic.

<sup>5</sup> Patient BF became aware of the Respondent's misrepresentations prior to allowing him to perform any gynecologic examinations.



adjustments to Patient JF's neck. The Respondent also provided Patient JF herbal and vitamin recommendations.

#### Patient KM

10. Patient KM was treated by the Respondent for shoulder and back pain. The Respondent treated Patient KM with acupuncture and injected Patient KM's left shoulder area with what the Respondent described to Patient KM as a homeopathic solution. Patient KM believed that the Respondent was a medical doctor for many reasons, including:

- a. The Respondent provided Patient KM with a business card which stated *inter alia*, "Acumedicine Associates" and "William H. Lee, M.D., Ph.D., L.Ac.;"
- b. Patient BF referred Patient KM to the Respondent and advised Patient KM that the Respondent was a medical doctor; and
- c. Conversations Patient KM had with the Respondent in which he held himself out as a physician.

#### Patient EM

11. Patient KM brought her daughter, Patient EM, to the Respondent for an evaluation and treatment of attention deficit symptoms. The Respondent, acting as a physician, treated Patient EM for "attention deficit symptoms" with acupuncture needle therapy.



Patient ST

12. Beginning in or around September 2002, Patient ST, a breast cancer patient, began seeing the Respondent to "boost her immune system." The Respondent held himself out as a medical doctor and acupuncturist and as possessing a Ph.D. Patient ST provided the Respondent with her medical file related to her breast cancer and asked his opinion about whether she should continue with radiation treatments. The Respondent reviewed Patient ST's chart, performed a breast examination, advised Patient ST that she had cysts on her breasts, and recommended that she continue with the radiation. The Respondent, acting as a physician, then "boosted" Patient ST's immune system with acupuncture needle therapy, by prescribing herbs and advising Patient ST to drink plenty of water.

13. On one occasion, Patient ST advised the Respondent that she had bronchitis. The Respondent listened to her chest with a stethoscope and performed acupuncture needle therapy on her for her bronchitis.

Patient KR

14. Patient KR began seeing the Respondent in 2002 and was treated by him on approximately ten to twenty occasions throughout 2002. The Respondent held himself out as a medical doctor and told stories about his medical schooling and residency. The Respondent also provided Patient G with a business card which stated, *inter alia*, "AccuMedicine Associates" and "William H. Lee, M.D., Ph.D., L.Ac., Physical Medicine-Pain Management, Acupuncture."



15. The Respondent treated Patient G for pain and/or spasm in her shoulders and back. In addition to acupuncture needle therapy, the Respondent, on at least two occasions, injected Patient G's back with traumeel. The Respondent also wrote a prescription for Patient G to obtain massage therapy. The prescription was captioned "William H. Lee, M.D." and prescribed weekly massage therapy for six (6) mos. for Dx 729.1 (myofascial pain), signed William Lee, M.D.

16. The Respondent billed Patient KR for visits on June 26, July 5 and July 10, 2002 for office visits, CPT Code 99213 (office visit, established patient, expanded), and noted a diagnosis of insomnia and sinusitis.

Patient LW

17. On or about September 19, 2002, the Maryland Board of Physicians received a complaint from the husband of Patient LW alleging that the Respondent had prescribed Claritin to Patient LW. The complainant later learned that the Respondent was not a licensed physician, did not have a medical degree, did not complete a medical residency, and had never attended medical school.

18. On or about October 24, 2002, the Respondent, responding to the complaint regarding the prescription to Patient LW, admitted to being unlicensed to practice medicine and admitted that he had called in a Claritin prescription for Patient LW.





## OTHER FINDINGS

19. The Respondent became an associate of AcuMedicine Associates, P.C. on or about March 2002. The Respondent advised his associates, KMM and SH, that he was finishing his training as a medical doctor and was about to be licensed as a medical doctor. KMM advised the following:

- a. The Respondent had business cards with his name followed by "M.D."
- b. The Respondent had a medical license displayed in his office. The license displayed was not issued to the Respondent but was either a forged license or a license issued to a validly licensed physician in the State of Maryland with the same first name, middle initial and last name.
- c. KMM observed vials of traumeel in the Respondent's treatment rooms as well as a "medical scope," an instrument not used by acupuncturists.
- d. The Respondent had billing invoices captioned "William H. Lee, M.D., Ph.D., L.Ac., Acupuncture-Herbs-Preventative Medicine-Pain Management-Rehabilitation." On these patient invoices, the Respondent billed for office visits using CPT codes 99213, 99201 (office visit, new patient, limited) and 97780 (acupuncture without electric stimulation). He also billed for trigger point therapy under code 20552.

SH advised the following:

- a. SH observed business cards and prescription pads with the Respondent's name and M.D. following his name.



b. SH and a Department of Health and Mental Hygiene investigator found a lab coat in the closet of the office. The lab coat contained the Johns Hopkins' insignia over the left breast pocket with the name "William Lee, M.D., Ph.D." beneath the insignia.

20. The Respondent purchased traumeel ampoules for injection from Heel Biotherapeutics, Inc. in or around May 17, 2002. The Respondent provided Maryland license number D12859 to Heel, Inc. as proof that he was licensed as a physician. The license number provided by the Respondent was the license number for a validly licensed physician in the State of Maryland with the same first name, middle initial and last name as the Respondent.

21. On or about January 20, 2003, the Board issued a *subpoena duces tecum* to the Respondent requiring the production of patient records to the Board within three days of the receipt of the subpoena. The Respondent responded to the subpoena indicating that he was unable to locate the patient records.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent actions constitute, in whole or in part:

- (4) Fraudulently or deceptively:
  - (i) Uses a license; or
  - (ii) Solicits or advertises;
- (5) Is guilty of immoral or unprofessional conduct in the practice of acupuncture;
- (7) Knowingly violates any provision of this title or any rule or regulation of the Board adopted under this title; or
- (16) Fails to cooperate with a lawful investigation conducted by the Board.



The Board also concludes as a matter of law that the Respondent violated the Md. Regs. Code ("COMAR") tit. 10 § 26.03.03; 04; 05; 07 and 08 (Code of Ethics) which provide:

*10.26.03.03 Standards of Practice*

C. A licensee shall:

- (1) Use professional discretion and integrity in relationships with a member of the health community;
- (2) Be professional in conduct, with honesty, integrity, self-respect, and fairness;
- (8) At all times respect the patient's dignity, autonomy, and privacy;
- (9) Practice acupuncture only as defined in the scope of practice set forth in Health Occupations Article, § 1A-205, Annotated Code of Maryland;
- (10) Cooperate with a lawful investigation conducted by the Board, including:
  - (a) Furnishing information requested,
  - (b) Complying with a subpoena,
  - (c) Responding to a complaint at the request of the Board, and
  - (d) Providing meaningful and timely access to relevant patient records.

D. A licensee may not:

- (3) Misrepresent the licensee's credentials, qualifications, or affiliations and shall attempt to correct others who misrepresent the licensee's credentials, qualifications, or affiliations;
- (4) Knowingly engage in or condone behavior which is fraudulent, dishonest, or deceitful, or involves moral turpitude.

*10.26.03.04 Relationship with Patient*

A. A licensee shall:

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10.26.03.07 *Education and Training*

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B. The licensee may not perform a treatment or provide a service which the licensee is not qualified to perform or which is beyond the scope of the licensee's education, training, capabilities, experience, and scope of practice.

10.26.03.08 *Advertising*

B. A licensee may not use statements in an advertisement that:

(1) Contain a misrepresentation of facts;

(7) Contain a representation or implication that, in reasonable probability, can be expected to cause an ordinarily prudent person to misunderstand or be deceived.

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this

14<sup>th</sup> day of Sept., 2004, by a majority of the full authorized

membership of the Board hereby:





