



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.
Executive Secretary

April 28, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Michael K. Kim, M.D.
3759 Harts Place
Chamblee, Georgia 30341

RE: License No. 176299
EFFECTIVE DATE: 05/05/95

Dear Dr. Kim:

Enclosed please find Order #BPMC 95-96 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Martin Charlton, Esq.
415 East Crossville Road
Roswell, Georgia 30075

Marcia Kaplan, Esq.

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

IN THE MATTER
OF
MICHAEL KWANGSOO KIM, M.D.

SURRENDER
ORDER
BPMC #95-96

Upon the Application of MICHAEL KWANGSOO KIM, M.D., Respondent, to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

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: 24 April 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
MICHAEL KWANGSOO KIM, M.D.

APPLICATION TO
SURRENDER
LICENSE

STATE OF GEORGIA)

COUNTY OF *FULTON*

ss.:

MICHAEL KWANGSOO KIM, M.D., being duly sworn, deposes and says:

On or about September 23, 1988, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 176299 by the New York State Education Department.

My current address is 3759 Harts Place, Chamblee, Georgia 30341, 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 two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A", of which Petitioner has withdrawn the First Specification of the Statement of Charges.

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 do not contest the Second Specification in full satisfaction 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.



MICHAEL KWANGSOO KIM, M.D.
Respondent

Sworn to before me this

4th day of April, 1995


NOTARY PUBLIC

Notary Public, Fulton County, Georgia
My Commission Expires March 25, 1996

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

IN THE MATTER
OF
MICHAEL KWANGSOO KIM, M.D.

APPLICATION TO
SURRENDER
LICENSE

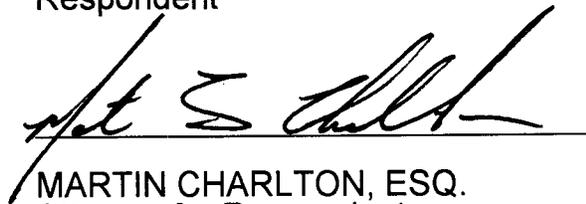
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: April 4, 1995



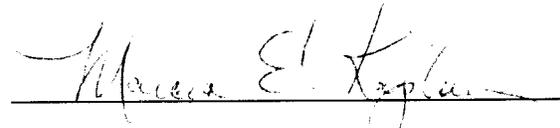
MICHAEL KWANGSOO KIM, M.D.
Respondent

Date: April 4, 1995



MARTIN CHARLTON, ESQ.
Attorney for Respondent

Date: April 6, 1995



MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 4/18, 1995

Kathleen M. Tanner

KATHLEEN M. TANNER
Director
Office of Professional Medical Conduct

Date: 25 April, 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional Medical Conduct

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

-----X
IN THE MATTER : STATEMENT
OF : OF
MICHAEL KWANGSOO KIM, M.D. : CHARGES
-----X

MICHAEL KWANGSOO KIM, M.D., the Respondent, was authorized to practice medicine in New York State on September 23, 1988 by the issuance of license number 176299 by the New York State Education Department.

FIRST SPECIFICATION

Withdrawn. Hek 4/5
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**HAVING BEEN CONVICTED OF
AN ACT CONSTITUTING A CRIME
UNDER THE LAW OF ANOTHER JURISDICTION**

1. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(a)(iii) (McKinney Supp. 1995) in that he has been found guilty 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, specifically:

EXHIBIT "A"

On or about October 28, 1994, the Respondent was convicted after a plea of guilty in the Superior Court of DeKalb County, State of Georgia, of three felony counts of Violating the Georgia Controlled Substances Act, in violation of O.C.G.A. Sec. 16-13-30(c), in that on or about July 12, 1993, November 26, 1993, and December 2, 1993, Respondent did possess and have under his control Oxycodone (Percocet).

On or about October 28, 1994, Respondent was sentenced to three years probation as to each count, to run concurrently, with general conditions of probation including 200 hours of community service, and special conditions of probation including that he continue with his current drug and alcohol treatment and not ingest alcohol.

These acts, if committed within New York State, would constitute a crime under N.Y. Penal Code Section 220.03 (McKinney 1989 and McKinney Supp. 1995) (Criminal Possession of a Controlled Substance in the Seventh Degree.)

SECOND SPECIFICATION

HAVING BEEN FOUND GUILTY OF MISCONDUCT IN ANOTHER STATE

2. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(b) (McKinney Supp. 1995) in that he has 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 under the laws of New York state, specifically:

On or about December 8, 1994, the Composite State Board of Medical Examiners, State of Georgia, (Georgia Board) filed a Consent Order Lifting Suspension, which permits Respondent to practice medicine on a restricted basis, and places him on a term of supervised probation, upon finding Respondent's condition and/or prior conduct to constitute sufficient grounds for disciplinary or corrective action under O.C.G.A. Chs. 1 and 34, T. 43, as amended. The Board found that on or about December 7, 1993, Respondent entered treatment for chemical dependency and has now completed all phases of treatment; that on or about April 22, 1994, Respondent surrendered for arrest after three felony criminal warrants were issued for obtaining possession of controlled substances by forgery; that Respondent's license had been suspended since June 1, 1994 pursuant to an Interim Consent Order of the Board; that on or about October 28, 1994, Respondent pled guilty to three felony counts of possession of oxycodone and was sentenced under the First Offender Act to three years probation. Under the terms of supervised probation set forth in the Board's Order, Respondent may work only as approved by the Board and is currently approved only to practice at Fulton County Alcohol and Drug Treatment Center, must remain in treatment or aftercare and comply with his aftercare contract, must participate in support groups, must abstain from mood altering substances, must submit to random drug/alcohol screens as directed by the Board or his supervisors and monitors, must comply with a Board directive to undergo further physical or mental evaluation, must submit to supervision and monitoring and ensure that quarterly statements are filed by his supervising and monitoring physicians, may use his DEA registration for institutional use only, and may not petition for termination of his probation until January 3, 1999 (five years after his sobriety date of January 3, 1994.)

On or about June 1, 1994, the Respondent's license to practice medicine in Georgia was

suspended by the Georgia Board, Respondent was publicly reprimanded, and his license was placed on probation until discharged by the Board, based upon findings by the Board that Respondent had entered inpatient treatment for chemical dependence and had been arrested after three felony criminal warrants were issued for obtaining possession of controlled substances by forgery.

These acts, if committed within New York State, would constitute professional misconduct under N.Y. Educ. Law Sections 6530(9)(iii) (McKinney Supp. 1995) (being convicted of 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) and 6530(8) (McKinney Supp. 1995) (being a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects.)

DATED: NEW YORK, NEW YORK
March 1, 1995



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct