



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

April 28, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Hack J. Kim, M.D.
640 Oakwood Lane
Lancaster, Pennsylvania 17603

RE: License No. 104747

Dear Dr. Kim:

Enclosed please find Order #BPMC 99-87 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **April 28, 1999**.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Robert Bogan, Esq.

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

Hack J Kim, M.D.-----X

IN THE MATTER : SURRENDER

OF : ORDER

HACK J. KIM, M.D. : BPMC # 99-87

Hack J Kim, M.D.-----X

HACK J. KIM, M.D., says:

On or about September 24, 1969, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 104747 by the New York State Education Department. My address is 640 Oakwood Lane, Lancaster, PA 17603.

I understand that I have been charged with three (3) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

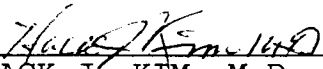
I agree not to contest the specifications set forth in the Statement of Charges.

I understand that, in the event that this proposed agreement

is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.


I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

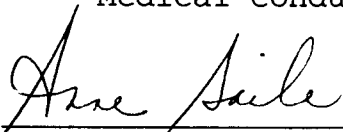

HACK J. KIM, M.D.
Respondent

AGREED TO:

Date: ~~4-19~~¹² 4/23, 1999


ROBERT BOGAN
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: April 23, 1999


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of HACK J. KIM, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 4/26/99

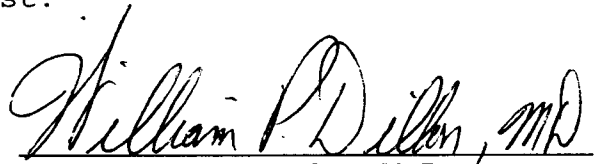

WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT A

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

-----*Hack J Kim M.D.*-----X

IN THE MATTER : STATEMENT

OF : OF

HACK J. KIM, M.D. : CHARGES

-----*Hack J Kim M.D.*-----X

HACK J. KIM, M.D., the Respondent, was authorized to practice medicine in New York State on September 24, 1969 by the issuance of license number 104747 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 29, 1989, the Commonwealth of Pennsylvania, Department of State, State Board of Medicine, (hereinafter "Pennsylvania Board"), by a Notice And Order Of Automatic Suspension, (hereinafter "Pennsylvania Order"), suspended Respondent's license to practice medicine for one (1) year.

B. The Pennsylvania Order, referred to in Paragraph A above, was based upon Respondent's guilty plea to a misdemeanor Drug Act violation.

C. On or about August 3, 1998, the Respondent, in the Dauphin County - Criminal Division, entered a plea of nolo

contendere to Medicaid Fraud, 62 P.A. § 1408 (a) (3) and a violation of 35 P.S. § 780-113 (a) (13), both misdemeanors, was found guilty, thereof, and was sentenced to surrender his right to write prescriptions and to pay costs and a \$1,000.00 fine.

D. The conviction referred to in Paragraph C above was the conviction referred to in Paragraph B above.

E. The conduct resulting in the Pennsylvania Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:

1. New York Education Law Section 6530 (9) (a) (3) (being convicted of committing an act constituting a crime under the law of another jurisdiction and which if committed within this state would have constituted a crime under New York State law.)

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is guilty of violating New York Education Law Section 6530 (9) (b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct

committed in New York State, in that the Petitioner charges the following:

1. The facts in paragraphs A, B, C, D, and/or E.

SECOND SPECIFICATION

Respondent is guilty of professional misconduct under New York State Education Law Section 6530 (9) (d) by reason of his having had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that the Petitioner charges:

2. The facts in paragraphs A, B, C, D, and/or E.

THIRD SPECIFICATION

Respondent is guilty of professional misconduct under New York State Education Law Section 6530 (9) (e) by reason of his having been convicted of committing an act constituting a crime under the law of another jurisdiction and which if committed within this state would have constituted a crime under New York state law in that the Petitioner charges:

3. The fact in paragraph C.

DATED: , 1999
Albany, New York

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