

**VIRGINIA:**

**BEFORE THE BOARD OF MEDICINE**

**IN RE:       Mi Yong Kim, M.D.  
              License No.: 0101-023297**

**CONSENT ORDER**

By letter dated April 11, 2007, the Virginia Board of Medicine ("Board") noticed Dr. Kim for an informal conference to inquire into allegations that she may have violated certain laws governing the practice of medicine and surgery in the Commonwealth of Virginia. Dr. Kim has expressed a desire to retire as a physician.

In lieu of proceeding to an informal conference, the Board and Dr. Kim, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Kim to practice medicine and surgery in Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Board adopts the following findings of fact and conclusions of law in this matter:

1. Dr. Kim was issued license number 0101-023297 by the Board to practice medicine and surgery in the Commonwealth of Virginia on June 11, 1973. Said license will expire on September 30, 2008, unless renewed or otherwise restricted.
2. Dr. Kim is in violation of Section 54.1-2915.A(3) of the Code and Term 2 of the Order of the Board entered April 5, 2005 ("Board Order"), in that, on or about January 9, 2006, she performed an abortion on Patient A without having another physician supervise the certified registered nurse anesthetist ("CRNA") who provided general anesthesia during the procedure.
3. Dr. Kim is in violation of Term 3 of the Board Order, in that there is no documentation of the procedure performed on Patient A on or about January 9, 2006, on the log she was required to keep of all surgical procedures performed under conscious sedation, deep

sedation or general anesthesia in her office. Further, she has not maintained a log of all surgical procedures performed under conscious/deep sedation or general anesthesia in her office, including those performed by other physicians, and, in numerous instances, she failed to ensure that the CRNA administering sedation or anesthesia and the supervising physician signed the log, as required.

4. Dr. Kim is in violation of Section 54.1-2915.A(3), (13), and (16) of the Code, in that she failed to provide reasonable and appropriate care to her patients, thereby subjecting them to potential injury or harm. Specifically:

a. She advised a Department of Health Professions ("DHP") investigator that it is her practice not to examine patients who return for follow-up visits subsequent to an abortion. Instead, if the pregnancy test administered to the patient is negative and there are no specific patient complaints, the patient is discharged after being seen only by a medical assistant.

b. She failed to examine Patient B on or about May 31, 2005, at her follow-up visit subsequent to an abortion, even though she complained of vaginal discharge and itching.

5. Dr. Kim is in violation of Section 54.1-2915(3) and (12) of the Code, and 18 VAC 85-20-26(C) of the Board of Medicine Regulations, in that her medical recordkeeping is often incomplete and does not contain adequate progress notes. Specifically, inspections by a DHP investigator on or about February 6, 2006 and May 23, 2006, revealed:

a. In the case of Patients A - P, all of whom underwent abortions, no follow-up examination is documented at all or the documentation provided is inadequate. Further, in

the records for Patients A, B, I, J, K, L, M, N, O, and P, she did not sign that she reviewed their medical history forms prior to performing their surgical procedures.

b. In the case of Patient J, although she prescribed 20 Vicodin (Schedule III) tablets, she did not document in the patient record the frequency of use or reason for the prescription.

c. There is no documentation of a physical examination in the case of Patient Q, who presented to her office on or about December 27, 2005, complaining of spotting, or in the case of Patient R, who presented to her office on or about December 19, 2005, complaining of a yeast infection.

d. In the case of Patient S, who presented to her office on or about December 23, 2005, with complaints of painful urination, a patient history was not obtained.

6. Dr. Kim is in violation of Section 54.1-2915(12) of the Code, and 18 VAC 85-20-350 of the Board of Medicine Regulations, in that:

a. The anesthesia informed consent forms for Patients D - P have her signature attesting to the fact that the anesthesia plan, including risks and alternatives, was discussed with the patient by her, rather than the physician who was to administer or supervise the administration of the anesthesia. Further, these anesthesia consent forms do not indicate the name of the actual anesthesia provider.

b. In the case of Patients B and C, no physician signature is present on the patients' anesthesia informed consent forms.

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7. Dr. Kim is in violation of Sections 54.1-2915(17) and 54.1-3404(C) of the Code, in that her records of receipt for Schedule II-V controlled substances do not include the actual date of receipt of the medications.

8. Dr. Kim is in violation of Section 54.1-2915(1), (12), (15), (16) and (18) of the Code, and 18 VAC 85-20-30(E) of the Board of Medicine Regulations, in that, as of March 6, 2006, her website stated that: "NOVA Healthcare provides a wide-range of complete gynecological and pregnancy termination services. We are a licensed outpatient surgical and full gynecology center." However, the facility, NOVA Healthcare, is not a licensed outpatient surgical center.

9. Dr. Kim is retiring as a physician.

#### CONSENT

I, Mi Yong Kim, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document and am represented by Gerald C. Canaan, II, Esquire;

2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;

3. I have the following rights, among others:

- a. the right to an informal conference before the Board; and
- b. the right to appear in person or by counsel, or other qualified representative before the agency.

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4. I waive all rights to an informal conference;
5. I neither admit nor deny the truth of the above Findings of Fact and Conclusions of Law;
6. I consent to the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

**ORDER**

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, Mi Yong Kim, M.D., hereby agrees to the VOLUNTARY PERMANENT SURRENDER of her license to practice medicine and surgery in the Commonwealth of Virginia, in lieu of further proceedings in this matter.

Pursuant to Section 54.1-2920 of the Code, upon entry of this Consent Order, Dr. Kim shall forthwith give notice, by certified mail, of the surrender of her license to practice medicine and surgery to all patients, if any, to whom she is currently providing services. A copy of this notice shall be provided to the Board when sent to patients. Dr. Kim shall cooperate with other practitioners to ensure continuation of treatment in conformity with the wishes of the patient. Dr. Kim shall also notify any hospitals or other facilities where she is currently granted privileges, and any health insurance companies, health insurance administrators or health maintenance organization currently reimbursing her for her services as a physician.

Further, within five (5) days of entry of this Consent Order, Dr. Kim shall:

1. Return her current license to the Board office;
2. Update her Virginia Practitioner Profile regarding her primary practice address and

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any other appropriate section, with the exception of the Virginia Notices and Orders section;

3. Surrender her Drug Enforcement Administration ("DEA") certificate and DEA 222 Schedule II order forms to the DEA and provide a copy of this surrender notification to the Board;

4. Submit written notification to any and all drug wholesalers or pharmacies that she has ordered from, or had an account with for the past five (5) years, that she has surrendered her DEA license and request that the account be closed, a copy of which shall be provided to the Board; and

5. Properly dispose of all Schedule II-VI controlled substances, including physician's samples, remaining as part of Dr. Kim's personal practice.

Upon entry of this Consent Order, the license of Mi Yong Kim, M.D., will be recorded as SURRENDERED and no longer current. Dr. Kim will not be eligible for reinstatement of her license at any future date.

Violation of this Consent Order shall constitute grounds for the revocation of the license of Dr. Kim. In the event Dr. Kim violates any of the terms and conditions of this Consent Order, a formal administrative hearing shall be convened to determine whether her license shall be revoked.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

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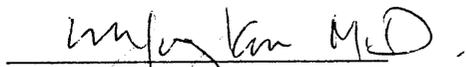
FOR THE BOARD:



William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine

5/18/07  
ENTERED

SEEN AND AGREED TO:

  
Mi Yong Kim, M.D.

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF Fairfax, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 10<sup>th</sup> day of MAY, 2007, by Mi Yong Kim, M.D.

  
Notary Public

My commission expires: 2/29/08