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BEFORE THE
BOARD OF MEDICAL EXAMINERS
STATE OF OREGON

In the matter of,)
GILBERT BROWNELL LEE, MD) STIPULATED ORDER
LICENSE NO. MD 12003)

1.

The Board of Medical Examiners (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the State of Oregon. Gilbert Brownell Lee, MD (Licensee) is a licensed physician in the State of Oregon

2.

The Board proposed to take disciplinary action pursuant to ORS 677.205 against Licensee for violations of the Medical Practices Act, to wit ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a); ORS 677.190(14), gross negligence or repeated acts of negligence in the practice of medicine; ORS 677.190(18) willfully violating any rule adopted by the Board; and ORS 677.190(25) prescribing controlled substances without a legitimate medical purpose, or prescribing controlled substances without following accepted procedures for examination of patients, or prescribing controlled substances without following accepted procedures for record keeping or without giving the notice required under ORS 677.485.

3.

The acts and conduct alleged to violate the Medical Practices Act are:

3.1 Licensee assumed care of Patient A on June 22, 2000. Patient A presented with a history of using illegal drugs in his college years, and complained of persistent headaches. Patient A was admitted to a hospital with respiratory arrest and failure on July 22, 2000 for a multi-substance overdose (cocaine, barbiturates, and opiate narcotics) which required intubation. Following Patient A's overdose, Licensee treated his complaints of chronic headaches with 8 tablets of codeine/acetaminophen (Tylenol #3, Schedule III) per day. On August 27, 2000,

1 Licensee noted the following in the patient chart: "The goal is to avoid narcotics...This is a
2 serious problem and I am out of my league. I have asked him to see Dr. Richard Koller again."
3 Patient A did not see the neurologist until May 2001 because of the patient's failure to make an
4 appointment. Nevertheless, on September 30, 2000 Licensee began to administer to Patient A
5 intra muscular (IM) injections of meperidine (Demerol, Schedule II). Licensee also instructed
6 Patient A's spouse on how to inject him with IM injections of meperidine. The dosage increased
7 up to 300 mg per shot.

8 Licensee's treatment of Patient A reveals a pattern of providing remarkably large
9 quantities of Schedule II narcotics to a known drug abuser. For instance, between March and
10 April of 2001, Licensee provided 70 tubes of meperidine (100 mg each) to Patient A. Fifty-three
11 tubes were administered to Patient A in the clinic, and thirteen tubes were provided to him to take
12 home and have his spouse administer. In September 2001, shortly after Patient A completed
13 treatment at Serenity Lane for drug addiction, Licensee administered a 200 mg IM injection of
14 meperidine to Patient A and wrote prescriptions for zolpidem tartrate (Ambien, Schedule IV) and
15 lorazepam (Ativan, Schedule IV).

16 Throughout this course of treatment, Licensee was not registered as a dispensing physician
17 and he did not monitor Patient A's compliance with the treatment plan. Further, Licensee
18 underused non-narcotic medications or other therapies to treat Patient A. Finally, Licensee
19 prescribed the controlled substances identified above for many months without providing Patient
20 A with written notice of the material risks associated with the controlled substances he was
21 prescribing for him.

22 4.

23 Licensee and the Board desire to settle this matter by the entry of this Stipulated Order.
24 Licensee understands that he has the right to a contested case hearing under the Administrative
25 Procedures Act (chapter 183), Oregon Revised Statutes and fully and finally waives the right to a
26 contested case hearing and any appeal therefrom by the signing of and entry of this Order in the
27 Board's records. Licensee stipulates that he engaged in the conduct described in paragraph 3 and

1 that this conduct violates: ORS 677.190(1)(a) unprofessional conduct, as defined in ORS
2 677.188(4)(a); ORS 677.190(18) willfully violating any rule or board order adopted by the Board;
3 and ORS 677.190(25), prescribing controlled substances without giving the notice required under
4 ORS 677.485.

5 5.

6 Licensee and the Board agree to resolve this matter by entry into this Stipulated Order:

7 5.1 Licensee is reprimanded.

8 5.2 Licensee shall enroll in and complete the Board's Appropriate Prescribing
9 Workshop within twelve months from the date the Board Chair signs this Order.

10 5.3 Licensee shall enroll in and complete the Foundation for Medical Excellence's
11 course on Pain and Suffering within twelve months from the date the Board Chair signs this Order.

12 5.4 Licensee shall obey all federal, state and local laws and rules governing the practice
13 of medicine.

14 5.5 Licensee stipulates and agrees that any deviation or violation from the terms of this
15 Order shall be grounds for discipline pursuant to ORS 677.190(18).

16 6.

17 This Order becomes effective the date it is signed by the Board Chair.

18
19 IT IS SO STIPULATED this 4th day of December, 2002.

20
21 
22 GILBERT B LEE, MD

23 IT IS SO ORDERED this 16th day of January, 2003.

24 BOARD OF MEDICAL EXAMINERS
25 State of Oregon

26 
27

MARCIA G. DARM, MD
Board Chair