



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions

6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

January 11, 2005

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Mi Yong Kim, M.D.
10400 Eaton Place, Suite 515
Fairfax, Virginia 22030

CERTIFIED MAIL
7160 3901 9848 3152 7589

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, February 23, 2005, at 1:30 p.m., at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, Virginia. The conference will be conducted pursuant to Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code").

A Special Conference Committee ("Committee") will inquire into allegations that you may have violated certain laws governing the practice of medicine and surgery in Virginia. Specifically, you may have violated Sections 54.1-2915.A (4) and (3), as further defined in Sections 54.1-2914.A (8) and (11), in that your care and treatment of Patient A, a 26 year-old female with a history of anemia and sickle cell disease, demonstrated gross carelessness in the practice of medicine that may be a danger to the health and welfare of your patients or the public. Specifically:

a. On or about November 16, 2002, you failed to order appropriate laboratory studies; to obtain or document an appropriate history or physical examination; or to inform Patient A fully regarding potential risks or complications, including death, prior to initiating the termination of Patient A's pregnancy.

b. On or about November 16, 2002, at or after 1000 hours, you failed to administer properly Versed (midazolam, C-IV), a short-acting benzodiazepine central nervous system depressant indicated for sedation, as part of the intravenous sedation of Patient A. You administered a total of 25 mg Versed to Patient A over approximately ten minutes, in response to her complaints of pain, without allowing time to evaluate the sedative effect fully.

c. On or about November 16, 2002, in the event of respiratory depression or arrest, you failed to have available or utilize: resuscitative drugs; appropriate equipment for ventilation and intubation; and personnel trained in skilled airway management. Once you completed the procedure, Patient A's pulse oximetry reading was 70%. Without confirming that Patient A was breathing, you instructed your staff to administer oxygen to Patient A by mask and telephone 911, at or before 1029 hours. You 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 your practice to Inova Alexandria Hospital, Alexandria, Virginia, where she 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. You failed to document an operative report for the procedure performed on or about November 16, 2002.

In order to protect her privacy, the patient referenced above has been referred to by letter only. Please see Attachment I for her identity.

After consideration of all information, the Committee may:

1. exonerate you;
2. place you on probation with such terms it deems appropriate;
3. reprimand you; and/or
4. impose a monetary penalty pursuant to Section 54.1-2401 of the Code.

Further, the Committee may refer this matter for a formal administrative proceeding when it has failed to dispose of a case by consent pursuant to Section 2.2-4020 of the Code.

You have the right to information that will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents that 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. These materials have been provided this date to your counsel, Tracey L. Cover, Esquire.

To facilitate this proceeding, you must submit eight (8) copies of any documents you wish for the Committee to consider to Reneé S. Dixson, Discipline Case Manager, Virginia Board of Medicine, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1712, by

February 7, 2005. Your documents may not be submitted by facsimile or e-mail. Should you or Adjudication Specialist Lori L. Pound wish to submit any documents for the Committee's consideration after February 7, 2005, such documents shall be considered only upon a ruling by the Chair of the informal conference committee that good cause has been shown for late submission.

A request to continue this proceeding must state in detail the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12:00 noon on January 26, 2005. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after January 26, 2005, will not be considered.

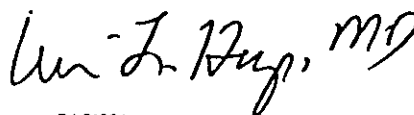
Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

In its deliberations, the Committee may utilize the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/medicine>. Please click on *Guidance Documents*, then select #85-11. You may also request a paper copy from the Board office by calling (804) 662-7009.

Please advise the Board, in writing, 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.

If you have any questions regarding this notice, please contact Lori L. Pound, Adjudication Specialist, at (804) 662-7084.

Sincerely,



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

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Enclosures:

Attachment I
Informal Conference Package
Map

cc: Thomas B. Leecost, D.P.M., President, Virginia Board of Medicine
Robert A. Nebiker, Director, Department of Health Professions
Reneé S. Dixon, Discipline Case Manager, Board of Medicine
Lori L. Pound, Adjudication Specialist
Tracey L. Cover, Esquire [*w/enclosures*]
Pamela Kincheloe, Senior Investigator [95856]