



COMMONWEALTH of VIRGINIA

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Director

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April 11, 2007

AMENDED NOTICE OF INFORMAL CONFERENCE

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

CERTIFIED MAIL
7160 3901 9849 9083 1961

RE: License No. 0101-023297

Dear Dr. Kim:

By letter dated December 27, 2006, you were notified of an informal conference of the Virginia Board of Medicine ("Board") scheduled for **Tuesday March 20, 2007, at 9:00 a.m., at the Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia**. Subsequently, pursuant to a request for continuance from your counsel, the informal conference was rescheduled to **Tuesday, May 15, 2007, at 9:00 a.m.**, at the same location.

This letter amends the allegations contained in the prior notice of informal conference and this notice supersedes the prior notice. 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 and regulations governing the practice of medicine in Virginia. Specifically:

1. You may have violated Section 54.1-2915.A(3) of the Code and Term 2 of the Order of the Board entered April 5, 2005 ("Board Order"), in that, on or about January 9, 2006, you performed an abortion on Patient A without having another physician supervise the certified registered nurse anesthetist ("CRNA") who provided general anesthesia during the procedure.

2. You may have violated Term 3 of the Board Order, in that there is no documentation of the procedure performed on Patient A on or about January 9, 2006, on the log you are required to keep of all surgical procedures performed under conscious sedation, deep sedation or general anesthesia in your office. Further, you have not maintained a log of all surgical procedures performed under conscious/deep sedation or general anesthesia in your office, including those

performed by other physicians, and, in numerous instances, you failed to ensure that the CRNA administering sedation or anesthesia and the supervising physician signed the log, as required.

3. You may have violated Section 54.1-2915.A(3), (13), and (16) of the Code, in that you failed to provide reasonable and appropriate care to your patients, thereby subjecting them to potential injury or harm. Specifically:

a. You advised a Department of Health Professions ("DHP") investigator that it is your practice not to examine patients who return for follow-up visits subsequent to an abortion. Instead, if the pregnancy test administered to the patient is negative and there are no specific patient complaints, the patient is discharged after being seen only by a medical assistant.

b. You failed to examine Patient B on or about May 31, 2005, at her follow-up visit subsequent to an abortion, even though she complained of vaginal discharge and itching.

4. You may have violated Section 54.1-2915(3) and (12) of the Code, and 18 VAC 85-20-26(C) of the Board of Medicine Regulations, in that your medical recordkeeping is often incomplete and does not contain adequate progress notes. Specifically, inspections by a DHP investigator on or about February 6, 2006 and May 23, 2006, revealed:

a. In the case of Patients A - P, all of whom underwent abortions, no follow-up examination is documented at all or the documentation provided is inadequate. Further, in the records for Patients A, B, I, J, K, L, M, N, O, and P, you did not sign that you reviewed their medical history forms prior to performing their surgical procedures.

b. In the case of Patient J, although you prescribed 20 Vicodin (Schedule III) tablets, you did not document in the patient record the frequency of use or reason for the prescription.

c. There is no documentation of a physical examination in the case of Patient Q, who presented to your office on or about December 27, 2005, complaining of spotting, or in the case of Patient R, who presented to your office on or about December 19, 2005, complaining of a yeast infection.

d. In the case of Patient S, who presented to your office on or about December 23, 2005, with complaints of painful urination, a patient history was not obtained.

5. You may have violated Section 54.1-2915(12) of the Code, and 18 VAC 85-20-350 of the Board of Medicine Regulations, in that:

a. The anesthesia informed consent forms for Patients D - P have your signature attesting to the fact that the anesthesia plan, including risks and alternatives, was discussed with the patient by you, rather than the physician who was to administer or supervise the

administration of the anesthesia. Further, these anesthesia consent forms do not indicate the name of the actual anesthesia provider.

b. In the case of Patients B and C, no physician signature is present on the patients' anesthesia informed consent forms.

6. You may have violated Sections 54.1-2915(17) and 54.1-3404(C) of the Code, in that your records of receipt for Schedule II-V controlled substances do not include the actual date of receipt of the medications.

7. You may have violated Section 54.1-2915(1), (12), (15), (16) and (18) of the Code, and 18 VAC 85-20-30(E) of the Board of Medicine Regulations, in that, as of March 6, 2006, your website stated that: "NOVA Healthcare provides a wide-range of complete gynecological and pregnancy termination services. We are a licensed outpatient surgical and full gynecology center." However, your facility, NOVA Healthcare, is not a licensed outpatient surgical center.

Please see Attachment I for the name of the patients referenced above.

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;
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 2.2-4019 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 Book 3 of 3 that will be distributed to the Committee for its consideration when discussing the allegations with you and when deliberating upon your case. You were previously sent Books 1 and 2 with your original notice dated December 27, 2006. These additional documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. Further, these materials have been provided this date to your counsel, Tracey 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. Dixon, Discipline Case Manager, Virginia Board of Medicine, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1717, by **April 26, 2007**. Your documents may not be submitted by facsimile or e-mail. Should you or Adjudication Specialist Julia K. Bennett wish to submit any documents for the Committee's consideration after **April 26, 2007**, such documents shall be considered only upon a ruling by the Chair of the Committee that good cause has been shown for late submission.

Since a request for continuance has already been granted in this matter, another such request will not be considered absent exigent circumstances.

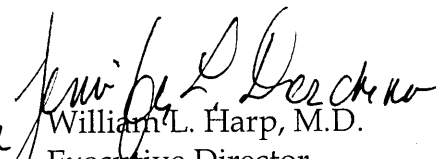
Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click 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>. You may 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 Julia K. Bennett, Adjudication Specialist, at (804) 662-7445.

Sincerely,

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

WLH:fd0411amended.ifcnot.kim.07

Enclosures:

Informal Conference Package [Book 3]
Map

cc: Malcolm L. Cothran, Jr., M.D., President, Virginia Board of Medicine
Sandra Whitley Ryals, Director, Department of Health Professions
Reneé S. Dixon, Discipline Case Manager, Board of Medicine
Julia K. Bennett, Adjudication Specialist, APD
Lorraine McGehee, Deputy Director, APD
Marta Ishmael, Inspector [103164]
Tracey Cover, Esquire [w/enclosures].
Pam Kincheloe, Senior Investigator [107567]