

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**  
**IN THE MATTER OF THE PHYSICIAN'S LICENSE**  
**OF ROBERT BLAIR LEE, M.D.**

**CONSENT ORDER**

**WHEREAS, ROBERT BLAIR LEE, M.D.**, alternately referred to herein as "Licensee," holds Mississippi Medical License No. 10711 (the "Mississippi License"), issued July 1, 1985;

**WHEREAS**, Licensee entered into an Agreed Order of Surrender ("Kentucky Agreed Surrender") with the Kentucky Board of Medical Licensure ("Kentucky Board") on May 24, 2017, to surrender his Kentucky medical license. The basis for the Kentucky Board's action was Licensee's loss of hospital privileges at Lourdes Hospital in Paducah, Kentucky earlier that year;

**WHEREAS**, the present disciplinary proceeding was initiated by the Board's Director of Investigations, in which she alleged that by entering into the Kentucky Agreed Surrender Licensee had violated Mississippi law, in four counts:

- Count I: "guilty of having a suspension or other restriction imposed on his license issued by a licensing authority of another state or jurisdiction," in violation of Miss. Code Ann. § 73-25-29(9);
- Count II: "guilty of surrendering of a license or authorization to practice medicine in another state or jurisdiction while under disciplinary investigation by that state for acts or conduct similar to acts or conduct which would constitute grounds for action" in violation of Miss. Code Ann. § 73-25-29(10);
- Count III: "guilty of being disciplined by a licensed hospital or medical staff of said hospital" in violation of Miss. Code Ann. § 73-25-83(c); and
- Count IV: "guilty of unprofessional conduct, including any dishonorable or unethical conduct likely to deceive, defraud or harm the public" in violation of Miss. Code Ann. § 73-25-29(b)(d) and 73-25-83(a);

**WHEREAS**, on September 7, 2017, the Board issued an Order of Temporary Suspension of Licensee's Mississippi License, based on the Kentucky Agreed Surrender, pending the outcome of an evidentiary hearing;

**WHEREAS**, on September 21, 2017, this Board issued an Order of Continuance and Stay of Proceedings that maintained the temporary suspension of Licensee's Mississippi License and, at the request of the Licensee, afforded him the opportunity to complete a Center for Personalized Education for Physicians (CPEP) assessment. Licensee completed the CPEP over the course of two days in November of 2017 at a CPEP center in Raleigh, North Carolina, the results of which have been supplied to the Board;

**WHEREAS**, on July 19, 2018, the Board conducted an evidentiary hearing into the disciplinary matters at issue. Following the hearing the Board entered a Determination and Order finding Licensee guilty of the alleged counts and suspending Licensee's license until Licensee secures reinstatement of his license in Kentucky, after which Licensee may petition the Board for reinstatement of his Mississippi License;

**WHEREAS**, Licensee appealed the Board's actions to the Chancery Court of Hinds County, First Judicial District, where such appeal is now pending;

**WHEREAS**, upon further review of all circumstances pertaining to the matters at issue the Board concludes that the status of Licensee's Mississippi License may be resolved by entry of this Consent Order;

**WHEREAS**, Licensee has agreed to enter into this Consent Order subject to the terms, conditions and restrictions as specified below;

**NOW THEREFORE**, the Mississippi State Board of Medical Licensure, with consent of Licensee as signified by his joinder herein, does hereby withdraw all charges referenced

above and filed against Licensee in this disciplinary proceeding, with prejudice, and reinstates the Mississippi License of Robert Blair Lee, M.D., as follows:

1. From and after the date on which this Consent Order is accepted, approved, and executed by the Board (the "Approval Date"), Licensee may resume the practice of medicine. However, for a period of twelve (12) months Licensee's medical license and practice will be subject to the following terms and conditions:

a. Due to the duration of the Licensee's suspension from the practice of medicine, Licensee's medical practice shall be temporarily subject to a formal proctoring relationship with at least one physician holding a Mississippi medical license in good standing and currently practicing in Licensee's medical specialty of cardiac and thoracic surgery (the "Proctoring Physician"). This restriction shall be in effect from and after the Approval Date and shall continue for an effective period of twelve (12) months, commencing on the first day of the first month following the date Licensee shall have notified the Board's Director in writing that he intends to resume the practice of medicine and identifies a Proctoring Physician(s) (the "Effective Period").

- During the initial two months of the proctoring relationship, Licensee shall serve only as first assistant to the Proctoring Physician in surgery and shall not serve as lead surgeon in surgery.

- During the third and fourth months of the proctoring relationship, Licensee may serve as lead surgeon only where a Proctoring Physician is available to serve as first assistant.
- During the remainder of the Effective Period, Licensee may serve as lead surgeon without a Proctoring Physician present as first assistant; however, Licensee agrees that, prior to performing any surgical procedures as lead surgeon without a Proctoring Physician present as first assistant, Licensee shall consult in advance a Proctoring Physician as to the appropriate surgical methods and plan of treatment for all patient cases.
- The Proctoring Physician shall make a written report to the Board's Director after the second, fourth, sixth, and twelfth months of the Effective Period (for a total of four (4) reports), to be transmitted by U.S. Mail, email, or facsimile within ten (10) working days following each reporting period. Through these reports the Proctoring Physician shall summarize the Licensee's professional progress and assess, in his or her opinion, whether the Licensee is making adequate progress toward the goal of the unrestricted practice of medicine by the Licensee at the conclusion of the Effective Period. The timely production of the aforementioned reports shall be the sole responsibility of the Licensee, not any Proctoring Physician, and any request for an extension must be made in a timely fashion by the Licensee to the Board's Director and may be granted for good cause shown.

- b. Licensee's medical practice shall be subject to periodic surveillance during the Effective Period. The Board's Director, any member of the Board, or Investigator for the Board may perform an unannounced inspection of any clinic or hospital wherein Licensee practices, which may include a chart review of selected patient files;
  - c. Licensee shall obey all federal, state, and local laws, and all rules and regulations governing the practice of medicine during the Effective Period; and
  - d. Beyond the investigation of Licensee currently pending before the Tennessee Board of Medical Examiners, also initiated as a result of the actions taken against Licensee by the Kentucky Board of Medical Licensure on April 4, 2017, and of which the Mississippi Board of Medical Licensure has been apprised by Licensee, Licensee shall report in writing to the Board within fifteen (15) working days should his medical license in any additional state be subject to investigation or disciplinary action for any reason.
2. Licensee's resumption of the unrestricted practice of medicine is conditioned on the satisfaction of the Effective Period, the submission of all required reports by a Proctoring Physician, and final approval by the Board.
3. On or before five (5) working days after the Approval Date Licensee promises to present the Agreed Order of Dismissal of Appeal With Prejudice attached hereto as Exhibit A to the Chancery Court of Hinds County for consideration and entry by the Court.

4. Should the Board hereafter receive documented evidence of Licensee's violation of any of the terms and conditions of this Consent Order, the Board shall have the right to revoke, suspend, or otherwise restrict Licensee's Mississippi License or take any other action as deemed necessary by the Board, pursuant to the Board's Administrative Code and statutes governing the Board's authority, without prejudice to Licensee's right to a hearing pursuant to Miss. Code Ann. § 73-25-27.

This Consent Order shall be subject to approval by the Board. If the Board fails to approve this Consent Order, in whole or in part, it shall have no force or effect on the parties in unexecuted form. Should this Consent Order not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Order and other documents and matters pertaining thereto by the Board shall not be admissible evidence to prove or disprove the allegations of the complaint filed against the Licensee, nor shall the Board or any of its members be prevented from participating in any further proceedings. Further, it is not the intent or purpose of this Order to encourage malpractice liability as a result of Board action. Therefore, by execution of this Consent Order Licensee does not admit and, hereby, denies any breach of the appropriate standard(s) of care or, otherwise, personal liability for any and all actions that were the subject of the Agreed Order of Surrender entered in Case No. 1786 before the Kentucky Board of Medical Licensure, referenced in these proceedings, and the charges filed against Licensee in the present disciplinary proceeding before the Board.

**EXECUTED**, this the 21<sup>st</sup> day of March, 2019.

A handwritten signature in cursive script, appearing to read "Robert B. Lee", written over a horizontal line.

ROBERT BLAIR LEE, M.D.

**ACCEPTED AND APPROVED**, this the 21<sup>st</sup> day of March, 2019, by the Mississippi State Board of Medical Licensure.

Handwritten signature of Claude B. Brunson in blue ink.

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CLAUDE B. BRUNSON, MD, MS, CPE, FASA  
PRESIDENT