



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

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

Dennis P. Whalen
Executive Deputy Commissioner

January 28, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dianne Abeloff, Esq.
NYS Department of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

Young Kim, M.D.
76 Southaven Avenue
Medford, New York 11763

Raymond G. Perini, Esq.
Perini & Hoerger, Esqs.
1770 Motor Parkway
Hauppauge, New York 11788

RE: In the Matter of Young Kim, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 98-22) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "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:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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 Mr. Horan 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 handwritten signature in black ink that reads "Tyrone T. Butler nm". The signature is written in a cursive style with a large initial "T" and "B".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

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

COPY

-----X
IN THE MATTER : HEARING COMMITTEE
OF : DETERMINATION
YOUNG KIM, MD. : AND ORDER

-----X
BPMC-98-22

Gerald M. Brody, M.D., Chairperson, **Paul T. Weinbaum, M.D.**, and **Nancy J. Macintyre, R. N., Ph. D.**, duly designated members of the State Board of Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230 (1) of the Public Health Law, to serve as the Hearing Committee in this matter pursuant to Sections 230 (10) (e) and 230 (12) of the Public Health Law. **Stephen Bermas, Esq.**, Administrative Law Judge, served as Administrative Officer of the Hearing Committee.

Dr. Weinbaum was not present at the hearing held on October 30, November 12 and December 2, 1997, but he has duly affirmed that he had read and considered the transcript of proceedings of, and the evidence received at such hearing dates, prior to the deliberations of the Hearing Committee on December 22, 1997. See Appendix A attached hereto.

After consideration of the entire record, the Hearing Committee submits this Determination and Order.

SUMMARY OF THE PROCEEDINGS

Notice of Hearing dated: October 10, 1997

Statement of Charges dated: October 9, 1997

Hearing Dates: October 20 and 30, November 12, 17 and 24,
December 1 and 2, 1997

Deliberation Date: December 22, 1997

Place of Hearing: NYS Department of Health
5 Penn Plaza
New York, New York

Petitioner Appeared By: Dianne Abeloff, Esq.
Sarah K. Steiner, Esq.
Bureau of Professional Medical Conduct
NYS Department of Health

Respondent Appeared By: Perini & Hoerger, Esqs.
BY: Raymond G. Perini, Esq.

STATEMENT OF CHARGES

The Statement of Charges has been marked as Petitioner's Exhibit 1 in evidence and attached hereto as Appendix B.

CREDIBILITY OF WITNESSES

The Hearing Committee did not find the Respondent to be a credible witness. His testimony that he had no personal recollection of any of the complaining patients, even one for whom he had delivered two babies, was unbelievable. His denials of the allegations of the charges concerning his patients were based totally on his medical records. Consequently, at best

his testimony only reflected what he had written in the records and not what he may have actually done to the patients. His explanation of the allegations of the charges concerning his Brookhaven Hospital applications did not make any sense at all.

The Hearing Committee did find Patients A, B, C, D, E, G, H, I, J, K, L, N and O to be credible witnesses. Many of these Patients, although unknown to each other, related substantially similar stories. They had specific complaints about Respondent and did not just generally condemn his entire treatment of them. Despite the embarrassment and difficulty in testifying about very personal, intimate matters, these complaining patients were clear and direct in their testimony and very believable.

FINDINGS OF FACT

Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of cited evidence. All Findings are unanimous. It should be noted that the allegations in the Charges in reference to Patients F and M were withdrawn on the record. (T. 746).

GENERAL FINDINGS

1. YOUNG I. KIM, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 25, 1977, by the issuance of license number 130366 by the New York State Education Department. (Ex. 1, 2).

2. At all times herein mentioned, Respondent maintained a private practice as an obstetrician and gynecologist at 76 Southaven Avenue, Medford, New York. (Ex. 1,2; T. 755), and had privileges at Brookhaven Memorial Hospital in Patchogue, New York. (Ex. 18; T. 756, 775).

PATIENT A

3. Respondent treated Patient A on or about April 15, 1997, at his office located at 76 Southaven Avenue, Medford, New York. (Ex. 3; T. 466-67).

4. On or about April 15, 1997, Patient A, a 34 year old female, was seen by Respondent on a first obstetrical visit. (T. 468).

5. On or about April 15, 1997, as Patient A was sitting on the examination table, draped from the waist down and wearing a shirt, sweatshirt and a brassiere, with both shirts lifted and her brassiere on, Respondent cupped and squeezed first one and then the other of her breasts. (T. 469-71, 482-83, 486).

6. Respondent's actions were without any legitimate medical purpose.

7. Patient A reported this event to her husband on the day on which it occurred, and to the hospital referral service about four days later. (T. 474-476).

PATIENT B

8. Respondent treated Patient B, a 22 year old female, at his office located at 76 Southaven Avenue, Medford, New York, from in or about March 1996 through in or about April 1996. (Ex. 4A; T. 263, 265-266).

9. In or about March 1996, in the course of purportedly performing a physical examination, Respondent massaged and caressed each of Patient B's breasts and nipples while she was lying down with her arms out to her sides. (T. 243, 245-46).

10. In or about March 1996, in the course of purportedly performing a physical examination, Respondent removed his gloves, inserted his ungloved finger into Patient B's vagina, moved his finger in and out of her vagina, and massaged and rubbed her clitoris. (T. 248-50).

11. Respondent's actions were without any legitimate medical purpose.

12. Patient B reported this event to her boyfriend on the day on which it occurred. (T. 250-51, 270).

PATIENT C

13. Respondent treated Patient C, a female then in her mid-forties, at his office located at 76 Southaven Avenue, Medford, New York, from in or about 1988 through in or about 1994. (Ex. 5; T. 695-99).

14. On or about August 18, 1994, Patient C was seen by Respondent for a routine gynecological examination. (T. 684). During the course of purportedly performing a physical examination, Respondent inserted his finger into her vagina, and moved his finger in and out of her vagina. (T. 687-689).

15. Respondent's actions were without any legitimate medical purpose.

PATIENT D

16. Respondent treated Patient D, then a 20 year old female, at his office located at 76 Southaven Avenue, Medford, New York, on or about October 30, 1990. (Ex. 6; T. 328).

17. On or about October 30, 1990, Patient D was seen by Respondent complaining of a rash on her right inner thigh. (T. 315-16, 338). In the course of purportedly performing a physical examination, Respondent rubbed her breasts and nipples. (T. 317-319, 343-345, 348-349).

18. On or about October 30, 1990, in the course of purportedly conducting a medical examination of the rash on Patient D's thigh, Respondent placed one or more fingers into her vagina and moved them in and out for several minutes. (T. 319-320). During the course of this same purported physical examination, Respondent rubbed her clitoris, stroked her inner thighs and buttocks, (T. 321, 345), and inserted his finger into her anus and moved it in and out. (T. 322, 342). During this time, Patient D was lying completely exposed on Respondent's examining table. (T. 346).

19. On or about October 30, 1990, Respondent stated to Patient D that her vagina was beautiful and very pink (T. 321, 345), and asked Patient D whether she had anal and oral sex with her boyfriend and whether her boyfriend performed oral sex on her. (T. 349).

20. Respondent's actions were without any legitimate medical purpose.

21. Patient D reported these events to her uncle in or about October 1996. (T. 330).

PATIENT E

22. Respondent treated Patient E, then a 30 year old female, at his office located at 76 Southaven Avenue, Medford, New York, on or about March 23, 1993. (Ex. 7; T. 742). Patient E was seeking to obtain help in conceiving a child. (T. 733).

23. In the course of purportedly performing a physical examination, Respondent placed a finger or fingers into Patient E's vagina and moved the finger or fingers in and out of her vagina. (T. 736, 737, 738).

24. Respondent's actions were without any legitimate medical purpose.

25. Patient E reported this to her husband and to her mother on the day of the event. (T. 739-740).

PATIENT G

26. Respondent treated Patient G, then a 20 year old female, at his office located at 76 Southaven Avenue, Medford, New York, from in or about late 1987 through in or about early 1991. (Ex. 9; T. 667-670). Patient G went to Respondent when pregnant with her first child; she gave birth to the first two of her three children as his patient. (T. 648, 659, 671).
27. During the course of Patient G's pregnancy with her first child, Respondent performed an internal examination on her at each of her office visits. (T. 652).
28. Patient G complained to her husband and to her mother after the birth of her first child that Respondent performed internal examinations on her at every visit. (T. 672).
29. Respondent's pelvic examinations after Patient G's initial visit were without any legitimate medical purpose.

PATIENT H

30. Respondent treated Patient H, then a 42 year old female, at his office located at 76 Southaven Avenue, Medford, New York, on or about June 8, 1990. (Ex. 10; T. 66). Patient H was seen by Respondent on a routine gynecological visit. (T. 48).

31. On or about June 8, 1990, in the course of purportedly performing a physical examination Respondent placed a finger or fingers into Patient H's vagina and moved the finger or fingers in and out of her vagina repeatedly. (T. 50-52).

