



**Department  
of Health**

KATHY HOCHUL  
Governor

MARY T. BASSETT, M.D., M.P.H.  
Commissioner

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

November 28, 2022

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Taegyun Kim, M.D.  
[REDACTED]

B. Alan Seidler, Esq.  
305 Broadway, 7<sup>th</sup> Floor  
New York, NY 10007

John Thomas Viti, Esq.  
NYS Department of Health  
90 Church Street – 4<sup>th</sup> Floor  
New York, NY 10007

**RE: In the Matter of Taegyun Kim, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 22-241) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway - Suite 355  
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

Jean T. Carney, Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Ms. Carney at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

A solid black rectangular redaction box covering the signature of the sender.

Natalie J. Bordeaux  
Chief Administrative Law Judge  
Bureau of Adjudication

NJB: nm  
Enclosure

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

COPY

-----X  
: IN THE MATTER :  
: OF :  
: TAEGYUN KIM, M.D. :  
-----X

DETERMINATION  
AND  
ORDER  
BPMC-22-241

A Commissioner's Order of Summary Action dated June 22, 2022, along with a Notice of Referral Proceeding and Statement of Charges dated June 21, 2022, were duly served upon Taegyun Kim, M.D. (Respondent). (Exhibits 1-2.) A hearing was held on November 17, 2022 via WebEx videoconference. Pursuant to § 230(10)(e) of the Public Health Law (PHL), **SAMUEL F. BOSCO, M.D.**, Chairperson, **WILLIAM A. TEDESCO, M.D.**, and **ELENA M. COTTONE, P.A.-C**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee. **NATALIE BORDEAUX, ADMINISTRATIVE LAW JUDGE (ALJ)**, served as the Administrative Officer.

The Department appeared by John Thomas Viti, Esq. The Respondent was represented by B. Alan Seidler, Esq. and testified on his own behalf. The Hearing Committee received and examined documents from the Department (Exhibits 1-4) and from the Respondent (Exhibit A). A transcript of the proceeding was made.

After considering the entire hearing record, the Hearing Committee hereby determines to sustain the charge and revoke the Respondent's medical license. All findings, conclusions, and determinations are unanimous.

### JURISDICTION

The Department brought the case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Education Law § 6530(9). The Respondent is charged with professional misconduct pursuant to Education Law § 6530(9)(a)(ii), by having been convicted of committing an act constituting a crime under federal law. Hearing procedures are set forth in Department regulations at 10 NYCRR Part 51. Under PHL §230(10), the Department had the burden of proving its case by a preponderance of the evidence.

### FINDINGS OF FACT

1. On November 17, 2011, the Respondent was authorized to practice medicine in New York by the Education Department and was issued license number 263541. (Exhibit 1.)

2. On July 29, 2021, the Respondent was convicted in the United States District Court for the Eastern District of New York, following his guilty plea, to one felony count of Health Care Fraud, in violation of 18 U.S.C. § 1347. Between approximately June 2016 and March 2019, the Respondent submitted claims to the Medicare Program in which he sought payment for (a) administering injections into major joints even though he had not performed those injections; and (b) administering injections into major joints using ultrasound technology when he had not used ultrasound technology during those procedures. He was sentenced to prison for 14 months, followed by one year of supervised release. The Respondent was also ordered to pay \$314,512.63 in restitution. (Exhibits 3, 4.)

### DISCUSSION

The Hearing Committee reviewed the Department's evidence showing the Respondent's conviction in a United States District Court on one felony count of the federal crime of Health Care

Fraud, in violation of 18 U.S.C. § 1347. Based on this conviction, the Hearing Committee determined that the Respondent violated Education Law § 6530(9)(a)(ii) and sustained the charge.

At the hearing, the Department recommended revocation of the Respondent's license due to the Respondent's misappropriation of government funds, while the Respondent sought leniency in the form of a probationary term under the supervision of a practice and/or billing monitor. In consideration of the full spectrum of penalties under PHL § 230-a, the Hearing Committee agreed with the Department's recommendation that revocation of the Respondent's medical license was warranted.

The Hearing Committee considered that the Respondent's conduct leading to his criminal conviction involved the submission of multiple false claims to the Medicare Program over a three-year period, for which he received over \$300,000. The Hearing Committee also carefully considered the Respondent's testimony.

It is the Respondent's position that he has already been punished because he completed his jail term and paid the restitution order pertaining to his criminal conviction. He also asserted falsely that there were no victims related to his crime because he repaid the amount determined to have been improperly received, even though he had inappropriately received a substantial amount of government funds more than three years before it was repaid. While the Respondent has clearly endured medical setbacks, which he emphasized at the hearing, the Hearing Committee observed that the Respondent did not take any responsibility for the actions that led to his conviction. The Respondent suggested that his billing problems were related to his patients, mostly elderly, who did not understand what services were covered by their insurance, even though his conviction was related to his own improper billing for which he unlawfully received payment. He also complained about insurance coverage restricting medical care, even though he billed for procedures that he never



To: Taegyun Kim, M.D.



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7<sup>th</sup> Floor  
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New York State Department of Health  
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New York, New York 1000

IN THE MATTER  
OF  
TAEGYUNKIM, M.D.

STATEMENT  
OF  
CHARGES

Taegyun Kim, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 17, 2011, by the issuance of license number 263541 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about July 29, 2021, in the United States District Court for the Eastern District of New York, Respondent pled guilty, and the court imposed a Judgement, convicting Dr. Kim of one count of Health Care Fraud in violation of 18 U.S.C. §1347, a felony. Dr. Kim was sentenced to 14 months in prison, to be followed by one year of supervised release. Dr. Kim was ordered to pay \$314,512.63 in restitution.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**CRIMINAL CONVICTION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(ii), being convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

1. The Facts in Paragraph A.



DATE: June 21, 2022  
New York, New York



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HENRY WEINTRAUB  
Chief Counsel  
Bureau of Professional Medical Conduct