

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3
4 In the Matter of

5 **SALVADOR T. LEE, M.D.**

6 Holder of License No. **13771**
7 For the Practice of Medicine
8 In the State of Arizona.

CASE NO. MD-00-0484

Investigation No. 13922

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

(Letter of Reprimand/Probation)

9
10 **INTRODUCTION**

11 This matter was considered by the Arizona Board of Medical Examiners
12 ("Board") at its public meeting on February 15, 2001. Salvador T. Lee, M.D. appeared
13 before the Board, without legal counsel, for the purpose of the Board conducting a
14 formal interview, pursuant to the authority vested in the Board by A.R.S. § 32-1451(G).
15 After due consideration of the facts and law applicable to this matter, the Board voted
16 to issue the following findings of fact, conclusions of law and order.

17 **FINDINGS OF FACT**

- 18 1. The Board is the duly constituted authority for the regulation and control
19 of the practice of allopathic medicine in the State of Arizona.
- 20 2. Dr. Lee is the holder of License No. 13771 for the practice of medicine in
21 the State of Arizona.
- 22 3. Board Investigation No. 13922 was initiated after the Board was notified,
23 pursuant to a complaint from a 30-year-old female patient.
- 24 4. Investigation revealed that the patient presented to the emergency room
25 at Winslow Memorial Hospital on November 5, 1995 with complaints of
drainage from her eyes and the eyes being being crusted shut. The right

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eye was slightly pink. The physician on duty at that time diagnosed conjunctivitis and prescribed an ophthalmic solution and instructed the patient to follow with her primary care physician who was Dr. Lee.

5. Dr. Lee examined the patient on November 8, 1995, and assessed allergic blepharitis and prescribed Decadron eye ointment. The patient's condition did not improve, and she requested a referral to an eye specialist on November 14, 1995.

6. On November 15, 1995, Dr. Lee again saw the patient and assessed a corneal abrasion, etiology unknown, probably viral. Dr. Lee performed a saline solution irrigation and application of Neosporin ointment and prescribed Erythromycin eye ointment.

7. On November 28, 1995, the patient returned with continued complaints of waking with yellow matter in her right eye, with red eye but with no burning or itching. Dr. Lee assessed possible allergic conjunctivitis with a healed corneal abrasion. Dr. Lee advised the patient to stay away from smoke and gave her Erythromycin ointment to be applied three times a day until clear.

8. On November 29, 1995, Dr. Lee spoke to the patient by telephone. The patient was complaining that her right eye seemed to be worse despite the medications. The patient also stated that she previously had herpes of the eye and had surgical removal because it would not heal. Dr. Lee advised the patient to use the ointment and give it time to work for the next couple of days, and to use cool, wet compresses.

9. The patient sought subsequent treatment on her own from an optometrist in Flagstaff, Arizona, who then referred the patient to an ophthalmologist.

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The patient was diagnosed with a corneal ulcer and treated with antibiotics and steroids.

10. The patient later saw a corneal specialist who found her to have herpes simplex keratitis with subsequent scarring of the cornea.
11. Dr. Lee fell below the standard of care in not adequately examining the patient and his lack of appreciation of the potential seriousness of the patient's problem.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Dr. Lee pursuant to A.R.S. § 32-1401 *et seq.*
2. The conduct and circumstances described above in paragraphs 3 through 11 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(II) "Conduct that the Board determines is gross negligence, repeated negligence or negligence resulting in harm to or death of a patient."

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law,
IT IS HEREBY ORDERED that:

1. A letter of reprimand and probation be issued to Dr. Lee due to his inadequate exam and lack of appreciation of the potential seriousness of this problem;
2. Dr. Lee's probation shall include twenty (20) hours of Board staff pre-approved Category I CME in ophthalmologic disease, to be completed within twelve

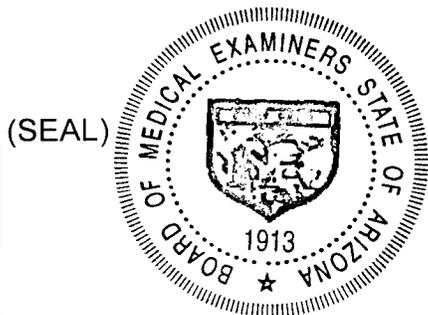
1 months from the date of this Order. The twenty hours of CME will be in addition to the
2 CME required for license renewal.

3 **RIGHT TO PETITION FOR REVIEW**

4 Dr. Lee is hereby notified that he has the right to petition for a rehearing. Pursuant
5 to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with the
6 Board's Executive Director within thirty (30) days after service of this Order and pursuant
7 to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a rehearing.
8 Service of this Order is effective five (5) days after the date of mailing. If a motion for
9 rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it is
10 mailed to Dr. Lee.

11 Dr. Lee is further notified that the filing of a petition for rehearing is required to
12 preserve any rights of appeal to the Superior Court that he may wish to pursue.

13
14 DATED this 22nd day of March, 2001.



BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

By Claudia Foutz
CLAUDIA FOUTZ
Executive Director

21 ORIGINAL of the foregoing filed
22 this 22nd day of March, 2001, with:

23 The Arizona Board of Medical Examiners
24 9545 East Doubletree Ranch Road
25 Scottsdale, Arizona 85258

1 EXECUTED COPY of the foregoing mailed by
2 Certified Mail this 22nd day of March, 2001, to:

3 Salvador T. Lee, M.D.
4 102 East Third St.
5 Winslow, AZ 86047

6 COPY of the foregoing hand-delivered this
7 22nd day of March, 2001, to:

8 Richard F. Albrecht, Esq.,
9 Assistant Attorney General
10 c/o Arizona Board of Medical Examiners
11 9545 E. Doubletree Ranch Road
12 Scottsdale, AZ 85258
13 Counsel for the Board

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15 _____
16 Tamara Turner
17 Board Operations Coordinator
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