32. Respondent's actions were without any legitimate medical purpose.

33. Patient H reported this incident to a friend on the day of this event. (T. 56-57, 70-72, 86-88, 90-91, 90-95).

PATIENT I

34. Respondent treated Patient I, a female now 32 years old, at his office located at 76 Southaven Avenue, Medford, New York, from in or about July 1986 through in or about January 1991. (Ex. 11; T. 228-230, 235-236). Patient I gave birth to her two children as his patient. (T. 220).

35. During the course of Patient I's pregnancy with her first child, Respondent performed an internal examination on her at her first and last office visits, and on more than two additional visits. (T. 209-210).

36. On the occasion of one of Patient I's office visits, Respondent placed his hands underneath both of Patient I's breasts at the same time and lifted them. (T. 215-16, 237-238).

37. On or about January 4, 1991, in the course of purportedly performing a physical examination Respondent placed a finger or fingers into Patient I's vagina and moved the finger or fingers in and out of her vagina repeatedly. (T. 216-218).

38. Respondent's pelvic examinations during Patient I's first pregnancy after her initial office visit and Respondent's touching of Patient I's breasts were without any legitimate medical purpose.

PATIENT J

39. Respondent treated Patient J, then a 25 year old female, at his office located at 76 Southaven Avenue, Medford, New York, in or about August through November 1988. Patient J went to Respondent for the first several months of the pregnancy of her first child. (Ex. 12, 19; T. 432-35).

40. During the course of Patient J's pregnancy with her first child, Respondent performed an internal examination on her at each of her office visits. (T. 399-400, 406).

41. During the course of Patient J's pregnancy with her first child, Respondent performed a breast examination on her at each of her office visits. (T. 399-400).

42. Patient G complained to Respondent, to her husband, to her mother and to her subsequent gynecologist that Respondent performed internal examinations on her at every visit. (T. 402, 403-404, 406-407).

43. Respondent's actions were without any legitimate medical purpose.

PATIENT K

44. Respondent treated Patient K, then a 15 through 20 year old female, at his office located at 76 Southaven Avenue, Medford, New York, from in or about August 1983 through in or about September 1988. (Ex. 13; T. 125, 140).

45. In or about August 1983, Patient K, then age 15, was seen by Respondent complaining of a rash on her inner thighs. (T. 107-08). In the course of purportedly examining her rash, Respondent performed an internal pelvic examination on Patient K. (T. 108, 130-131).

46. In or about July 1986, Patient K, then age 18, was seen by Respondent with a complaint of heavy vaginal bleeding. In the course of purportedly conducting a physical examination, Respondent cupped and caressed her breasts, and stated to her that she had big nipples. (T. 114-115).

47. On or about August 23, 1988, when Patient K was 20 years old, she sought treatment from Respondent for heavy vaginal bleeding. (T. 137). In the course of purportedly conducting a physical examination, Respondent placed a finger into Patient K's vagina and twirled it around as he simultaneously rubbed Patient K's breast. (T. 113-17). During the course of this same purported physical examination, while Respondent had his finger inside Patient K's vagina, Respondent stated to Patient K that she was a virgin and a good girl, and that she should stay that way. (T. 117-18).

48. Respondent's actions were without any legitimate medical purpose.

PATIENT L

49. Respondent treated Patient L, a female then in her early forties, at his office located at 76 Southaven Avenue, Medford, New York, in or about 1985. (Ex. 14; T. 719).

50. In or about mid-1985, Patient L was seen by Respondent for a gynecological examination following surgery which Respondent performed. (T. 715). During the course of purportedly performing a physical examination, Respondent removed his glove, inserted his ungloved finger into Patient L's vagina, and then moved his finger back and forth across Patient L's clitoris. (T. 716-18).

51. Respondent's actions were without any legitimate medical purpose.

PATIENT N

52. Respondent treated Patient N, then a 15 year old female, at his office located at 76 Southaven Avenue, Medford, New York, in or about 1982. (Ex. 16; T. 354, 372). Patient N was seen by Respondent complaining of a lump in her right armpit. (T. 355). In the course of purportedly examining Patient N's lump, Respondent performed a breast examination and an internal pelvic examination on Patient N. (T. 358-60). Patient N's mother was not present in the examining room. (T. 368).

53. After completing a breast examination, Respondent stated to Patient N that she had nice breasts. (T. 359). Patient N had no covering over most of her body while Respondent was examining her. (T. 384-85).

54. Patient N complained about Respondent's conduct to her mother on the day it occurred. (T. 362-63).

55. Respondent's actions were without any legitimate medical purpose.

PATIENT O

56. Respondent treated Patient O, then a 26 a year old female, at his office located at 76 Southaven Avenue, Medford, New York, on or about December 19, 1987. (Ex. 17; T. 163, 187). She was seen by Respondent complaining that she had been unable to conceive after trying to do so for four months. (T. 164, 188).

