

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

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

ORDER

In accordance with Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Mi Yong Kim, M.D., on March 4, 1999, in Fredericksburg, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Informal Conference Committee ("Committee") were Cheryl Jordan, M.D., Chairman; Harry C. Beaver, M.D.; and Connell J. Trimber, M.D. Dr. Kim appeared personally and was represented by legal counsel, Bernard J. DiMuro, Esquire, and Nina J. Ginsberg, 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 December 18, 1998.

FINDINGS OF FACT

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

1. At approximately 11:00 a.m. on May 17, 1997, Patient A presented to Dr. Kim at her office for the purpose of terminating her pregnancy. The patient stated to Dr. Kim that her last menstrual period had been at the end of March. Dr. Kim stated that she performed a pelvic examination and believed the patient to be eight weeks pregnant. Dr. Kim proceeded to dilate the cervix and introduced a size 8 cannula. The amniotic sac ruptured, and Dr. Kim determined that the volume of amniotic fluid was too profuse for an eight-week pregnancy. Dr. Kim reexamined the patient and estimated her pregnancy at 24-26 weeks. Dr. Kim advised the patient to go to the hospital. The patient left Dr. Kim's office to return home to arrange for child care, and did not admit herself to Fairfax Hospital in Falls Church, Virginia, until approximately 4:00 p.m. on that day.

2. After the patient was admitted to Fairfax Hospital, Dr. Kim continued the termination of Patient A's pregnancy by the administration of I.V. pitocin and prostaglandin gel. Nursing staff suggested that Dr. Kim have a sonogram performed to determine gestational age. Dr. Kim instructed a resident to perform a sonogram to determine the biparietal diameter (BPD) measurement only, and not to perform a full scan. The resident performed the BPD

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sonogram and recorded the gestational age at 26 4/7 weeks. Further, the resident found the fetal heart beat to be low, and informed Dr. Kim of her finding. By her statements, Dr. Kim made no further effort to determine the gestational age, and declined to apply a fetal heart rate monitor. Dr. Kim failed to reassess the management of the patient, and continued efforts to terminate the pregnancy. Further, Dr. Kim failed to involve the patient in any decision as to continuation of care.

3. On or about May 18, 1997, at approximately 8:00 p.m., Patient A had not yet aborted the fetus. Dr. Kim performed a hysterotomy and delivered a stillborn fetus weighing 990 grams with features consistent with a gestational age of 26 4/7 weeks.

4. On or about May 23, 1997, Fairfax Hospital summarily suspended Dr. Kim's clinical privileges. The summary suspension was based on Dr. Kim's failure to assess adequately the stage of Patient A's pregnancy before beginning an abortion procedure, and Dr. Kim's subsequent failure to date the pregnancy accurately in a timely fashion once the patient was in the hospital. After hearing and appellate review, the Board of Trustees of Inova Health Care Services, the governing body of Fairfax Hospital, affirmed the suspension of Dr. Kim's clinical privileges.

5. Dr. Kim stated that in March 1998, following an investigation and in lieu of proceedings, she resigned her privileges at Fair Oaks Hospital.

6. Dr. Kim stated that, subsequent to Patient A's discharge from the hospital, she did not provide specific information to Patient A about the medical procedures followed in the hospital, the condition or gestational age of the fetus, or the future impact of the pregnancy termination procedure used.

7. Dr. Kim failed to provide the Committee with any evidence of appropriate interview, history or physical examination prior to beginning the termination of Patient A's pregnancy.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Committee concludes that Dr. Kim is in violation of Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A(9) and (10) of the Code.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that the license of Mi Yong Kim, M.D., be, and hereby is, placed on INDEFINITE PROBATION upon the following terms and conditions:

1. Within six (6) months of entry of this Order, and pursuant to Section 54.1-2923 of the Code, a Medical Practices Audit Committee ("MPAC") shall be impaneled to conduct an inquiry into Dr. Kim's medical practice, with a report to be submitted to the Executive Director of the Board. The report of the MPAC shall include an evaluation of Dr. Kim's patient histories, physical examinations and follow up care. The report of the MPAC shall be presented to the informal conference committee to make a final determination regarding any issue which may arise during the MPAC inquiry.

2. Dr. Kim shall report to the Executive Director of the Board, within seven (7) days of occurrence and on a form provided by the Board, any case that she refers for further care outside of her own practice. The Executive Director shall review the cases submitted pursuant to this term, and identify any cases for follow up by an inspector of the Department of Health Professions.

3. Within thirty (30) days of entry of this Order, Dr. Kim shall provide to the Executive Director of the Board a listing of all of her office staff and their licensure status and qualifications, a copy of all of her office protocols, and a copy of all of her informed consent forms. Further, within the period of probation, should Dr. Kim make any changes in her office staff, office protocol, or informed consent forms, she shall, within thirty (30) days of such change, provide a copy to the Executive Director of the Board.

4. In approximately six (6) months, and following receipt by the Board of the report of the MPAC, Dr. Kim shall be noticed to appear before an informal conference of the Board. Said committee shall provide the ongoing monitoring of Dr. Kim's Order, determine the frequency of further appearance by Dr. Kim before it, and shall serve as the instrument of the Board responsible for reviewing and approving all information relative to the terms and conditions of this Order.

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5. 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.


6. Violation of this Order constitutes grounds for the revocation of the license of Dr. Kim. In the event Dr. Kim violates the terms of this Order, an administrative proceeding will be convened to determine whether the license of Dr. Kim should be revoked.

Pursuant to Section 9-6.14:14 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.

Dr. Kim may, not later than 5:00 p.m., on April 11, 1999, notify Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, Richmond, Virginia 23230, in writing that she desires a 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 April 11, 1999, unless a request for a hearing is received as described above.

FOR THE BOARD



Warren W. Koontz, M.D.
Executive Director
Virginia Board of Medicine

Entered: March 8, 1999

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