



COMMONWEALTH of VIRGINIA

Department of Health Professions

Board of Medicine

John W. Hasty
Director of the Department

Warren W. Koontz, M.D.
Executive Director of the Board

December 18, 1998

6606 West Broad Street
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Richmond, Virginia 23230-1717
(804) 662-9908
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Mi Yong Kim, M.D.
5130 Duke Street, Suite #9
Alexandria, Virginia 22304

CERTIFIED MAIL
P 325 908 487

Re: License No.: 0101-023297

Dear Dr. Kim:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on Wednesday, January 27, 1999, at 9:30 a.m., at the Courtyard Marriott, 6400 West Broad Street, (Meeting Room A), Richmond, Virginia. The conference will be conducted pursuant to Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code").

An Informal Conference Committee ("Committee"), composed of three members of the Board, will inquire into allegations that you may have violated certain laws governing the practice of medicine in Virginia. Specifically, you may have violated Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A(1), (9) and (10) of the Code, in that:

1. At approximately 11:00 a.m. on May 17, 1997, Patient A presented to you at your office for the purpose of terminating her pregnancy. The patient stated to you that her last menstrual period had been at the end of March. You performed a pelvic examination and believed the patient to be eight weeks pregnant. You proceeded to dilate the cervix and introduced a size 8 cannula. The amniotic sac ruptured, and you determined that the volume of amniotic fluid was too profuse for an eight-week pregnancy. You reexamined the patient and estimated her pregnancy at 24-26 weeks. You advised the patient to go to the hospital. The patient left your 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, you continued the termination of Patient A's pregnancy by the administration of I.V. pitocin and prostaglandin gel. Nursing staff suggested that you have a sonogram performed to determine gestational age. You 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 sonogram and recorded the gestational age at 26 4/7 weeks. Further, the resident found the fetal heart beat to be low, and informed you of her finding. You made no further effort to determine the gestational age, and you declined to apply a fetal heart rate monitor. You failed to reassess the management of the patient, and continued efforts to terminate the pregnancy.

3. On or about May 18, 1997, at approximately 8:00 p.m., Patient A had not yet aborted the fetus. You performed a cesarean section 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 your clinical privileges. The summary suspension was based on your failure to assess adequately the stage of Patient A's pregnancy before beginning an abortion procedure, and your 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 your clinical privileges.

In order to protect the privacy of your patient, the individual has been referred to by letter only. Please see Attachment I of this notice for the identity of the individual referenced above.

The following actions may be taken by this Committee:

1. If a majority of the Committee is of the opinion that a suspension or revocation of your license may be justified, the Committee shall present to the Board in writing its findings, and the Board may proceed with a formal hearing;

2. The Committee may notify you in writing that you are fully exonerated of any charge that might affect your right to practice medicine in Virginia;

3. The Committee may reprimand or censure you, or;

4. The Committee may place you on probation for such time as it may designate and direct that during such period you furnish the Committee or its chairman, at such intervals as the Committee may direct, evidence that you are not practicing in violation of the provisions of Chapter 29, Title 54.1 of the Code, which governs the practice of medicine in Virginia.

You have the right to information which will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents which will be distributed to the members of the Committee and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. If you have additional documents for review which are not contained in this package, please bring at least six copies with you to the meeting. I also enclose relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia.

A request to continue this proceeding must be made in writing and directed to me at the address listed on this letter. Such request must be received by 5:00 p.m. on December 31, 1998, and must state in detail the reason for the request. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after December 31, 1998, will not be considered.

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You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by December 31, 1998. Further, it is your responsibility to provide the enclosed materials to your attorney.

Further, to facilitate this proceeding, the Committee requests that you provide to Virginia Scher, Senior Legal Assistant, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230-1717, five (5) copies of any documents you intend to submit for its consideration by January 12, 1999.

Please advise the Board of your intention to be present. Should you fail to appear at the informal conference the Board may proceed to a formal administrative hearing in order to impose sanctions. Should you have any questions regarding this notice, please contact Virginia Scher, Senior Legal Assistant, at (804) 662-7135.

Sincerely,



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

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cc: Clarke Russ, M.D., President
John W. Hasty, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Mary E. Langer, Assistant Attorney General
Virginia A. Scher, Senior Legal Assistant
Informal Conference Committee
William Addison Hurst, Regional Investigative Supervisor (97-01679)
Judi Smith, Senior Administrative Assistant

Enclosures:

Virginia Code Sections:

54.1-2914

54.1-2915

54.1-2919

9-6.14:11

Informal Conference Package

Attachment

Map