

STATE MEDICAL BOARD
OF OHIO
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**CONSENT AGREEMENT
BETWEEN
MICHAEL K. KIM, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between MICHAEL K. KIM, M.D., and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

MICHAEL K. KIM, M.D., enters into this CONSENT AGREEMENT being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(26), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraph D below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. MICHAEL K. KIM, M.D., is applying for licensure to practice medicine and surgery in the State of Ohio.

- D. MICHAEL K. KIM, M.D., ADMITS that his license to practice medicine and surgery in the State of Georgia was suspended from June 1, 1994, to December 8, 1994, pursuant to an Interim Consent Order between DOCTOR KIM and the Georgia Composite State Board of Medical Examiners.

DOCTOR KIM further ADMITS that on or about December 8, 1994, he entered into a subsequent Consent Order with the Georgia Composite State Board of Medical Examiners that lifted the suspension of his license under probationary terms and conditions, and was based in part, upon the findings of fact that DOCTOR KIM had entered and completed all phases of treatment for chemical dependency at Talbott-Marsh Recovery Campus, and that on or about October 28, 1994, DOCTOR KIM pled guilty to three (3) felony counts of possession of Oxycodone and was sentenced under the First Offender Act in the State of Georgia to three years of probation. A copy of the Consent Order is attached hereto and fully incorporated herein.

MICHAEL K. KIM, M.D., ADMITS that he has suffered from narcotic dependency.

DOCTOR KIM further ADMITS that he received treatment for narcotic dependency at Talbott-Marsh Recovery Campus in Atlanta, Georgia, from January to June 1994.

DOCTOR KIM STATES and THE STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that DOCTOR KIM has submitted documentation from G. Douglas Talbott, M.D., Medical Director of the Talbott-Marsh Recovery Campus, stating that DOCTOR KIM has maintained recovery since receiving treatment for chemical dependency in 1994, and recommending DOCTOR KIM for licensure in the State of Ohio.

DOCTOR KIM further STATES and THE STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that DOCTOR KIM has submitted documentation from his monitoring physician Frederick W. Veit, M.D. stating that DOCTOR KIM has maintained full compliance with his Georgia Consent Order, has remained abstinent from all mood-altering chemicals, and that he continues to actively participate in a treatment program.

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DOCTOR KIM further STATES and THE STATE MEDICAL BOARD OF OHIO ACKNOWLEDGES that John D. Lenton, M.D., Medical Director of the Physicians Well-being Program for The Medical Association of Georgia, has submitted a report stating that DOCTOR KIM is capable of practicing medicine with reasonable care and safety.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, MICHAEL K. KIM, M.D., shall be granted a certificate to practice medicine and surgery in the State of Ohio, and knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following PROBATIONARY terms, conditions and limitations:

1. DOCTOR KIM shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;
2. DOCTOR KIM shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which the consent agreement becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the BOARD's offices on or before the first day of every third month;
3. DOCTOR KIM shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. (Example: The first quarterly appearance is scheduled for February, but based upon the doctor's serious personal illness he is permitted to delay appearance until April. The next appearance will still be scheduled for May, three months after the appearance as originally scheduled.) Although the BOARD will normally give DOCTOR KIM written notification of scheduled appearances, it is DOCTOR KIM's responsibility to know when personal appearances will occur. If he does not receive written

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notification from the BOARD by the end of the month in which the appearance should have occurred, DOCTOR KIM shall immediately submit to the BOARD a written request to be notified of his next scheduled appearance;

4. In the event that DOCTOR KIM should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR KIM must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;
5. In the event DOCTOR KIM is found by the Secretary of the BOARD to have failed to comply with any provision of this CONSENT AGREEMENT, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under the CONSENT AGREEMENT;
6. DOCTOR KIM shall keep a log of all controlled substances prescribed, dispensed or administered. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR KIM's personal appearance before the BOARD or its designated representative, or as otherwise directed by the BOARD;
7. DOCTOR KIM shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of DOCTOR KIM 's history of chemical dependency;
8. DOCTOR KIM shall abstain completely from the use of alcohol;
9. DOCTOR KIM shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR KIM shall ensure that all screening reports are forwarded directly to the BOARD on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board;

Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR KIM shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR KIM

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shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results;

DOCTOR KIM shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, verifying whether all urine screens have been conducted in compliance with this CONSENT AGREEMENT, whether urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR KIM must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR KIM shall further ensure that the previously designated supervising physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor;

All screening reports and supervising physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR KIM's quarterly declaration. It is DOCTOR KIM's responsibility to ensure that reports are timely submitted;

10. The BOARD retains the right to require, and DOCTOR KIM agrees to submit, blood or urine specimens for analysis upon request and without prior notice. DOCTOR KIM's refusal to submit a blood or urine specimen upon request of the BOARD shall result in a minimum of one year of actual license suspension;
11. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR KIM shall submit for the BOARD's prior approval the name of a monitoring physician who shall monitor DOCTOR KIM and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR KIM shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR KIM must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD

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for another monitoring physician as soon as practicable. DOCTOR KIM shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor;

All monitoring physician reports required under this paragraph must be received in the BOARD's offices no later than the due date for DOCTOR KIM's quarterly declaration. It is DOCTOR KIM's responsibility to ensure that reports are timely submitted;

12. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR KIM shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., or Caduceus, approved in advance by the BOARD specifically for DOCTOR KIM, no less than four (4) times per week. Substitution of any specific program must receive prior BOARD approval;

DOCTOR KIM shall submit with each quarterly declaration required under Paragraph 2 of this CONSENT AGREEMENT acceptable documentary evidence of continuing compliance with this program;

13. DOCTOR KIM shall contact an appropriate impaired physicians committee, approved by the BOARD, to arrange for assistance in recovery or aftercare;
14. DOCTOR KIM shall provide continuing authorization, through appropriate written consent forms, for disclosure by his treatment provider to the BOARD, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations;
15. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR KIM shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR KIM shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the chief of staff at each hospital where he applies for or obtains privileges or appointments;

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16. Within thirty (30) days of the effective date of this CONSENT AGREEMENT, DOCTOR KIM shall provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds a license to practice. DOCTOR KIM further agrees to provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for licensure or reinstatement of licensure. Further, DOCTOR KIM shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt;
17. Any violation of Paragraph 7 or Paragraph 8 of this Agreement shall constitute grounds to revoke or permanently revoke DOCTOR KIM's certificate. DOCTOR KIM agrees that the minimum discipline for such a violation shall include actual license suspension. This paragraph does not limit the BOARD's authority to suspend, revoke or permanently revoke DOCTOR KIM's certificate based on other violations of this Consent Agreement.
18. DOCTOR KIM AGREES that if any declaration or report required by this agreement is not received in the BOARD's offices on or before its due date, DOCTOR KIM shall cease practicing beginning the day next following receipt from the BOARD of notice of non-receipt, either by writing, by telephone, or by personal contact until the declaration or report is received in the BOARD offices. Any practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code;
19. DOCTOR KIM AGREES that if, without prior permission from the BOARD, he fails to submit to random screenings for drugs and alcohol at least as frequently as required by Paragraph 9 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the violation and shall refrain from practicing for thirty (30) days for the first instance of a single missed screen. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code; and,
20. DOCTOR KIM AGREES that if he fails to participate in an alcohol and drug rehabilitation program at least as frequently as required by Paragraph 12 of this CONSENT AGREEMENT, he shall cease practicing immediately upon receipt from the BOARD of notice of the

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violation, and shall refrain from practicing for fifteen (15) days following a first missed meeting. Practice during this time period shall be considered unlicensed practice in violation of Section 4731.41 of the Revised Code.

This CONSENT AGREEMENT shall remain in force for a minimum of three (3) years prior to any request for termination of said CONSENT AGREEMENT. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the Secretary and Supervising Member of the BOARD, DOCTOR KIM appears to have violated or breached any term or condition of this CONSENT AGREEMENT, the BOARD reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

If the Secretary and Supervising Member of the BOARD determine that there is clear and convincing evidence that DOCTOR KIM has violated any term, condition or limitation of this CONSENT AGREEMENT, DOCTOR KIM agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(D), Ohio Revised Code.

DOCTOR KIM acknowledges that he has had an opportunity to ask questions concerning the terms of this CONSENT AGREEMENT and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

DOCTOR KIM hereby releases THE STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

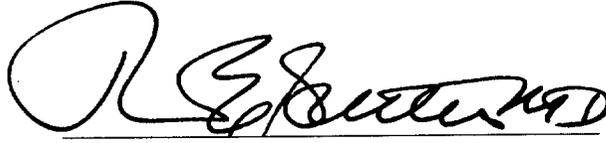
This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and that it shall become effective upon the last date of signature below.

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Further, this information may be reported to appropriate organizations, data banks and governmental bodies.



MICHAEL K. KIM, M.D.



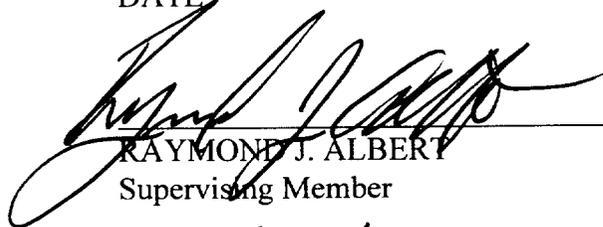
THOMAS E. GRETTER, M.D.
Secretary

6/10/96

DATE

6/12/96

DATE



RAYMOND J. ALBERT
Supervising Member

6/12/96

DATE



ANNE C. BERRY STRAIT, ESQ.
Assistant Attorney General

6/12/96

DATE

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BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

STATE OF GEORGIA

FILED IN OFFICE
Joint Secretary
State Examining Boards

IN THE MATTER OF:

MICHAEL KWANGSOO KIM, M.D.,
License No. 036794,

Respondent.

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DOCKET NO. ~~93-696~~ DEC 08 1994

94-421

DOCKET NUMBER

94-421

CONSENT ORDER LIFTING SUSPENSION

By agreement of the Composite State Board of Medical Examiners and Michael Kwangsoo Kim, M.D., Respondent, the following disposition of this matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, codified as O.C.G.A. § 50-13-13(a)(4).

FINDINGS OF FACT

1.

The Respondent is licensed to practice medicine in the State of Georgia and was so licensed at all times relevant to the matters asserted herein.

2.

On December 7, 1993, Respondent entered treatment for chemical dependency at Parkwood Hospital. On January 3, 1994, Respondent transferred to Talbott-Marsh Recovery Campus. Respondent has now completed all phases of treatment.

3.

On or about April 22, 1994, Respondent surrendered himself for arrest after three felony criminal warrants were issued for obtaining possession of controlled substances by forgery.

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4,

Respondent's license has been suspended since June 1, 1994, pursuant to an Interim Consent Order docketed by the Board on that date. This suspension period complies with the requirements of O.C.G.A. § 16-13-111(b) (1).

5.

On or about October 28, 1994, Respondent pled guilty to three felony counts of possession of oxycodone. Respondent was sentenced under the First Offender Act to three years probation.

6.

The Respondent waives any further findings of fact with respect to the above matter. However, the Respondent shall be allowed to submit a supplemental statement for the investigative file in explanation and mitigation of the matters stated herein as part of the investigative file, for consideration by the Board prior to its review of this Consent Order.

CONCLUSIONS OF LAW

The Respondent's condition and/or prior conduct constitute sufficient grounds for disciplinary or corrective action under O.C.G.A. Chs. 1 and 34, T. 43, as amended. The Respondent hereby waives any further conclusions of law with respect to the above-styled matter.

ORDER

The Composite State Board of Medical Examiners, having considered the particular facts and circumstances of this case,

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hereby orders, and the Respondent hereby agrees, to the following terms of discipline:

1.

• Provided that he otherwise complies with the terms of this Consent Order, the suspension of Respondent's license shall be lifted on the effective date of this Consent Order, and Respondent may resume the practice of medicine, under the terms and conditions outlined below.

2.

Until discharged by the Board in accordance with paragraph 2(n) below, the Respondent shall be subject to a term of supervised probation, with the following terms and conditions of probation:

(a) Limitation on Practice Locations. Respondent shall only be authorized to practice medicine at those hospitals, institutions or other facilities at which Respondent has obtained prior written approval from the Board. The Board specifically approves Respondent to practice at Fulton County Alcohol and Drug Treatment Center. Respondent may petition the Board for approval to practice at other locations by submitting a letter outlining his practice plans at that location and signed supervising physician statement from a physician on staff at that location. Respondent shall not work at any alternate location without prior written approval from the Board.

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(b) Treatment/Aftercare. The Respondent shall remain in treatment or aftercare with therapists acceptable to the Board. The Respondent has executed a continuing aftercare contract acceptable to the Board and has provided the Board with a copy of said contract. The Respondent shall abide by the terms of such agreement.

(c) Participation in Support Group. The Respondent shall affiliate with and regularly participate in meetings of Alcoholics Anonymous, Narcotics Anonymous, Caduceus Club or another similar support group acceptable to the Board in accordance with his aftercare contract or as otherwise required by the Board.

(d) Abstain from Mood Altering Substances. The Respondent shall completely abstain from the consumption of mood altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a legitimate purpose. Any such treatment shall be reported by Respondent to the monitoring physician, if different from the treating physician, and the treating and/or monitoring physician shall report such treatment and prescribing to the Board in writing. If such treatment entails the use of narcotic or other potentially addictive substances, a consultation with a board approved addictionologist shall be obtained at the direction of the medical coordinator.

(e) Random Drug/Alcohol Screens. The Board or its representative or Respondent's supervising or monitoring

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physicians shall have the authority at any time to order the Respondent to undergo random witnessed and immediate drug/alcohol urine, biological fluid, blood, or hair screen analysis at the Respondent's expense. Proper chain of custody shall be maintained and positive results shall be confirmed by such means as may be required to ensure the validity of such screening.

(f) Further evaluation. At any time during the period of probation, the Board shall also have the authority to order the Respondent to undergo a physical or mental evaluation by physicians designated by the Board. Respondent shall execute such releases as may be required for the Board to obtain the results of such evaluations.

(g) Supervision and Monitoring. Respondent shall designate an acceptable supervising ("workplace") physician and an acceptable primary care ("monitoring") physician experienced in addictionology, and provide a copy of this Consent Order to such physicians. Such physicians shall sign a statement to be submitted in conjunction with the Consent Order, as evidence of having read and understood the terms contained in the Consent Order, and agreeing to serve as Respondent's supervising and monitoring physicians.

(h) Quarterly Reports. The Respondent shall submit or cause to be submitted quarterly reports from the supervising and monitoring physicians or therapists regarding his performance and mental/physical condition by March 31, June 30,

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September 30 and December 31, including a report on any medication being prescribed to the Respondent. Failure to submit or have the monitoring and supervising reports submitted in a timely manner shall be considered a violation of this Consent Order. It is expected that said supervising and monitoring physicians shall be in communication with each other and will immediately report any change in Respondent's condition which would render Respondent unable to practice with reasonable skill and safety to patients. By executing this Consent Order; Respondent specifically consents to such supervising and monitoring physicians or any other facility where Respondent obtains medical treatment reporting upon Respondent's condition, notwithstanding any privilege provided by state or federal law. Respondent shall obtain prior Board approval through the medical coordinator or executive director for any change in supervising or monitoring physicians.