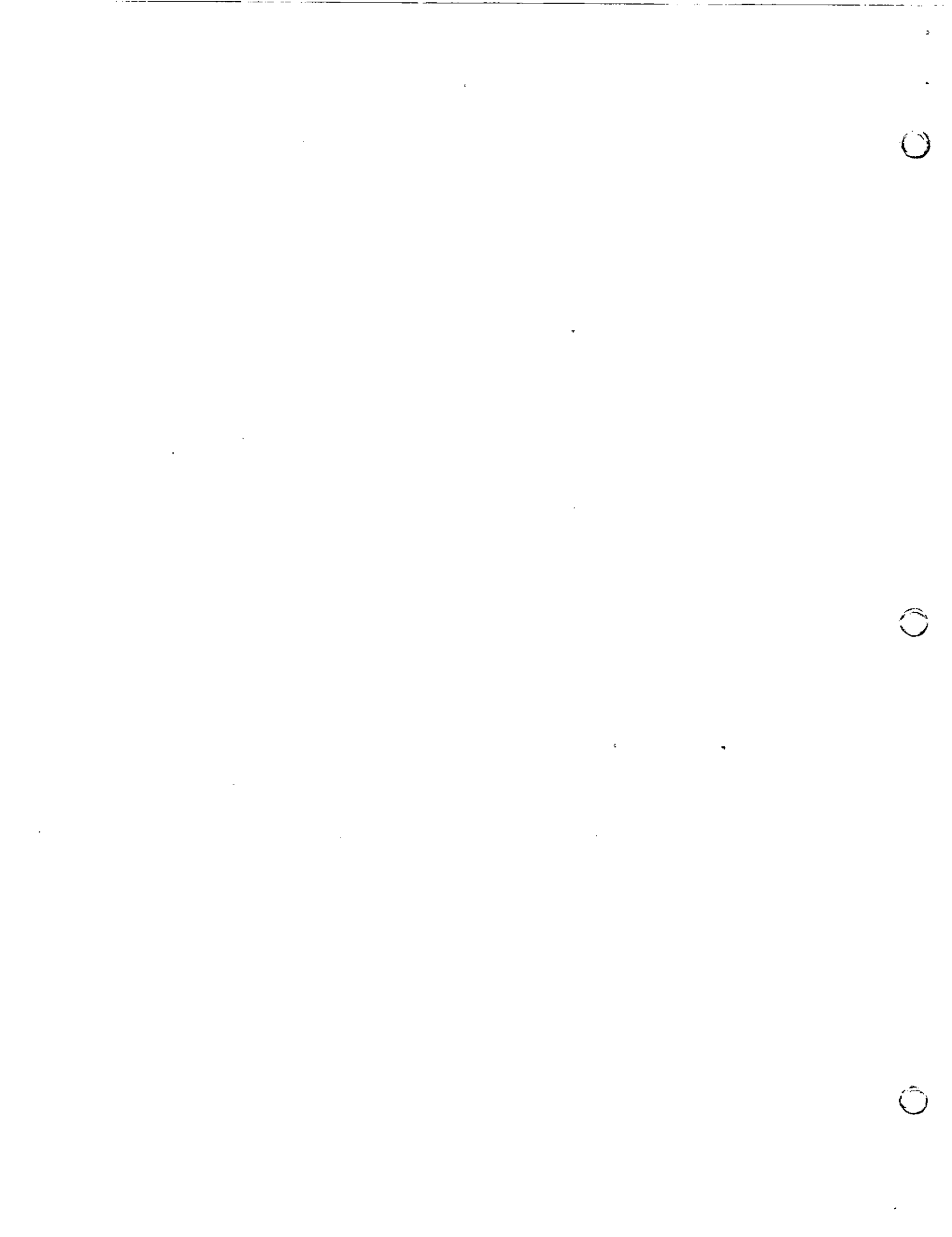
**ORDERED** that the Respondent's license to practice Acupuncture in the State of Maryland is hereby **SUSPENDED** for a period of **THREE (3) YEARS**, with an effective date of November 30, 2003<sup>6</sup>; and it is further

**ORDERED** that Respondent shall, within Sixty (60) days of the date this Order is signed by the Board, undergo a psychiatric evaluation by a Board-approved psychiatrist. The Respondent shall enter into therapy with a Board-approved therapist, as recommended by and at the frequency and for as long as the therapist requires. The Respondent shall:

- a. Authorize the Board to provide the therapist(s) with the entire investigative file, including all investigative interviews and investigative reports, and any other material contained in the Board's disciplinary file;
- b. Authorize the evaluating psychiatrist and therapist(s) to send reports to the Board and to communicate with any other health professional providing psychotherapeutic treatment to or psychiatric or psychological evaluation of the Respondent;
- c. Ensure that the psychotherapist(s) submits quarterly report to the Board;
- d. Sign any release necessary for the Board to obtain the complete psychiatric/therapy records, including notes of the mental health care provide(s); and it is further

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<sup>6</sup> The Respondent's license expired on November 30, 2003.

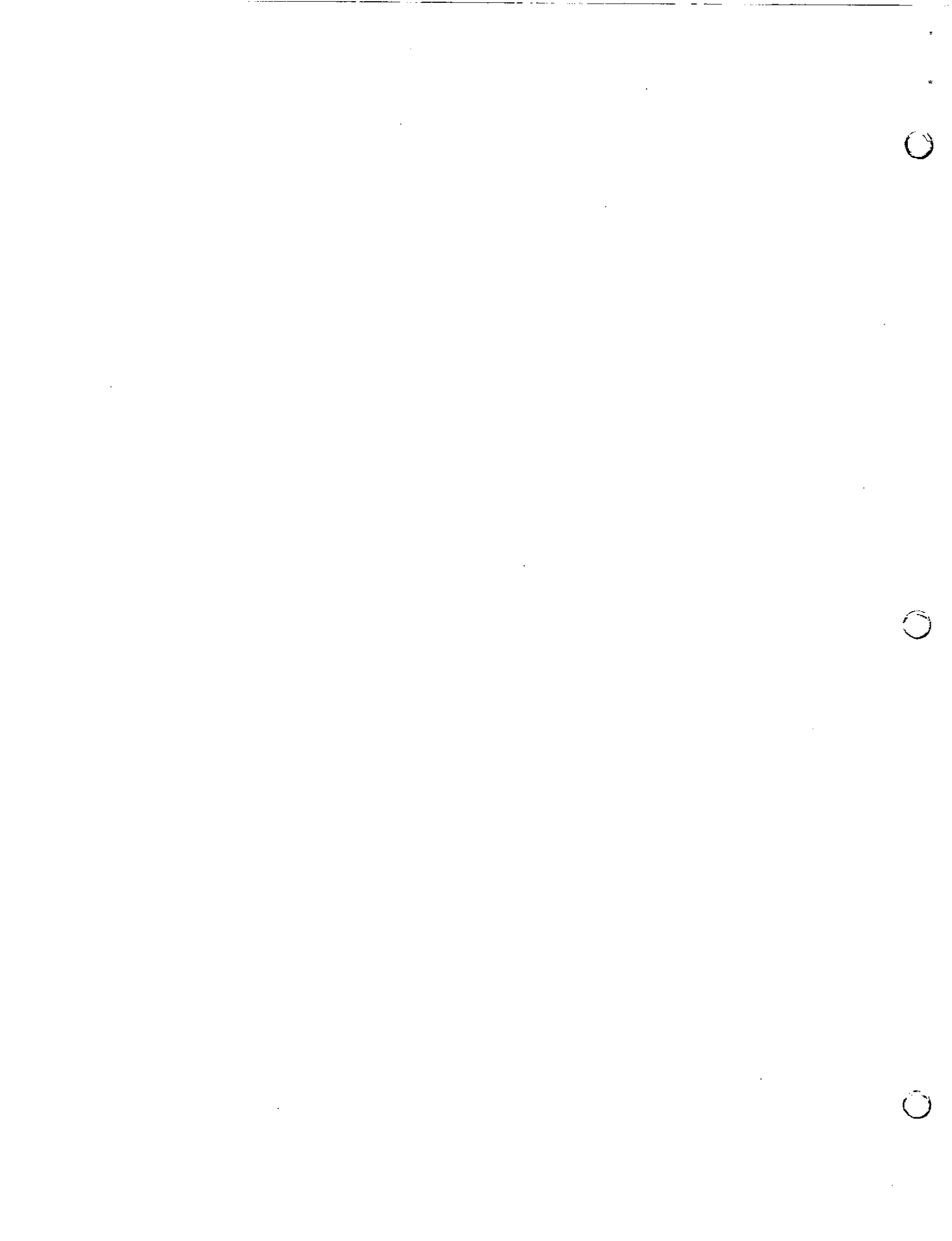


**ORDERED** that the Respondent may not seek reinstatement of his license to practice acupuncture in the State of Maryland any earlier than December 1, 2006; and it is further

