

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

FILED

NOV 24 1997

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff,)

-vs-

Case No. 97-07-1912

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

Defendant.)

AMENDED COMPLAINT

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., (hereinafter "the Act") and the medical board rules and regulations promulgated thereunder in the Oklahoma Administrative Code, O.A.C. 435:1-1- , et seq., (hereinafter "the Rules"), 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 Act 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 11, 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 R. J. L. 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, R. J. L. 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 R. J. L. 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 C. C. 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 R. J. L., 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 L. the injection just before he took her pants off and had oral sex with her."

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

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

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

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

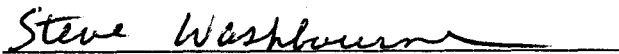
10. On or about the 11th day of March, 1997, the Defendant Edward Allen Lee, M.D., examined his patient P. A. P., R.N., in an examining room of his medical office in Purcell, Oklahoma. P. A. P., R.N., was in for her initial examination to set up her family physician relationship with the Defendant Dr. Lee. After the office nurse completed taking vital signs, she exited the room and the defendant entered alone. The Defendant Dr. Lee had the patient recline on the examination table, whereupon after

palpating her abdomen, he moved to the head of the table and placed his hands down and under her clothing and fondled her breasts and manipulated her nipples in a sexual fashion. P. A. P., R.N. protested the defendant's actions and he immediately withdrew and left the room. As a registered nurse, P. A. P. is familiar with the proper protocol for breast examination and believes that the Defendant Dr. Lee's actions were sexual in nature.

11. During the year 1989, L. W., went to see the Defendant Edward Allen Lee, M.D. for a pap smear test. During the examination in his office, the defendant conducted a breast exam that was sexual in nature. The defendant then performed a pelvic examination during which he was improperly rubbing her clitoris while expressing a self-amusing grin on his face.

12. 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.

WHEREFORE, the plaintiff prays this Board to conduct a hearing and upon proof of the allegations contained herein, take such disciplinary actions as are appropriate and authorized by law.


STEVE WASHBOURNE, INVESTIGATOR
Oklahoma State Board of Medical
Licensure and Supervision

Subscribed and sworn this 24th day of November, 1997.


Notary Public

My commission expires:

December 15, 1999