(i) DEA Registration. Until further order of the Board Respondent may use his DEA registration for institutional use only, for the purpose of prescribing or ordering medication for institutionalized patients for consumption on the institutional premises only. Respondent shall not use his DEA registration for any other purpose. Respondent may not petition for modification of this restriction until at least one year from the effective date of this Consent Order.

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(j) Use of Physician's Assistant. If Respondent employs a physician's assistant in his practice, Respondent shall not utilize the physician's assistant to perform tasks which are otherwise prohibited by the terms of this Consent Order, or otherwise utilize the services of the physician's assistant in such a way as to circumvent any restriction, term or condition outlined herein.

(k) Periods of Residency Outside Georgia. In the event the Respondent should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of Georgia as well as periods when Respondent is not actively engaged in the practice of medicine or is on inactive licensure status will not apply to the reduction of the Respondent's probationary period, except as authorized by the Board. The Respondent shall advise the Board of any change in address of record or employment status.

(l) Copies to Hospitals, Associates, Employers. The Respondent shall supply a copy of this Consent Order, once approved and docketed, and within ten (10) days from receipt of the docketed copy by Applicant, to each hospital or other institution in Georgia where Respondent maintains staff privileges of any kind, and to any person with whom Respondent is associated in practice, including other physicians or physician's assistants or to any person or entity for whom

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Respondent is employed as a physician in the State of Georgia. Respondent shall also be required to disclose the existence of and provide a copy of this Consent Order to such individuals or entities in connection with any future application for institutional appointment, associated practice, utilization of a physician's assistant, or employment as a physician in the State of Georgia while this Consent Order is in effect. By executing this Consent Order, Respondent specifically consents to any such individuals or entities reporting to the Board information which would affect Respondent's ability to practice medicine with reasonable skill and safety to patients, notwithstanding any privilege provided by state or federal law.

(m) Abide By Laws, Rules and Terms. The Respondent shall abide by all State and Federal laws regulating the practice of medicine or relating to drugs, the Rules and Regulations of the Composite State Board of Medical Examiners, the terms of any order issued by another lawful licensing authority or consent agreement entered between Respondent and another lawful licensing authority and the terms of this Consent Order and probation. If the Respondent shall fail to abide by such laws, rules or terms, or if it should appear from monitoring reports submitted to the Board that the Respondent is otherwise unable to practice medicine with reasonable skill and safety to patients, the Respondent's license shall be subject to further discipline, including revocation, upon substantiation thereof.

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after notice and hearing, and if revoked the Board in its discretion may determine that the license should be permanently revoked and not subject to reinstatement. Respondent further agrees that any violation of this Consent Order shall be deemed to be sufficient to authorize the Board to order summary suspension of the Respondent's license, pending further proceedings, pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), or any other statute authorizing emergency action, but Respondent understands that he shall be entitled to an expedited hearing to substantiate such violation(s), if the Board exercises such right.

(n) Termination of Probation. Respondent shall not be eligible to petition for termination of probation until he has maintained his sobriety for a period of five years. Respondent's sobriety date is January 3, 1994. At such time, within 60 days of the scheduled date of termination of probation, the Respondent may petition for termination of probation by certifying under oath before a notary public that the Respondent has complied with all conditions of probation and by providing documentation supporting discharge from probation. Respondent shall also certify under oath that he has been continuously sober for a period of at least five years. The Composite State Board of Medical Examiners shall be authorized to review and evaluate the practice of the Respondent prior to lifting the probation. At such time, the

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Board shall be authorized to restore all rights and privileges incident to the license of the Respondent, unless the Board has received information that the Respondent has not complied with the terms of probation or has otherwise failed to comply with the laws and rules regulating the practice of medicine. Should the Board determine that reasonable cause exists for maintaining Respondent's license on a probationary status, the Board shall notify Respondent of its intent to extend the probationary period, and Respondent may respond to such notification in writing or request an appearance before the Board or its representative as in a non-contested case. In any event, this Consent Order shall remain in effect pending a final determination by the Board and notification that the probationary period has terminated.

3.

In addition to and in conjunction with any other sanctions contained herein, this Consent Order and dissemination thereof shall serve as a public reprimand to the Respondent for his conduct.

4.

Respondent, Michael Kwangsoo Kim, M.D., acknowledges that he is represented by counsel in this matter, that he has read this Consent Order, discussed it with his counsel, and understands its contents. He understands that he has the right to a hearing in this matter, and freely, knowingly and voluntarily waives such right by entering into this Consent

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Order. He understands that this Consent Order will not become effective until approved by the Composite State Board of Medical Examiners and docketed by the Joint Secretary, State Examining Boards. He further understands and agrees that a representative of the Department of Law may be present during presentation of this Consent Order to the Board and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. He further understands that this Consent Order, once approved, shall constitute a public record which may be disseminated in the same manner as a disciplinary action of the Board. However, if the Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter. Respondent consents to the terms and conditions contained herein.

Approved, this 7th day of December, 1964

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

BY:

F. James Funk, Jr.
F. JAMES FUNK, JR., M.D.
President

ATTEST:

William G. Mills
Joint Secretary
State Examining Boards

(BOARD SEAL)

(signatures continued on next page)

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Consented to:

Witness of Signature:
Sworn to and subscribed
before me this 29th day
of November, 1994.

Patricia S. Funderburk
NOTARY PUBLIC
My commission expires APRIL 7, 1997
NOTARY PUBLIC
FULTON COUNTY
GEORGIA

Michael Kwangsoo Kim
MICHAEL KWANGSOO KIM, M.D.
Respondent

Martin G. Charlton
MARTIN G. CHARLTON
Attorney for Respondent

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MONITORING AND SUPERVISING PHYSICIAN STATEMENT

The undersigned supervising and monitoring physicians acknowledge that they have read the attached Consent Order and agree to serve as Respondent's supervising and monitoring physicians.

Sworn to and subscribed before me this 29 day of November, 1994.

Gwendolyn S. Burt

NOTARY PUBLIC

My commission expires:

Notary Public, DeKalb County, Georgia
My Commission Expires: 11/29/95

Sworn to and subscribed before me this 29 day of November, 1994.

John 9/24/95

NOTARY PUBLIC

My commission expires:

(Signed) [Signature]

Name:

Supervising (Workplace) Physician

Address: 265 Boulevard Atlantic, G. 30312

Telephone: 518-2031 home

7301661 work

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(Signed) [Signature]

Name: FREDERICK W. VEIT M.D.

Monitoring Physician/Therapist

Program: ANCHOR HOSP. / TMRS

Address: 5454 YORKTOWN DR.

COLLEGE PARK, GA 30349

HOSP: (404) - 991 - 6044

OFF: (404) - 460 - 9672

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FEB 09 1996

DOCKET NUMBER

94-421

BEFORE THE COMPOSITE STATE BOARD OF MEDICAL EXAMINERS
STATE OF GEORGIA

IN THE MATTER:
MICHAEL KIM, M.D.

LICENSE NO. 036794

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DOCKET NO. 94-421

ORDER MODIFYING TERMS

The Consent Order docketed December 8, 1994, is hereby modified as follows:

Respondent shall be allowed to use his DEA Permit for all Schedules in the course of his medical practice.

This 8th day of January, 1996.

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

HOYT DEES, M.D.
PRESIDENT

ATTEST:

Willie G. Miller
WILLIAM G. MILLER, JR., JOINT SECRETARY
STATE EXAMINING BOARDS

96 JUN 11 AM 11:12

STATE MEDICAL BOARD
OF OHIO