57. On or about December 19, 1987, in the course of purportedly performing a physical examination Respondent moved his ungloved finger slowly around Patient O's external genitalia. (T. 174-77). Respondent squeezed and fondled Patient O's nipples while she was lying completely undraped on the examining table. (T. 175-176).

58. Respondent stated to Patient O that she would never conceive a child because she was too fat. (T. 178, 195-96).

59. Respondent's actions and statement were without any legitimate medical purpose.

60. Patient O reported this incident to her mother on the day of this event and to her husband two weeks later. (T. 180).

RESPONDENT'S APPLICATION FOR STAFF REAPPOINTMENT

61. Respondent's license was suspended, the suspension stayed, and Respondent placed on a year's probation by the New York State Department of Education on March 18, 1991. (Ex. 2; T. 1298). The period of probation included a requirement that Respondent have a chaperone present during the examination of all female patients for the ensuing year. (T. 1304).

62. Respondent's license to practice medicine in the State of New Jersey was suspended beginning subsequent to the New York suspension and prior to April 5, 1994, and Respondent had received notification of that suspension. (T. 1310).

63. Respondent was required to complete and in fact completed and filed Applications for Reappointment to the Medical Staff of Brookhaven Memorial Hospital Medical Center in 1992, 1994 and 1996. (Ex. 18).

64. Respondent knowingly and intentionally falsely answered "No" to the question "Has your license to practice medicine in any jurisdiction ever been limited, suspended or revoked, or is any such action pending?" on his Application for Reappointment to the Medical Staff of Brookhaven Memorial Hospital Center filed in 1992.

65. Respondent knowingly and intentionally falsely answered "No" to the question "Has your license to practice medicine in any jurisdiction ever been limited, suspended or revoked, or is any such action pending?" on his Application for Reappointment to the Medical Staff of Brookhaven Memorial Hospital Center filed in 1994.

66. Respondent knowingly and intentionally falsely answered "No" to the question "Has your license to practice medicine in any jurisdiction ever been limited, suspended or revoked, or is any such action pending?" on his Application for Reappointment to the Medical Staff of Brookhaven Memorial Hospital Center filed in 1996.

67. Respondent knowingly and intentionally falsely answered "No" to the question "Has any action against you been taken by the NYS Board of Professional Medical Conduct or similar Board of any jurisdiction - or is such action pending?" on his Application for Reappointment to the Medical Staff of Brookhaven Memorial Hospital Center filed in 1996.

68. Respondent knowingly and intentionally failed to provide any details as required in his 1992, 1994 and 1996 Applications for Reappointment to the Medical Staff of Brookhaven Memorial Hospital, as to the action against him by the New York State Board of Professional Medical Conduct.

CONCLUSIONS OF LAW

The Hearing Committee noted that in some instances the Petitioner did not prove every item of a particular allegation. However, the Committee was convinced that sufficient proof was presented to support the Charges. These were as follows:

A. In Paragraph C 1 there was no proof of the allegation in the last sentence concerning Respondent pressing his pelvis against Patient C's pelvis. Nonetheless the Committee concluded that the proof of the balance of Paragraph C1 substantiated the Charges involving Patient C.

B. In Paragraph H 1, similarly there was no proof concerning the pelvic pressure but the Committee concluded that the balance of the Paragraph was proved and supported the Charges involving Patient H.

C. In Paragraph I1, it is alleged that Respondent improperly touched Patient I's vagina "on numerous occasions." There was proof of only one such occurrence. However, the Committee concluded that this supported the Charges involving Patient I.

FIRST: Respondent is found to have engaged in professional misconduct by willfully harassing, abusing or intimidating a patient whether physically or verbally within the meaning of N.Y. Education Law § 6530(31) (McKinney Supp. 1997) as set forth in Findings of Fact 3 through 60, supra.

SECOND: Respondent is found to have engaged in professional misconduct by practicing the profession of medicine fraudulently within the meaning of N.Y. Education Law § 6530(2) (McKinney Supp. 1997) as set forth in Findings of Fact 61 through 68, supra.

THIRD Respondent is found to have engaged in professional misconduct by engaging in conduct in the practice of medicine that evidences moral unfitness to practice within

the meaning of N.Y. Education Law § 6530(20) (McKinney Supp. 1997) as set forth in Findings of Fact 3 through 60, supra.

FOURTH: Respondent is found to have engaged in professional misconduct by violating N.Y. Public Health Law § 2805-k within the meaning of N.Y. Education Law § 6530(14) (McKinney Supp. 1997) as set forth in Findings of Fact 61 through 68, supra.

DISCUSSION

Because of a threat to the public of the type of conduct alleged in this matter, the Commissioner of Health summarily suspended Respondent's license to practice medicine pending the outcome of this proceeding. Based upon the evidence presented at the hearing, the Hearing Committee concluded that the summary suspension was appropriate.

With respect to the issue of an appropriate sanction, counsel for both sides indicated that they were prepared to present material to the Hearing Committee if the Committee would receive it. The Committee has concluded that based upon the evidence at the hearing, they do not need anything additional on the subject of the appropriateness of a sanction.

When addressing the issue of a sanction, the Committee considered several factors. One was the trauma to these female patients. These victims, particularly the minor patients, were frightened, embarrassed and felt violated by Respondent. The egregiousness of this sexual abuse resulted in the reluctance of some of these victims to seek appropriate gynecological medical treatment for varying time periods thereafter. (T. 63 l. 7-25; T. 220 l. 1.9 to T. 221, l. 6; T. 178 l. 21 to T. 179 l. 3).

The Respondent, on the other hand, showed no remorse or even recognition that he had done anything wrong. This despite his prior difficulties in this area. In fact, as soon as his year of probation was over, he stopped having a chaperone present during all pelvic examinations. With respect to at least four of these Patients (B, J, N and O), Respondent refused their requests that a chaperone be present. (T. 241 l. 5 to 8; T. 401 l. 16 to T. 402 l. 2; T. 357 l. 8 to 25; T. 169 l. 15 to T. 170 l. 4) Respondent showed a callous disregard for his patients' needs and emotional states. He violated the trust a patient places in a physician.

It was clear to the Hearing Committee that the interest of the public in this State requires the revocation of Respondent's license to practice medicine. Furthermore, it is the Committee's recommendation that Respondent's license to practice medicine not be reinstated at any time in the future.

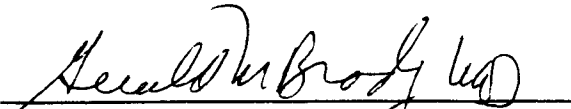
In addition, based upon the seriousness of the sexual violations which are the basis of this proceeding and the long enduring after affects on these victims, the Hearing Committee concluded that in addition to the license revocation, a fine should be imposed upon Respondent in the amount of \$10,000 for each of his thirteen victims, for a total fine of \$130,000.

ORDER

The Hearing Committee determines and orders that Respondent's license to practice medicine be revoked.

The Hearing Committee further determines and orders that Respondent be fined \$10,000 for each of the thirteen patients involved in this proceeding, for a total of \$130,000.

Dated: New York, New York
PTW January 23, 1998



Gerald M. Brody, M.D.
Chairperson

Paul T. Weinbaum, M.D.
Nancy J. Macintyre, R.N., Ph. D.

APPENDIX A

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

IN THE MATTER : **AFFIRMATION**
OF : **OF MEMBER OF THE**
YOUNG KIM, MD. : **HEARING COMMITTEE**

Paul J. Weinbaum, a duly designated member of the State Board of Professional Medical Conduct and of the Hearing Committee thereof designated to hear the MATTER OF YOUNG KIM, M.D., hereby affirms that he was not present at the hearing sessions conducted on October 30, November 12 and December 2, 1997. He further affirms that he has read and considered the transcript of proceedings of, and the evidence received at, such hearing days prior to deliberations of the Hearing Committee on the 22nd day of December, 1997.

Dated: January 12, 1998



Paul J. Weinbaum, M.D.

APPENDIX B

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

IN THE MATTER
OF
YOUNG KIM, M.D.

COMMISSIONER'S
ORDER AND
NOTICE OF
HEARING

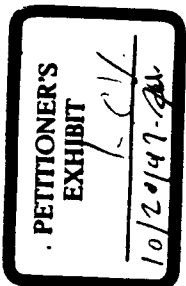
TO: YOUNG KIM, M.D.
76 Southaven Avenue
Medford, N.Y. 11763

The undersigned, Barbara A. DeBuono, M.D., M.P.H., Commissioner of Health of the State of New York, after an investigation, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that the continued practice of medicine in the State of New York by YOUNG KIM, M.D., the Respondent, constitutes an imminent danger to the health of the people of this state.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law §230(12) (McKinney Supp. 1997), that effective immediately YOUNG KIM, M.D., Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law §230(12) (McKinney Supp. 1997).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 1997), and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1997). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on October 20, 1997, at 10:00 a.m., at the offices of the New York State Health Department, 5 Penn Plaza, Sixth Floor, New



