



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

February 13, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Yong Jae Kim, M.D.
966 Plymouth Street
Pelham Manor, New York 10803

RE: License No. 108206

Dear Dr. Kim:

Enclosed please find Order #BPMC 98-34 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 20, 1998**.

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.

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: Anthony Z. Scher, Esq.
Wood & Scher
The Harwood Building
14 Harwood Court, Suite 512
Scarsdale, New York 10583

Loretta Madden, Esq.

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

**IN THE MATTER
OF
YONG JAE KIM, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

BPMC #98-34

STATE OF NEW YORK)
COUNTY OF Kings) ss.:

Yong Jae Kim, M.D., being duly sworn, deposes and says:

That on or about March 8, 1971, I was licensed to practice as a physician in the State of New York, having been issued License No. 108206 by the New York State Education Department.

My current address is 966 Plymouth Street, Pelham Manor, New York, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the one specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Censure and reprimand.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of

Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1997).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under

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duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

Yong Jae Kim
Yong Jae Kim M.D.
RESPONDENT

Sworn to before me this

30 day of December, 1997

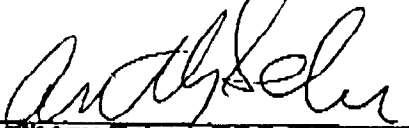
Josephine G. Calli
NOTARY PUBLIC




Josephine G. Calli
MY COMMISSION # 00188473 EXPIRES
September 18, 1999
ISSUED BY THE FIRM INSURANCE, INC.

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.


DATE: 12/30/97


Anthony Scher, ESQ.
Attorney for Respondent

DATE: 12/30/97


Loretta Madden
Assistant Council
Bureau of Professional
Medical Conduct

DATE: 2/3/98


ANNE F. SAILE
Director
Office of Professional
Medical Conduct
Medical Conduct

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

IN THE MATTER
OF
YONG JAE KIM, M.D.


CONSENT
ORDER

Upon the proposed agreement of Yong Jae Kim, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED.

DATED: 2/4/98


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

"EXHIBIT A"

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

**IN THE MATTER
OF
YONG JAE KIM, M.D.**

**STATEMENT
OF
CHARGES**

Yong Jae Kim, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 8th, 1971, by the issuance of license number 108206 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. That on or about July 30th, 1993, after confirming that Patient "A", a thirty five year old woman, was pregnant and confirming through a sonogram that the pregnancy was possibly ectopic, the Respondent:
1. Failed to perform a frozen section after obtaining villi from a dilatation and curettage which would have confirmed the presence of fetal tissue in the uterus, and instead admitted Patient "A" to the Westchester Square Medical Center for an emergency laparoscopic procedure.
- B. On or about July 17th, 1992, the Respondent performed a laparoscopy on Patient "B", a 34 year old pregnant woman. During the laparoscopic procedure, the Respondent:
1. Performed a hysterotomy to determine the cause of an enlarged uterus when he should have performed a dilatation and curettage instead.

SPECIFICATION OF CHARGES

SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law Section 6503 (3) (McKinney Supp. 1997) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Facts of Paragraphs A, A1; B and/or B2.

DATED: December 12th, 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct