



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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Ansel R. Marks, M.D., J.D.
Executive Secretary

September 14, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mi Yong Kim, M.D.
5130 Duke Street
Alexandria, Virginia 22304

RE: License No. 170421

Dear Dr. Kim:

Enclosed please find Order #BPMC 00-250 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect September 14, 2000.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Robert Bogan, esq.

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MI YONG KIM, M.D.

SURRENDER
ORDER
BPMC 00-250

Mi Yong Kim, M.D., says:

On or about June 25, 1987, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 170421 by the New York State Education Department. I currently reside at 5130 Duke Street, Alexandria, Virginia 22304. I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York. I have never practiced medicine in the state of New York and do not intend to do so in the future. I request that the Board issue this Surrender Order.

I hereby agree not to contest the two (2) specifications and Factual Allegations A, B, and C(1), (3), and (6) set forth in the Statement of Charges (Exhibit A).

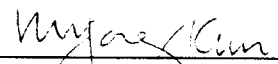
I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such

proposed agreement shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is first.


I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind of manner.

Date: 8-29, 2000



MI YONG KIM, M.D.
Respondent

AGREED TO:

Date: 6 September, 2000


ROBERT BOGAN
Assistant Counsel
Bureau of Professional Medical
Conduct

Date: September 8, 2000


ANNE F. SAILE
Director, Office of Professional
Medical Conduct

STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MI YONG KIM, M.D.

STATEMENT
OF
CHARGES

MI YONG KIM, M.D., the Respondent, was authorized to practice medicine in New York state on June 25, 1987, by the issuance of license number 170421 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 8, 1999, the Commonwealth of Virginia, Department of Health Professions, Board of Medicine (hereinafter "Virginia Board"), issued an Order (hereinafter "Virginia Order 1"), that placed the license of the Respondent on INDEFINITE PROBATION and imposed terms and conditions, based on the Respondent having commenced an abortion without adequately assessing the stage of the patient's pregnancy before beginning an abortion procedure, continued the abortion procedure after determining fetal age to be twenty-four (24) to twenty-six (26) weeks without consultation with the patient, failed to inform the patient of the medical procedures that occurred in the hospital, and failed to provide evidence of appropriate interview, history or physical examination prior to beginning the terminating of a pregnancy.

B. On or about May 8, 2000, the Virginia Board by an Order (hereinafter "Virginia Order 2"), REINSTATED Respondent's license to a full and unrestricted status, based on a determination that the Respondent had complied with terms and conditions of the March 8, 1999, Virginia Order 1, described in Paragraph A above.

C. The conduct resulting in the Virginia Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence);
5. New York Education Law §6530(26) (performing professional services which have not been duly authorized); and/or
6. New York Education Law §6530(32) (failure to maintain records accurately reflecting treatment of a patient).

SPECIFICATION
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based, would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

- 1, The facts in paragraphs A and/or C.


SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by reason of having had disciplinary action taken, after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting

in the disciplinary action, would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in paragraphs A and/or C.

DATED: *Aug. 11*, 2000
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct

ORDER

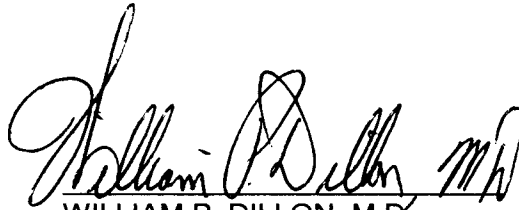
Upon the proposed agreement of **MI Yong Kim, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement, or to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 9/12/00, 2000



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct