

**NEW YORK**

state department of

**HEALTH**

Public

Nirav R. Shah, M.D., M.P.H.  
Commissioner

Sue Kelly  
Executive Deputy Commissioner

April 16, 2013

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Whan Sil Kim, M.D.  
a/k/a Victoria Kim, M.D.

REDACTED

Re: License No. 137564

Dear Dr. Kim:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 13-102. This order and any penalty provided therein goes into effect April 23, 2013.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

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**IN THE MATTER**

**CONSENT**

**OF**

**ORDER**

**WHAN SIL KIM (aka VICTORIA KIM), M.D.**

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Upon the application of **WHAN SIL KIM, M.D.**, (Respondent), in the attached Consent Agreement, that is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or upon facsimile or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 4/15/2013

**REDACTED**

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ARTHUR S. HENGERER, M.D.  
Chair  
State Board for Professional  
Medical Conduct

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

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IN THE MATTER

CONSENT

OF

AGREEMENT

WHAN SIL KIM (aka VICTORIA KIM), M.D.  
CO-12-12-6402-A

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WHAN SIL KIM, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about March 30, 1979 I was licensed to practice medicine in the State of New York and issued license number 137564 by the New York State Education Department.

My current address is REDACTED and I will advise the Director (Director) of the Office of Professional Medical Conduct (OPMC) of any change of my address within thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one (1) Specification of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit A, is attached to and part of this Consent Agreement.

I do not contest the First Specification in full satisfaction of all charges, and I agree

to never activate my registration to practice medicine as a physician in New York State [Limitation on registration or issuance of any further license pursuant to Public Health Law Section 230-a(6)].

I stipulate that my failure to comply with any conditions of the Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in the future, this Consent Agreement and the Consent Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that the Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile or email transmission to me or my attorney, whichever is first. The Consent Order, this Consent Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department of Health website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply administratively and/or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director, OPMC, and the Chair of the Board each retain complete discretion either to enter into the proposed Consent Agreement and Consent Order based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED

DATED

3/29/13

REDACTED

WHAN SIL KIM, M.D.

Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: April 8, 2013

REDACTED

PAUL TSUI  
Assistant Counsel  
Bureau of Professional Medical Conduct

DATE: April 15, 2013

REDACTED

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER

OF

WHAN SIL KIM (aka VICTORIA KIM), M.D.  
CO-12-12-6402-A

STATEMENT

OF

CHARGES

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WHAN SIL KIM, M.D., Respondent, was authorized to practice medicine in New York state on March 30, 1979, by the issuance of license number 137564 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about December 13, 2012, in the United States District Court Central District of California, Respondent was found guilty, based on a plea of guilty, of Illegal Remunerations for Health Care Referrals in violation of 42 U.S.C. §1320(a)(7)(b) and sentenced to 12 months and 1 day in prison, 3 years supervised release, \$1,088,799.26 in restitution, and a \$100.00 special assessment.

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(ii) by being convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *April 8*, 2013  
Albany, New York

REDACTED

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