**ORDERED** that prior to any consideration of the Respondent's Petition for Reinstatement, the Respondent shall appear before the Board's Case Resolution Conference Committee to demonstrate to the Board his fitness to practice acupuncture. At a minimum, the Respondent shall set forth his understanding of his prior misconduct; his subsequent conduct and reformation; his present character and his present qualifications and competence to practice acupuncture. Prior to considering the Respondent's petition for reinstatement, the Board will give notice to the Office of the Attorney General and permit the Office to file a responsive petition and be present at the Case Resolution Conference. The Case Resolution Conference Committee will review the Board's complete file and will consider all recommendations and arguments by the parties; and it is further

**ORDERED** that the Board, after evaluating all of the opinions and recommendations regarding the reinstatement request, has the right to accept or reject the Respondent's Petition for Reinstatement with no right of the Respondent to appeal such ruling; and it is further

**ORDERED** that should the Board reinstate the Respondent's license to practice acupuncture in the State of Maryland, the Respondent



shall be placed on probation for a period of **THREE (3) YEARS**, subject to the following terms and conditions<sup>7</sup>:

a. The Respondent shall continue his therapy with a Board-approved therapist as recommended by and at the frequency and for as long as the individual therapist requires.

b. The Respondent shall:

i. authorize the psychiatrist and/or or therapist(s) to send reports to the Board and to communicate with any other health professional providing psychotherapeutic treatment to or psychiatric/psychological evaluation of Respondent;

ii. ensure that therapist(s) submits quarterly reports to the Board;

iii. sign any release necessary for the Board to obtain the complete psychiatric/therapy records, including the notes of the mental health care provider(s).

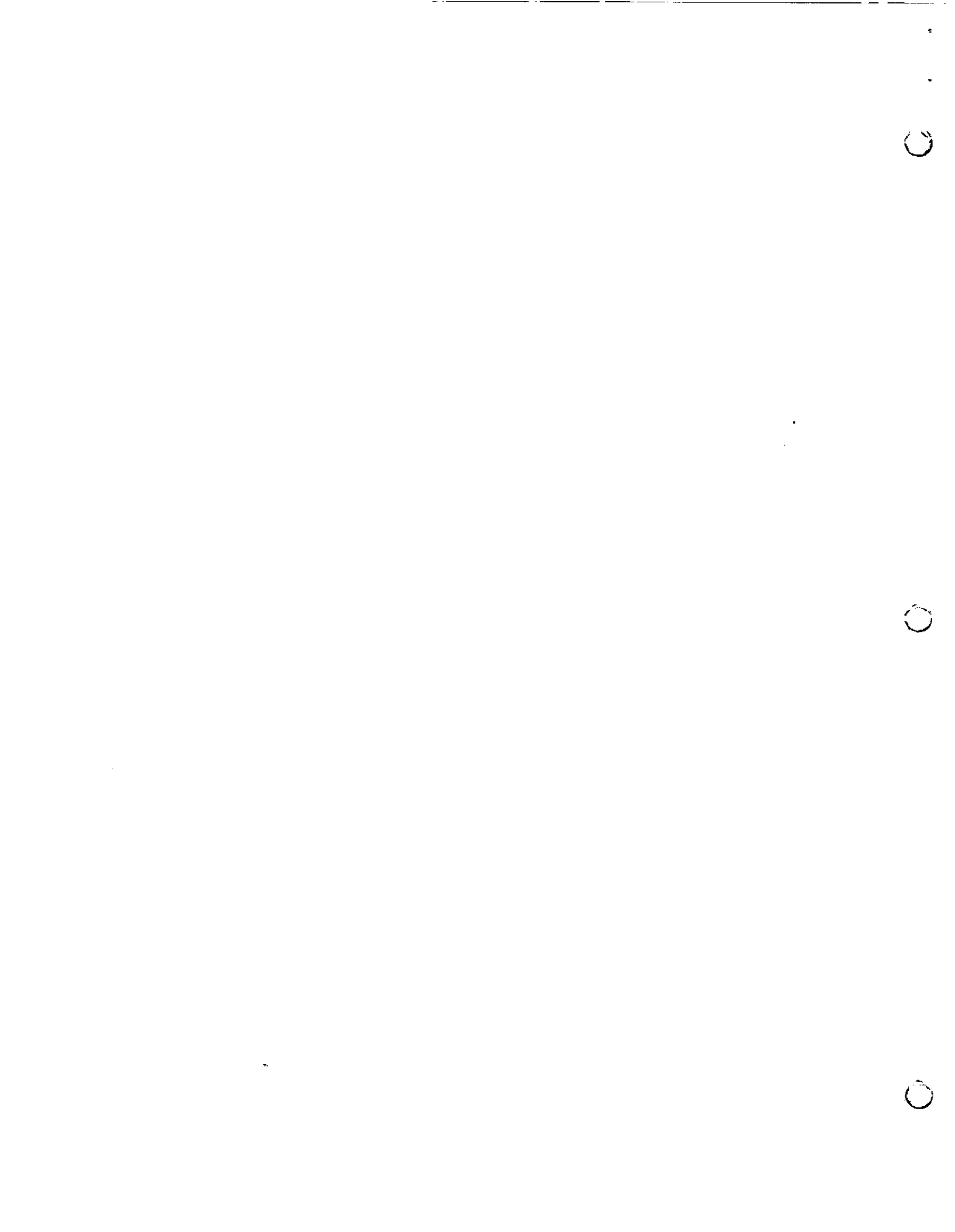
c. The Respondent's practice shall be subject to peer review by a Board designee at a frequency as determined by the Board.

