



Division of Public Health

Division of Public Health, Licensure Unit
301 Centennial Mall South, 3rd Floor, P.O. Box 94986
Lincoln, NE 68509-4986
Phone (402) 471-2115 FAX (402) 471-3577

State of Nebraska

Dave Heineman, Governor

July 27, 2010

Jasung Kim, MD
6920 Van Dorn St Suite B
Lincoln NE 68506

Dear Dr Kim:

This letter acknowledges receipt as of July 20, 2010, of your Original Wall License and current License Card No. 21811 to practice as a Physician in the State of Nebraska.

In complying with Condition No. 6 of the Order on Agreed Settlement issued by the Chief Medical Officer on July 13, 2010, I will retain your license in the office of the Licensure Unit for the time that it is suspended, starting February 5, 2010, the effective date of your immediate suspension.

Please contact Ruth Schuldt, Compliance Monitor, at (402) 471-0313, if you have any questions.

Sincerely,


Helen L. Meeks, Administrator
Licensure Unit

HLM/jjb

cc: Ruth Schuldt, Compliance Monitor

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

LICENSURE UNIT

JUL 14 2010

RECEIVED

STATE OF NEBRASKA ex rel.,
JON BRUNING, Attorney General,

Plaintiff,

vs.

JASUNG KIM, M.D.

Defendant.

H10-405

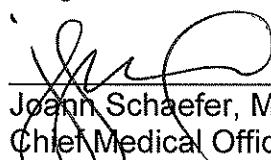
ORDER ON
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on July 8, 2010.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.


DATED this 13 day of July, 2010.



Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

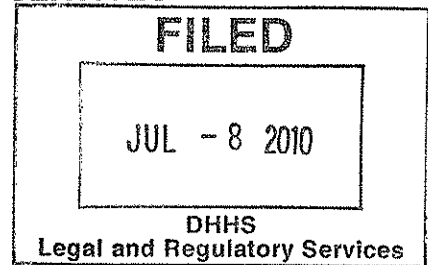
CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 14th day of July, 2010 a copy of the foregoing **ORDER ON AGREED SETTLEMENT** was sent by United States certified mail, postage prepaid, return receipt requested, to **Melanie Whittamore-Mantzios, Wolfe, Snowden, Hurd, Luers & Ahl, 1248 O Street, Suite 800, Wells Fargo Center, Lincoln, NE 68508-1424** and by interoffice mail to **Susan M. Ugai, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska.**



Keith B. Roland
DHHS Legal and Regulatory Services
P.O. Box 98914
Lincoln NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376

**THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA**



**STATE OF NEBRASKA ex rel. JON
BRUNING, Attorney General,**

Plaintiff,

vs.

JASUNG KIM, M.D.,

Defendant.

AGREED SETTLEMENT

The Plaintiff and the Defendant, Jasung Kim, M. D., in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. The Defendant, Jasung Kim, M.D., was issued medical license # 21811 by the Nebraska Department of Health and Human Services Division of Public Health ("Department") to practice medicine in the State of Nebraska.

2. Before disciplinary measures may be taken against the Defendant's license, the Defendant is entitled to a hearing as provided by law. The Defendant waives the right to a hearing. The Defendant waives any right to judicial review of an order by the Department's Chief Medical Officer which approves the terms of this Agreed Settlement.

3. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce him to enter into this Agreed Settlement.

4. The Defendant acknowledges that he has read the Amended Petition for: Disciplinary Action and Temporary License Suspension filed by the Attorney General's Office. The Defendant pleads no contest to the allegations of the Amended Petition for: Disciplinary Action and Temporary License Suspension.

5. The Plaintiff and the Defendant consent to the Department's Chief Medical Officer entering a final disciplinary order which finds that the allegations of the Amended Petition for: Disciplinary Action and Temporary License Suspension are true.

6. The Plaintiff and the Defendant consent to the Chief Medical Officer entering an order suspending the Defendant's license to practice medicine for one (1) year beginning February 5, 2010, the date of his immediate suspension in this case. The Defendant shall not engage in any conduct which constitutes the practice of medicine during the period of suspension of his medical license.

7. During the one (1) year suspension the Defendant shall complete treatment and shall continue to follow all recommendations of his treatment providers.


