



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

January 28, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Hong Sik Kim, M.D.
12001 Theta Road
Santa Ana, California 92705

RE: License No. 169150

Dear Dr. Kim:

Enclosed please find Order #BPMC 98-21 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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: Arthur Chenen, Esq.
Ginsburg, Stephan, Oringer & Richman
10100 Santa Monica Boulevard, Eighth Floor
Los Angeles, California 90067-4012

Denise Lepecier, Esq.

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

IN THE MATTER
OF
HONG SIK KIM, M.D.

SURRENDER
OF
LICENSE
BPMC #98-21

STATE OF CALIFORNIA)

ss.:

COUNTY OF ORANGE)

Hong Sik Kim, M.D., being duly sworn, deposes and says:

On or about January 9, 1987, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 169150 by the New York State Education Department.

My current address is 12001 Theta Road, Santa Ana, California 92705, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one specification 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 permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the facts stated in paragraphs A and A2 in full satisfaction of the First Specification of the Statement of Charges.

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

I understand that, in the event that the application 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 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 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 grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

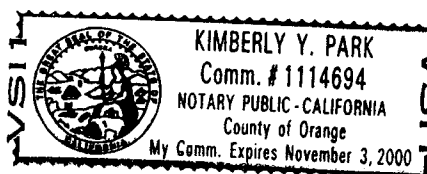
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.


HONG SIK KIM, M.D.
RESPONDENT

Sworn to before me this

8th day of Jan., 1998


NOTARY PUBLIC




The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 1-12-98




ARTHUR R. CHENEN, Esq.
Attorney for Respondent

Date: 1/15/98



DENISE LEPICIER
Attorney
Bureau of Professional
Medical Conduct

Date: Jan 20 1998



ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
HONG SIK KIM, M.D.

SURRENDER
ORDER

Upon the proposed agreement of HONG SIK KIM, M.D. (Respondent) 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 application 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 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 via certified mail, whichever is earliest.

SO ORDERED.

DATED: 1/24/98


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

IN THE MATTER
OF
HONG-SIK KIM, M.D.

STATEMENT
OF
CHARGES

HONG-SIK KIM, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 9, 1987, by the issuance of license number 169150 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about July 25, 1994, Respondent was charged before the Medical Board of California with medical misconduct in that he violated statutes, among others, making it unprofessional conduct to "directly or indirectly, [aid and abet] any unlicensed person . . . to engage in the practice of medicine" and to "[prescribe, dispense, or furnish] dangerous drugs . . . without a good faith prior examination and medical indication therefor." (Cal. Bus. & Prof. Code Sections 2242 and 2264) On or about February 12, 1997, Respondent entered into a Stipulation and Waiver agreeing to complete a California Medical Association course in ethics, to complete an approved course in prescribing practices, to pay a fine of \$10,000 to cover prosecution costs, and agreeing to the issuance of a public letter of reprimand against him. It was agreed that upon compliance with the stipulated conditions and requirements of the agreement, the accusation against Respondent would be withdrawn. It

was further agreed, however, that if Respondent "fail[ed] to comply in any way with [the terms of the agreement, the administrative hearing would be] placed back on calendar for hearing" and all "the allegations [would be] deemed admitted by respondent as true and correct." On or about June 6, 1997, the conditions of the agreement were fulfilled, the charges were withdrawn and a letter of public reprimand was issued. More specifically, the conduct upon which Respondent's sanction was based involved:

1. Allowing an unlicensed person to use Respondent's license and DEA number to buy controlled substances in bulk and to distribute the controlled substances to patients without his supervision;
2. Allowing patients to receive controlled substances prior to a medical examination and without medical indication.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1997) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or

having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530[2], [3], and [11]) as alleged in the facts of the following:

1. Paragraphs A and A1 and/or A2.

DATED: October 7, 1997
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct