State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

March 8, 2000

Youngsik Moon, M.D.
P. O. Box 37
Hollywood, MD 20636

Dear Doctor Moon:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on March 8, 2000.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 281 981 269
RETURN RECEIPT REQUESTED

cc: 24435 Mervell Dean Road
Hollywood, MD 20636
CERTIFIED MAIL RECEIPT NO. Z 281 981 270
RETURN RECEIPT REQUESTED

Mailed 3/9/00

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry, approved by the State Medical Board, meeting in regular session on March 8, 2000, constitute a true and complete copy of the Findings, Order and Journal Entry in the Matter of Youngsik Moon, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.

(SEAL)

Anand G. Garg, M.D.
Secretary

MARCH 8, 2000
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF *

*

YOUNGSIK MOON, M.D. *

FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated January 12, 2000, notice was given to Youngsik Moon, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the address of record of Dr. Moon, that being P. O. Box 37, Hollywood, MD 20636.

A timely request for hearing was not filed with the Medical Board. However, subsequent to the filing deadline, counsel for Dr. Moon contacted the Board offices to advise that the failure to file such request was due to his own error, rather than that of the doctor.

Due to the lack of a timely hearing request, and for the reasons outlined in the January 12, 2000 letter of notice, which is attached hereto and incorporated herein, it is hereby ORDERED that the license of Youngsik Moon, M.D., to practice medicine and surgery in the State of Ohio be REPRIMANDED.

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 8TH day of MARCH 2000, and the original thereof shall be kept with said Journal.

Anand G. Garg, M.D.
Secretary

(SEAL)

MARCH 8, 2000
Date

AFFIDAVIT

I, Debra Jones, being duly cautioned and sworn, do hereby depose and say:

1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board")

2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;

3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;

4) That I have this day carefully examined the records of the Board pertaining to Youngsik Moon, M.D.

5) That based on such examination, I have found the last known address of record of Youngsik Moon, M.D. to be:

P. O. Box 37
Hollywood, MD 20636

6) Further, Affiant Sayeth Naught.

Debra L. Jones

Debra L. Jones, Chief
Continuing Medical Education,
Records and Renewal

Sworn to and signed before me, Kristine A. Goodman, Notary Public, this 22nd day of February, 2000.

Kristine A. Goodman

Notary Public

NOTARIAL SEAL
STATE OF OHIO

KRISTINE A. GOODMAN
Notary Public, State of Ohio
My Commission Expires
11/9/2002

State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0313 • 614/ 466-3934 • Website: www.state.oh.us/med/

January 12, 2000

Youngsik Moon, M.D.
P.O. Box 37
Hollywood, Maryland 20636

Dear Doctor Moon:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

(1) On or about June 2, 1999, the Maryland State Board of Physician Quality Assurance (hereinafter the "Maryland Board") issued a Consent Order, which reprimanded you, assessed a fine of ten thousand dollars ($10,000) and ordered that your license be subject to terms for a period of one year. These terms include that you must provide affidavits with each employee's name, training, any certifications and job description. The terms further permit the Maryland Board to interview your office personnel and do follow-up investigations.

The Maryland Board found that you employed personnel who were not licensed or certified in Maryland as physicians or physical therapists but who performed physical therapy for approximately ten (10) years, and that these employees assisted your medical practice by performing tasks which may only be delegated to personnel licensed or certified in physical therapy.

Further, during the above period you billed for various services which should have been performed by a physical therapist or by you. The Maryland Board concluded that you practiced medicine with an unauthorized person in violation of Maryland law. A copy of the Maryland Board Consent Order is attached hereto and fully incorporated herein.

The Maryland Board Consent Order as alleged in paragraph (1) above, constitutes "[a]ny of the following actions taken by the state agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;" as that language is used in Section 4731.22(B)(22), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and

Mailed 1/13/00

must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Anand G. Garg, M.D.
Secretary

AGG/jag
Enclosures

CERTIFIED MAIL # Z 233 896 552
RETURN RECEIPT REQUESTED

cc: Youngsik Moon, M.D.
The Hollywood Medical Center
24435 Mervell Dean Road
Hollywood, Maryland 20636

CERTIFIED MAIL # Z 233 896 553
RETURN RECEIPT REQUESTED

IN THE MATTER OF	*	**BEFORE THE**
Youngsik Moon, M.D.	*	**STATE BOARD OF PHYSICIAN**
Respondent	*	**QUALITY ASSURANCE**
License Number: D09178	*	**Case Number: 98-0771**

* * * * * * * * * * * * * * *

CONSENT ORDER

BACKGROUND

The Maryland State Board of Physician Quality Assurance (the "Board"), pursuant to its authority under the Maryland Medical Practice Act (the "Act"), Md. Health Occ. Ann. Code ("H.O.") §14-401 et. seq., performed an investigation of a complaint against Youngsik Moon, M.D., License Number D09178, ("the Respondent"). As a result of the investigation and in lieu of further proceedings, the Board has determined to accept the Respondent's voluntary offer to enter into this Consent Order and submit to the terms as set out by the Board.

