

**IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA**

FILED

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

AUG 11 1997

Plaintiff,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

-vs-)

Case No. 97-07-1912

EDWARD ALLEN LEE, M. D.,)
Medical License No. 11807,)
)
Defendant.)

COMPLAINT AND
APPLICATION FOR EMERGENCY HEARING ON
IMMEDIATE, TEMPORARY SUSPENSION

COMES NOW the undersigned Investigator for the Oklahoma State Board of Medical Licensure and Supervision, being first duly sworn upon oath, and states:

1. Pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §481, et seq., and the medical board rules and regulations promulgated thereunder in the Oklahoma Administrative Code, O.A.C. 435:1-1-1, et seq., (hereinafter "the Act"), the Oklahoma State Board of Medical Licensure and Supervision, (hereinafter "OSBMLS"), is charged with the authority and responsibility to supervise activities of persons licensed as physicians within the State of Oklahoma. The Board has the power to promulgate rules, determine qualifications, conduct investigations and hold hearings to ensure compliance with the Act and to ensure the continued fitness of persons to act as physicians.

2. Pursuant to the statute and rules, and in particular 59 O.S. §503, the Board may suspend, revoke or order any other appropriate sanctions against the

license of any physician, after notice and hearing as set forth therein, who has violated the provisions of the Act and/or is determined to have been guilty of unprofessional conduct as defined by said law.

3. Defendant Edward Allen Lee, M.D. is a physician licensed in the State of Oklahoma holding Medical License No. 11807.

4. Defendant Dr. Lee is in violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. 1995 §509, Paragraphs 9, 16 and 18, to wit:

9. Dishonorable or immoral conduct which is likely to deceive or defraud the public;

16. The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition .

18. Engaging in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient.

Defendant Dr. Lee is also in violation of the unprofessional conduct provisions of the Rules and Regulations of the OSBMLS as codified in Title 435, Chapter 10, Subchapter 7, Paragraph 4, Subparagraphs 1, 17, 18, 23, 40, 44 and 45 of the Oklahoma Administrative Code, to wit:

(11) Conduct likely to deceive, defraud or harm the public.

(17) Being physically or mentally unable to practice medicine and surgery with reasonable skill and safety.

(18) Practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery.

(23) Commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery.

(40) The inability to practice medicine and surgery with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition.

(44) Abuse of physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship.

(45) Engaging in predatory sexual behavior.

5. On or around August or September, 1996, the Defendant Edward Allen Lee, M.D. examined and treated his patient Rhonda Jean Lytle in an examining room of his office. During this visit, Dr. Lee told the patient she had a sexy body, kissed her ear and neck and put his tongue in her ear. Defendant Dr. Lee also opened his pants, exposed his penis and tried to push the patient's head down towards his penis for attempted fellatio. The patient resisted and told him no.

6. On or about Sunday morning, the 11th day of May, 1997, Rhonda Jean Lytle phoned Dr. Lee to request a telephone prescription that she could pick up for continuing symptoms of severe headache, sinus problems and vomiting. Dr. Lee advised this patient to meet him at his office in 30 minutes and he would give her medication for her sickness. Upon her arrival, Dr. Lee immediately gave Rhonda Jean Lytle an injection of Nubain and Phenergan. She laid down on the examining table and within a few minutes became very groggy. Dr. Lee proceeded with a routine physical examination. He then unzipped his pants, exposed his penis and attempted to have the patient perform non-consensual fellatio upon him. Dr. Lee then removed his patient's shorts and underwear and performed non-consensual cunnilingus upon the patient. Finally, Dr. Lee had the patient stand up, bend over and attempt to touch her feet with her hands. Whereupon, he approached her from the rear and had non-consensual intercourse with the patient and ejaculated.

7. On or about the 18th day of September, 1996, the Defendant Edward Allen

Lee, M.D. examined and treated his patient Connie Cole in an examining room of his office. During this post-operative visit, Dr. Lee performed a pelvic examination and upon its completion, he asked his patient if she had had sex during the last six weeks after her surgery. She replied, "no." Dr. Lee stated, "I'll take care of that" and placed his hands on the patient's shoulder attempting to push her down and lay her back on the table. The patient resisted and Dr. Lee backed off, laughed and said he was only joking.

8. Regarding the allegations brought by Rhonda Jean Lytle, the Defendant Edward Allen Lee, M.D. admitted to OSBI Agent Cordry and/or Agent Faircloth:

"Deep kissing, fondling and touching" had been going on for more than a year.

During these activities, "it seems I had my pants unzipped a time or two."

When asked if they engaged in oral sex, Dr. Lee replied, "I believe I did," and "I think so, but I'm not positive."

"He probably gave Lytle the injection just before he took her pants off and had oral sex with her."

He performed oral sex on Lytle and then went to the head of the exam table and "offered his penis."

He examined Lytle, "things got carried away," "we had intercourse," and "I fell into her trap."

9. Regarding the allegations brought by Connie Cole, the Defendant Edward Allen Lee, M.D. admitted to OSBI Agent Faircloth that:

He "had made an off-color comment during this woman's (Connie Cole) doctor visit to him about taking care of her lack of sexual intercourse since her previous surgery."

10. The Defendant Edward Allen Lee, M.D. is perpetuating significant harm to the public health, safety and welfare by continuing the acts and/or omissions set forth

in the above allegations.

11. That an emergency exists for which the immediate suspension of the license of Edward Allen Lee, M.D. is imperative for the public health, safety and welfare.

WHEREFORE, the plaintiff prays the Secretary of the Board, with the concurrence of the Board President, to find that an emergency exists under the provisions and authority of 75 O.S. §§314C.2. and 314.1, 59 O.S. §503.1 and O.A.C. 435:1-1-10(f) and conduct a hearing before the Board Secretary to determine whether to immediately, temporarily suspend the license of Edward Allen Lee, M.D. and to issue an order for a full evidentiary hearing before the Board en banc at the next regularly scheduled meeting wherein the Board may take such disciplinary actions as appropriate and authorized by law.

Steve Washbourne 8-11-97 10:45 A.M.
STEVE WASHBOURNE, INVESTIGATOR
Oklahoma State Board of Medical
Licensure and Supervision

Subscribed and sworn this 11th day of August, 1997.

Carolyn J. Orbach
Notary Public

My commission expires:

2-14-2001