York, NY 10001, and at such other adjourned dates, times and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

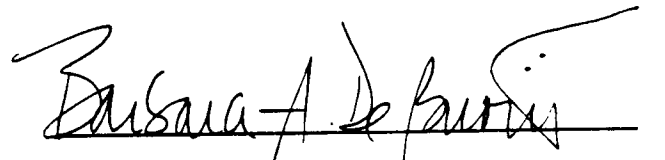
The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed

or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a (McKinney Supp. 1997). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
October 10, 1997



BARBARA A. DeBUONO, M.D., M.P.H.
Commissioner of Health

Inquiries should be directed to:

Sarah Steiner
Attorney, or
Dianne Abeloff
Associate Counsel
N.Y.S. Department of Health
Division of Legal Affairs
5 Penn Plaza
Suite 601
New York, New York 10001
(212) - 613-2615

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

IN THE MATTER

OF

YOUNG KIM, M.D.

STATEMENT
OF
CHARGES

YOUNG KIM, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 25, 1977, by the issuance of license number 130366 by the New York State Education Department, except for a period of one year beginning on March 18, 1991 during which time Respondent's license was suspended; said suspension was stayed and Respondent was placed on probation after the N.Y.S. Commissioner of Education found that Respondent placed his ungloved fingers in a patient's vagina and rubbed her clitoris for no medical purpose.

At all times herein mentioned, Respondent was an obstetrician/gynecologist who treated Patients A through O at his office at 76 Southaven Avenue, Medford, New York 11763 from in or about January 1982 through in or about April 1997. (Patients A through O are identified in the annexed Appendix).

FACTUAL ALLEGATIONS

A. Respondent treated Patient A on or about April 15, 1997

1. Patient A, a 33 year old female, was examined by Respondent. On that date, in the course of purportedly performing a physical examination, but not

for a legitimate medical purpose, Respondent squeezed Patient A's breasts.

B. Respondent treated Patient B, a female about twenty years old, in or about March 1996.

1. Respondent, while purportedly conducting a physical examination, but not for a legitimate medical purpose, rubbed and massaged Patient B's breasts.
2. During the course of this same examination, Respondent removed his gloves and placed his ungloved fingers next to Patient B's clitoris and inside her vagina, and manipulated her genital area.

C. Respondent treated Patient C, a female in her late forties, in or about August 1994.

1. During the course of conducting a physical examination of Patient C, but not for a legitimate medical purpose, Respondent inserted his fingers inside Patient C's vagina and moved his fingers in and out of her vagina for a lengthy period. Respondent also pressed his pelvis against Patient C's pelvic area during the purported physical examination.

D. Respondent treated Patient D, a female in her early twenties, in or about 1991 or 1992.

1. Patient D came to Respondent complaining of a rash on her leg. Respondent, while purportedly conducting a physical examination, but not for a legitimate medical purpose, inserted his fingers into Patient D's vagina,

moved them in and out, rubbed her clitoris, and stroked the inside of her thighs from the buttocks area down to the inside of her knee. Respondent also grabbed Patient D's breasts and rubbed her nipples. Respondent also inserted his fingers in and out of Patient D's anus.

E. Respondent treated Patient E, a female about 30 years old, in or about 1993.

1. Respondent, while purportedly conducting a physical examination, but not for a legitimate medical purpose, inserted and moved his fingers in and out of Patient E's vagina.

F. Respondent treated Patient F, a female in her mid-twenties, from in or about 1990 through 1993.

1. On numerous occasions, Respondent, while purportedly conducting a physical examination, but not for a legitimate medical purpose, manipulated Patient F's external genitalia. Respondent conducted internal examinations of Patient F on most if not all of her prenatal visits.

G. Respondent treated Patient G, a female, commencing in or about 1987 through about 1990.

1. On numerous occasions, in the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent conducted lengthy internal examinations of Patient G. Respondent performed internal examinations on Patient G at nearly every visit during the course of her pregnancy.

H. Respondent treated Patient H, a female in her early forties, in or about 1989 or 1990.

1. Respondent, while purportedly conducting a physical examination, but not for a legitimate medical purpose, inserted and moved his fingers in and out of Patient H's vagina and pressed his pelvis against her pelvis.

I. Respondent treated Patient I, a female in her early twenties, in or about 1987 through 1990.

1. On numerous occasions, Respondent, while purportedly conducting a physical examination, but not for a legitimate medical purpose, moved his fingers in and out of Patient I's vagina. On one occasion, Respondent lifted one of Patient I's breasts and held it as if he were weighing it.

J. Respondent treated Patient J commencing in or about July of 1988.

1. Patient J, a female in her mid-twenties, came under the care of Respondent from in or about July 1988, through September 1988. On several occasions, in the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent removed his gloves and inserted his ungloved fingers inside her vagina in the guise of performing an internal examination on her.

K. Respondent treated Patient K, a female in her mid- to late teens, from in or about 1983, through 1987.

1. On at least one occasion, while purportedly conducting a physical examination of Patient K, but not for a legitimate medical purpose, Respondent inserted his fingers in and out of Patient K's vagina for a lengthy period, and simultaneously rubbed her breasts.
2. On one occasion, in or about 1987, after Patient K came to Respondent complaining of a perineal rash, Respondent, while purportedly conducting a physical examination, but not for a legitimate medical purpose, inserted his finger or fingers into her vagina and twirled them around, while simultaneously rubbing her breast with his other hand.
3. During the course of conducting a physical examination of Patient K, Respondent stated to her "Wow, your nipples are very large."

L. Respondent treated Patient L, a female in her early forties, in or about 1985, 1986 or 1987.

1. On several occasions, in the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent removed his gloves, and manipulated Patient L's external genitalia.

M. Respondent treated Patient M, a female in her late teens, on numerous occasions from in or about January 1982, through December 1982.

1. On several occasions, at Respondent's office, in the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent inserted his ungloved fingers inside Patient M's vagina.

Respondent performed internal examinations on Patient M at nearly every visit during the course of her pregnancy.

2. During the course of purportedly conducting a breast examination on Patient M, Respondent rubbed her breasts in a sexual manner and squeezed her nipples.
3. On the last occasion on which Patient M visited Respondent's office, Respondent kissed Patient M on the mouth and placed his tongue in Patient M's mouth.

N. Respondent treated Patient N, a female about 15 years old, in or about 1982.

1. In the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent, without wearing gloves, inserted his fingers in Patient N's vagina. Patient N had come to Respondent complaining of a lump under her arm.
2. During the course of this purported physical examination, Respondent also stated to Patient N that she had "nice breasts."

O. Respondent treated Patient O, a female in her late twenties, in or about 1987.

1. In the course of purportedly performing a physical examination, but not for a legitimate medical purpose, Respondent inserted his ungloved fingers inside Patient O's vagina and moved his fingers in and out of Patient O's vagina for a lengthy period, stimulated her nipples with his fingers in a sexual manner,

and pressed his pelvis against Patient O's pelvic area during the purported physical examination.

2. Respondent, after completing the purported physical examination, stated to her that she would "never have children" because she was "too fat."

P. On several occasions between 1992 and 1996, Respondent, knowingly and intentionally omitted answers, in full or in part, or answered falsely, in full or in part, when completing his application for reappointment to Brookhaven Memorial Hospital Medical staff.

1. In his Application for Reappointment to the Medical Staff, dated April 2, 1992, Respondent knowingly and intentionally answered "no" to the question, "Has your license to practice medicine in any jurisdiction ever been limited, suspended or revoked - or is such action pending?" Respondent's license had been suspended and he had been placed on probation effective March 18, 1991.
2. In his Applications for Reappointment to the Medical Staff, dated April 2, 1992, April 5, 1994, and March 28, 1996, Respondent knowingly and intentionally failed to provide details, as required by that application, of the action taken against him by the NYS Board of Professional Medical Conduct.
3. In his Applications for Reappointment to the Medical Staff, dated April 5, 1994 and March 28, 1996, Respondent knowingly and intentionally answered "no" to the question, "Has your license to practice medicine

in any jurisdiction ever been limited, suspended or revoked - or is such action pending?" Respondent's license had been suspended and he had been placed on probation effective March 18, 1991. In addition, Respondent's license to practice medicine in the State of New Jersey had been suspended, and he had been placed on probation by that jurisdiction, on January 21, 1993 as a result of the New York State action.

4. In his Application for Reappointment to the Medical Staff, dated March 28, 1996, Respondent knowingly and intentionally answered "no" to the question "Has any action against you been taken by the NYS Board of Professional Medical Conduct or similar Board of any jurisdiction - or is such action pending?" The NYS Board of Professional Medical Conduct had suspended Respondent's license and he had been placed on probation effective March 18, 1991. In addition, Respondent's license to practice medicine in the State of New Jersey had been suspended, and he had been placed on probation by that jurisdiction, on January 21, 1993 as a result of the New York State action.

SPECIFICATION OF CHARGES

FIRST THROUGH FIFTEENTH SPECIFICATIONS

WILLFULLY HARASSING, ABUSING OR INTIMIDATING A PATIENT EITHER PHYSICALLY OR VERBALLY

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31)(McKinney Supp. 1997) by willfully harassing, abusing or intimidating a patient whether physically or verbally, as alleged in the facts of:

1. Paragraphs A., A.1.
2. Paragraphs B., B.1., B.2.
3. Paragraphs C., C.1.
4. Paragraphs D., D.1.
5. Paragraphs E., E.1.
6. Paragraphs F., F.1.
7. Paragraphs G., G.1.
8. Paragraphs H., H.1.

9. Paragraphs I., I.1.
10. Paragraphs J., J.1.
11. Paragraphs K., K.1., K.2., K.3.
12. Paragraphs L., L.1.
13. Paragraphs M., M.1., M.2., M.3.
14. Paragraphs N., N.1., N.2.
15. Paragraphs O., O.1. O.2.

SIXTEENTH SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1997) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

21. Paragraphs P., P.1., P.2, P.3., P.4.

SEVENTEENTH THROUGH THIRTY-FIRST SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1997) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

17. Paragraphs A., A.1.
18. Paragraphs B., B.1., B.2.
19. Paragraphs C., C.1.
20. Paragraphs D., D.1.
21. Paragraphs E., E.1.
22. Paragraphs F., F.1.
23. Paragraphs G., G.1.
24. Paragraphs H., H.1.
25. Paragraphs I., I.1.
26. Paragraphs J., J.1.

27. Paragraphs K., K.1., K.2., K.3.
28. Paragraphs L., L.1.
29. Paragraphs M., M.1., M.2., M.3.
30. Paragraphs N., N.1., N.2.
31. Paragraphs O., O.1. O.2.

THIRTY-SECOND SPECIFICATION

FILING A FALSE PROFESSIONAL PRIVILEGES FORM

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(14) (McKinney Supp. 1997) by violating N.Y. Pub. Health Law §2805-k, as alleged in the facts of:

43. Paragraphs P., P.1., P.2, P.3., P.4.

DATED: October 9, 1997
New York, New York

Roy Nemerson / PDVB
ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

OCT 15 1997

~~PLAINTIFF~~

IN THE MATTER OF

OF ~~subject~~
YOUNG KIM, M.D. ~~XXXXXX~~

RECEIVED
AFFIDAVIT OF ATTEMPTED
SERVICE

~~DEFENDANT~~

STATE OF NEW YORK: COUNTY OF Suffolk

Peter J. Guthy, being duly sworn deposes and says;
I am over the age of 18 years, not a party to the above entitled action
and reside at Dix Hills, NY

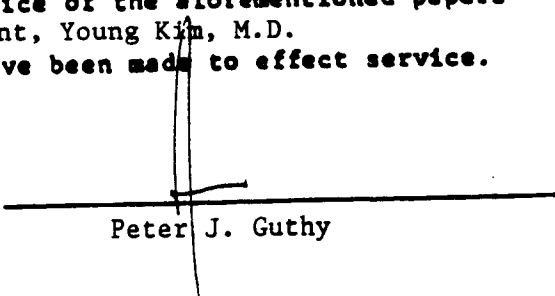
On Oct. 10, 1997, I received a copy of the Commissioners order and notice
of hearing and statement of charges
in this ~~action~~, which I attempted to serve upon the Respondent, Young Kim, M.D.
Matter at 76 Southaven Avenue, Medford, NY (office)
and 50 Sejon Drive, Sayville, NY (Residence)

On calling there, at the office address, having previously called and leaving
a message on Doctor's Kim's answering machine, I found the office closed.
I had a conversation with the owner of a pharmacy in the same medical complex who
advised that Dr. Kim's office had been closed for some time. On the same day at
2:12PM and 2:55 PM I went to the home address and found no one at home.
I had a conversation with a neighbor across the street who would not give her name
as well as a neighbor next door, a Mrs. Perez, who both verified that Dr. Kim lived
there.

On the following day, October 11, 1997, a saturday, I went to the residence
at 7:37AM, 11:46AM and 9:03PM. Again, I found no one at home. On October 13, 1997
I returned at 8:10 AM and 8:21PM, and I found no one at home.

I believe that the said Young Kim, M.D.
is unavailable so that personal service of the aforementioned papers
cannot be served upon the Respondent, Young Kim, M.D.
although due and diligent efforts have been made to effect service.

Sworn to before me on the
14th day of Oct. , 19 97


Peter J. Guthy