The proposed Consent Order was presented to the Board at its meeting on April 28, 1999. On the affirmative vote of a majority of its full authorized membership, the Board agreed to enter into the following Consent Order.

FINDINGS OF FACT

1. The Respondent was licensed to practice medicine in the State of Maryland on December 11, 1970.

2. At all times relevant to these findings, the Respondent was and is licensed to practice medicine in the State of Maryland.

3. The Respondent has a medical practice known as Youngsik Moon, P.A. and as The Hollywood Medical Center at 24435 Mervell Dean Road, Hollywood, Maryland.

4. On March 25, 1998, the Board received a complaint from the Maryland Automobile Insurance Fund alleging that Respondent employed personnel who were not licensed or certified in Maryland as physicians or physical therapists but who were performing physical therapy.

5. The Board investigation revealed that Respondent employed personnel who were not licensed or certified in Maryland as physicians or physical therapists but who performed physical therapy on patients in his office for approximately ten years.

6. These employees assisted Respondent in his medical practice by performing tasks which, pursuant to H.O. §14-306, can only be delegated to personnel licensed or certified in physical therapy.

7. During the period of time which the employees were employed by the Respondent, the Respondent billed for various services which should have been performed by a physical therapist, or by the Respondent.

8. The Board further finds that nothing contained in this Consent Order should be construed to mean that the Board believes that any adverse action should be taken against the Respondeat by any health maintenance organization or insurer.

CONCLUSION OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent practiced medicine with an unauthorized person, and was in violation of H.O. §14-404(a)(18).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 2nd day of June, 1999:

ORDERED that the Respondent shall be and hereby is **REPRIMANDED;** and be it further

ORDERED that the Respondent be and he is hereby assessed a **FINE** in the amount of Ten Thousand Dollars ($10,000) to be paid within twelve (12) months from the executions of this Order; and be it further

ORDERED that the Respondent's license shall be **subject to the following terms for a period of one year:**

1. Upon request by the Board, Respondent shall provide affidavits from each employee of Respondent, stating name, training, any certification and job description;

2. The Board staff may follow up with interviews of office personnel, and may do any other follow up investigation as appropriate; and be it further

ORDERED that if Respondent fails to comply with any of the terms set forth above, or fails to comply with the laws and regulations governing the duties which can be delegated by a physician, then this failure shall be deemed a violation of this Consent Order, and be it further

ORDERED that if the Respondent fails to comply with any of the terms of this Consent Order, as set forth therein, then the Board, after a determination of violation and notice and an opportunity for a hearing, may impose any other disciplinary sanctions it deems appropriate, said violation being proved by a preponderance of evidence; and be if further

ORDERED that the Respondent shall be responsible for all costs incurred in this Consent Order; and be it further

ORDERED that this Consent Order is a public document, pursuant to Md. State Govt. Code Ann. §10-601 et seq.(1995).

6.2.99
Date

Suresh C. Gupta, M.D., Chair
Board of Physician Quality Assurance

CONSENT

By signing this Consent, I hereby accept and agree to be bound by the foregoing Order and its conditions and restrictions, consisting of five pages.

1. By signing this Consent, I acknowledge the validity of this Order as if made after a hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law.

2. I recognize that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing. By this Consent I waive all such rights.

3. I am represented by counsel, Daniel R. Lanier, Esquire. I have reviewed this Consent Order with my attorney. Considering carefully the advice of my counsel, I choose to sign this Consent.

4. I have had an opportunity to review this Order with my attorney. I voluntarily sign this Order understanding its meaning and effect.

5/14/99
Date

Youngsik Moon, M.D.
Respondent

Daniel R. Lanier
Attorney for Respondent

STATE OF MARYLAND
COUNTY/CITY OF St. Mary's

I HEREBY CERTIFY that on this 14th day of May, 1999, before me, a Notary Public for the State and County aforesaid, personally appeared Youngsik Moon, M.D. and made oath in due form of law that the foregoing consent was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Kimberly Cooper Dolian
Notary Public

My Commission Expires: 1-11-03

DEC 3 - 1999

I HEREBY ATTEST AND CERTIFY UNDER PENALTY OF PERJURY ON 12/6/99 THAT THE FORGOING DOCUMENT IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE AND IN MY LEGAL CUSTODY.

EXECUTIVE DIRECTOR
MARYLAND STATE BOARD OF
PHYSICIAN QUALITY ASSURANCE