d. The Respondent shall practice within the appropriate standard of care. In the event that the Respondent fails to meet appropriate standards, the Respondent's failure to meet appropriate standards shall constitute a violation of probation and may subject the Respondent to additional charges under the Act.

e. At the conclusion of the entire three (3) year period of probation, the Respondent may file a written petition for termination of his

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<sup>7</sup> The Board may add to, change or modify the proposed conditions of probation contained herein.

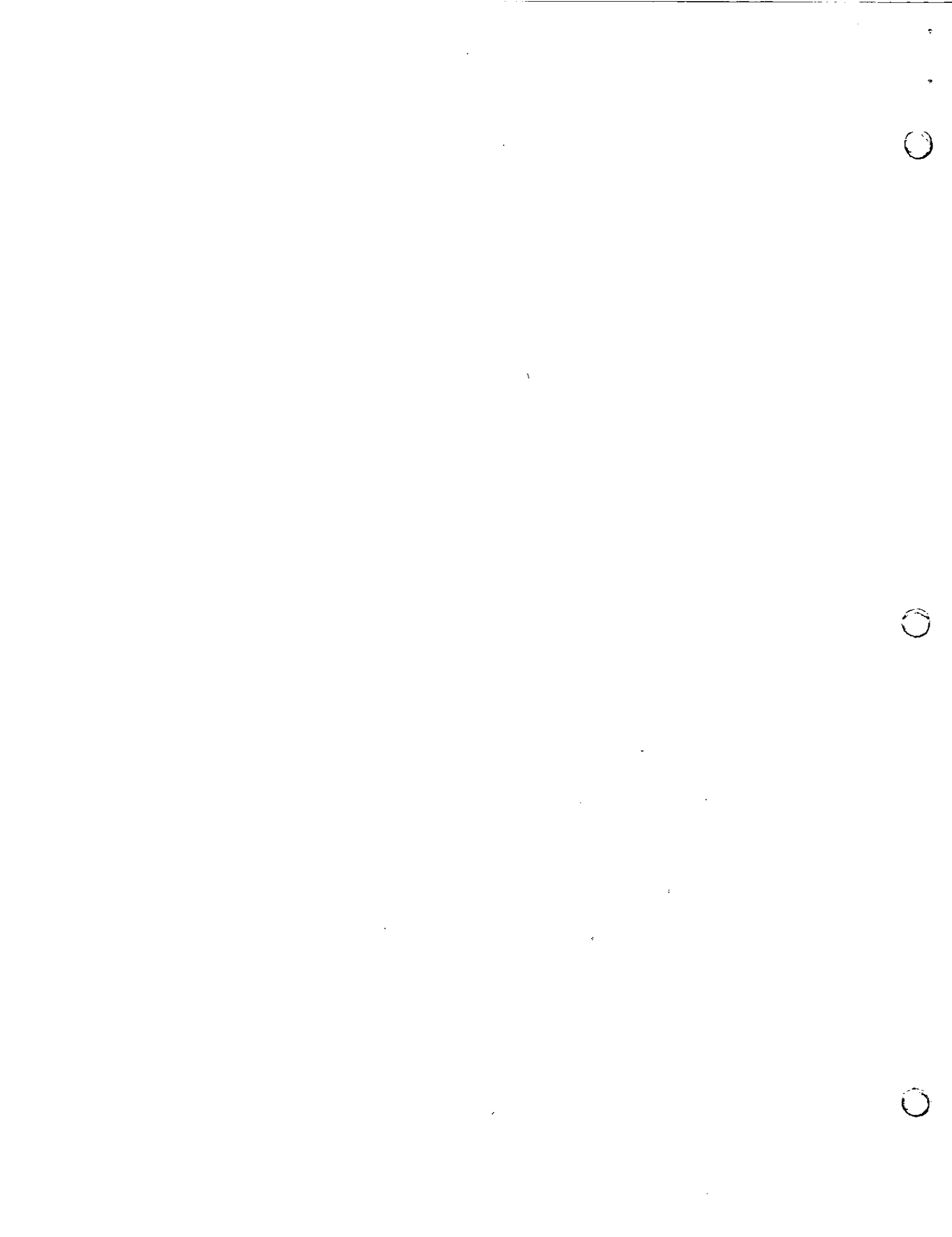


probationary status without further conditions or restrictions, but only if the Respondent has satisfactorily complied with all conditions of this Consent Order, including all terms and conditions of probation, and including the expiration of the three year period of probation, and if there are no pending complaints regarding the Respondent before the Board; and it is further

**ORDERED** that the Respondent shall comply with the Maryland Acupuncture Act and all laws, statutes, and regulations pertaining to the practice of acupuncture; and it is further

**ORDERED** that the Respondent shall otherwise fully comply with the terms and conditions of this Consent Order and probation, if reinstated, and failure to do so shall be deemed a violation of this Consent Order and the Respondent may be subject to additional charges under the Act; and it is further

**ORDERED** that the Respondent shall at all times cooperate with the Board and any of its agents or employees in the monitoring, supervision and investigation of the Respondent's compliance with the terms and conditions of this Consent Order, including the Respondent causing to be submitted, at his own expense, written reports, records and verification or actions that may be required by the Board or any of its agents or employees. The Respondent's failure to cooperate fully with the Board shall be deemed a failure to cooperate and a violation of probation and may subject the Respondent to additional charges under the Act; and it is further



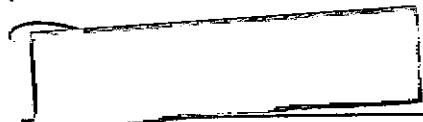


**ORDERED** that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, after notice, opportunity for a show cause hearing, and determination of a violation, may impose any other disciplinary sanctions it deems appropriate, including but not limited to revocation or suspension; said violation of probation being proved by a preponderance of evidence; and it is further

**ORDERED** that the Respondent shall be responsible for all costs incurred under this Consent Order; and it is further

**ORDERED** that this Consent Order is a public document pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.* (1999 & Supp. 2003).

