

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: MI YONG KIM, M.D.
License No.: 0101-023297

ORDER

In accordance with Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Mi Yong Kim, M.D., on March 29, 2005, in Richmond, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were: Jane E. Piness, M.D., Chair; Gopinath R. Jadhav, M.D.; and Stephen E. Heretick, J.D. Dr. Kim appeared personally and was represented by legal counsel, Susan L. Mitchell, Esquire. The purpose of the informal conference was to inquire into allegations that Dr. Kim may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated January 11, 2005.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact and Conclusions of Law:

1. Mi Yong Kim, M.D., was issued license number 0101-023297 by the Board to practice medicine and surgery in the Commonwealth of Virginia on June 11, 1973. Said license is currently active, and will expire on September 30, 2006.

2. Dr. Kim violated Section 54.1-2915(3) [*formerly Section 54.1-2915.A(3)*], as further defined in Sections 54.1-2914.A(8) and (11), in the care and treatment of Patient A, a 26 year-old female with a history of anemia and sickle cell disease. Specifically:

a. On or about November 16, 2002, Dr. Kim failed to order appropriate laboratory studies and to document an appropriate history or physical examination before terminating the patient's pregnancy.

b. On or about November 16, 2002, at or after 1000 hours, Dr. Kim failed to properly administer Versed (midazolam, C-IV), a short-acting benzodiazepine central nervous system depressant indicated for sedation, as part of the intravenous conscious sedation protocol for Patient A. Dr. Kim administered a total of 25 mg Versed to Patient A over approximately ten (10) minutes, in response to Patient A's complaints of pain, without allowing time to evaluate the sedative effect fully. Dr. Kim stated to the Committee that she did not administer an analgesic to Patient A for pain because she depends only on Versed for conscious sedation, explaining that under Versed, a patient goes so deep that they do not remember the pain. Further, she stated that the use of Versed alone is less dangerous than in combination with pain medication, since in the event of an unanticipated reaction, she would only have to use one reversal agent. Dr. Kim's judgment and knowledge of intravenous conscious sedation is inadequate and insufficient to allow her to supervise a Certified Registered Nurse Anesthetist ("CRNA").

c. Once Dr. Kim completed the procedure, Patient A's pulse oximetry reading was 70% and she erroneously concluded that the patient had a pulse. Without confirming that Patient A was breathing, Dr. Kim instructed her staff to administer oxygen to Patient A by mask and telephone 911, at or before 1029 hours. Dr. Kim

administered Romazicon to reverse the effects of Versed, but failed to determine whether Patient A was in cardiac arrest, to initiate cardiopulmonary resuscitation or to defibrillate Patient A. Emergency medical personnel transported Patient A from Dr. Kim's practice to Inova Alexandria Hospital, Alexandria, Virginia, where Patient A expired at or about 1111 hours. A Report of Autopsy indicated the cause of death as probable air embolism; and noted a blood midazolam level of 0.61 mg/L, and a liver midazolam level of 3.0 mg/Kg.

d. On or about November 16, 2002, Dr. Kim was not certified in Advanced Cardiopulmonary Life Support ("ACLS"), nor was she competent to perform an intubation. No one else at her office was qualified to perform an intubation or use the equipment on the crash cart.

e. Dr. Kim failed to document an operative report for the procedure performed on or about November 16, 2002. Dr. Kim explained to the Committee that the police instructed her not to make any further notations in her file.

3. Since in or about September 2004, a CRNA has been used to administer intravenous conscious sedation in Dr. Kim's office.

4. Since sometime after November 2002, a standard pre-operative complete blood count is performed on all patients prior to initiating the termination of a pregnancy.

5. Dr. Kim stated to the Committee that she now employs three (3) medical assistants in her office who are certified to perform cardiopulmonary resuscitation.

6. Dr. Kim stated to the Committee that she is now ACLS certified and knowledgeable about the use of the equipment on a crash cart.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law, it is hereby ORDERED that Mi Yong Kim, M.D., must comply with the following terms and conditions imposed upon her license to practice medicine and surgery in the Commonwealth of Virginia:

1. Within forty-five (45) days of entry of this Order, Dr. Kim must submit written certification to the Board that she has read and understands the Board's General Regulations for Office-Based Anesthesia (18 VAC 85-20-310 et seq.), and that her practice conforms with these Regulations.

2. Dr. Kim is prohibited from administering conscious sedation, deep sedation, or general anesthesia, or serving as the supervising physician for a CRNA providing such services. For surgical procedures performed by Dr. Kim, she must utilize another physician, or a CRNA, to provide such sedation or anesthesia. In such instances, a CRNA must be supervised by a licensed physician who meets the qualifications of the Board's General Regulations for Office-Based Anesthesia (18 VAC 85-20-310 et seq.).

3. Dr. Kim shall maintain a log of all surgical procedures performed under conscious sedation, deep sedation, or general anesthesia in her office. The log shall include the name and signature of the CRNA or physician administering the sedation or anesthesia, and the name of the physician providing supervision to the CRNA.

4. Dr. Kim shall document complete history and physical examinations in each patient's medical record prior to initiating a surgical procedure in her office.

5. The terms and conditions of this Order shall remain in full force and effect until Dr. Kim requests modification of this Order and appears before an administrative proceeding of the Board.

6. Dr. Kim shall maintain a course of conduct in her practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

7. Dr. Kim shall cooperate with the Virginia Board of Medicine and the Department of Health Professions in the investigation or inspection of her practice to verify that she is in compliance with this Order.

8. Dr. Kim shall notify the Executive Director of the Board, by certified mail, of any change of address within ten (10) days of such occurrence.

9. Dr. Kim shall notify the Executive Director of the Board immediately, in writing, should she intend to change the location of her practice.

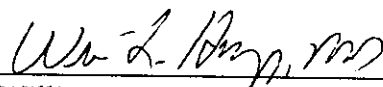
Violation of this Order may constitute grounds for suspension or revocation of Dr. Kim's license. In the event that Dr. Kim violates this Order, an administrative proceeding may be convened to determine whether her license shall be suspended or revoked.

Pursuant to Section 54.1-2400.2(F) of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Dr. Kim may, not later than 5:00 p.m., on May 8, 2005, notify William L. Harp, M.D., Executive Director, Virginia Board of Medicine, 6603 West Broad Street, Fifth Floor, Richmond, Virginia 23230-1712, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Therefore, this Order shall become final on May 8, 2005; unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD



William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: 4/5/05