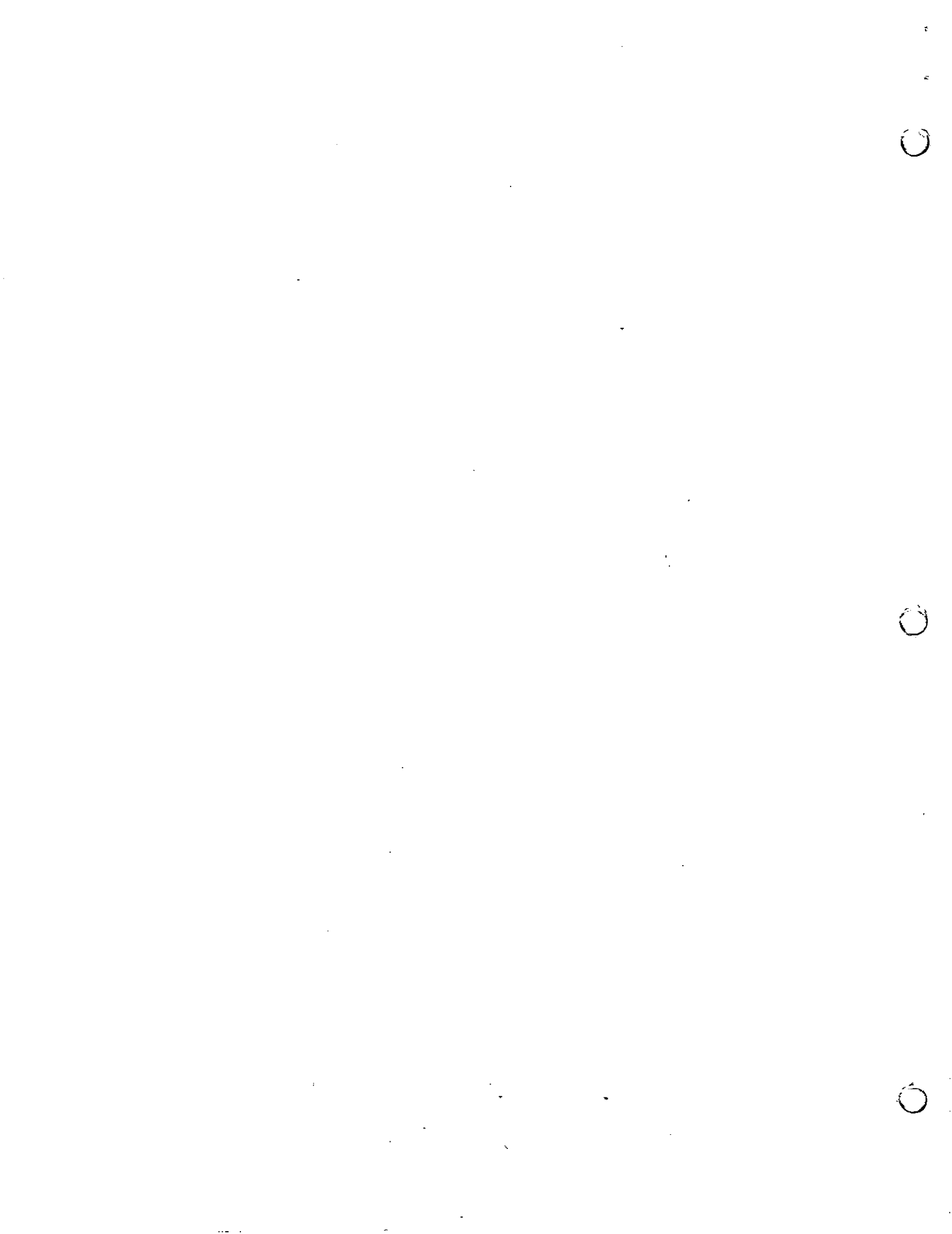
9/14/09  
Date

  
David Paton, L.Ac., Chairman  
Maryland Board of Acupuncture

**CONSENT**

I, William Lee, acknowledge that I have had the opportunity to consult with counsel, Bruce A. Johnson, Jr., Esquire, before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law and I agree and accept to be bound by the foregoing Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

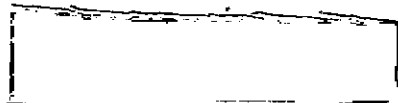
I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to

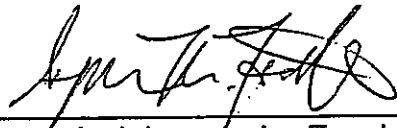


counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce the Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order and understand its meaning and effect.

9/14/2004  
Date

  
William Lee

Approved by:   
Bruce A. Johnson, Jr., Esquire  
Spencer M. Hecart

STATE OF MARYLAND  
CITY/COUNTY OF:

I HEREBY CERTIFY that on this 14th day of September, 2004, before me, a Notary Public of the State and County aforesaid, personally appeared William H. Lee, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

  
Notary Public

My Commission expires: 1 December 2004