8. The Defendant acknowledges that reinstatement of his medical license at the end of the one (1) year suspension is at the discretion of the Department and upon approval of the Board of Medicine and Surgery. Defendant shall provide proof of completion of treatment and continued compliance with treatment recommendations with his reinstatement application.

9. Any Nebraska medical license now in the possession of the Defendant shall be surrendered to the Department upon the entry of the Chief Medical Officer's Order of Agreed Settlement.

10. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Medicine and Surgery and has received their input in accordance with NEB. REV. STAT. § 38-190 (Reissue 2008).


11. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

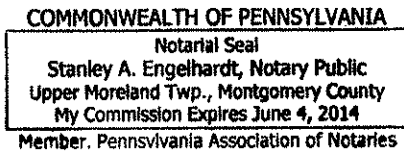
AGREED TO:

BY: 
Jasung Kim, M.D.
Defendant

State of Nebraska)
) ss.
County of Lancaster)

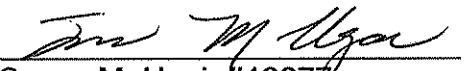
Acknowledged before me by Jasung Kim, M.D. on this 30 day of
June, 2010.


Notary Public
My Commission Expires:



THE STATE OF NEBRASKA ex rel.
JON BRUNING, Attorney General,
Plaintiff,

BY: JON BRUNING, #20351
Attorney General

BY: 
Susan M. Ugai, #16677
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
Tel: (402) 471-9658
Fax: (402) 471-4725

Attorneys for Plaintiff.

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

LICENSURE UNIT

JUL 12 2010

RECEIVED

STATE OF NEBRASKA ex rel.,
JON BRUNING, Attorney General

Plaintiff,

vs.

JASUNG KIM, M.D.,

Defendant.

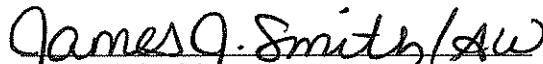
H10-405

ORDER ON
MOTION TO CONTINUE

THIS MATTER came for consideration on Motion of Counsel for Defendant, for a continuance of the hearing scheduled for June 23, 2010. Defendant has agreed to waive the provision of Neb. Rev. Stat. § 38-183(3). Counsel for the Plaintiff has no objection to this motion. The Hearing Officer being fully advised finds that the motion should be granted.

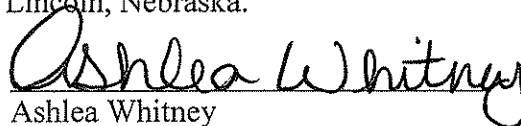
IT IS THEREFORE ORDERED that the hearing in this matter is hereby continued.

DATED this 12 day of July, 2010.

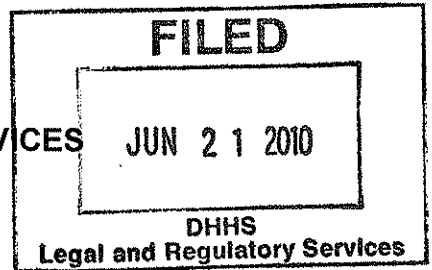

James J. Smith
Hearing Officer

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 12 day of July, 2010, a copy of the foregoing **ORDER ON MOTION TO CONTINUE** was sent by certified United States mail, postage prepaid, return receipt requested to **Melanie J. Whittamore-Mantzios, Wolfe, Snowden, Hurd, Luers & Ahl, LLP, Wells Fargo Center, 1248 O Street, Suite 800, Lincoln, NE 68508-1424, Fax 402-474-3170** and by interagency mail to **Susan M. Ugai, Assistant Attorney General, 2115 Capitol Building, Lincoln, Nebraska.**


Ashlea Whitney
DHHS Legal and Regulatory Services
P.O. Box 98914
Lincoln, NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



STATE OF NEBRASKA ex rel. JON
BRUNING, Attorney General,

Plaintiff,

vs.

JASUNG KIM, M.D.,

Defendant.

MOTION TO
CONTINUE HEARING

COMES NOW, the defendant, Jasung Kim, M.D., by and through his attorney, Melanie J. Whittamore-Mantzios, and hereby moves that this case, which is presently scheduled for hearing on June 23, 2010, at 1:30 p.m., be continued for 30 days to allow for more time to gather witnesses and discovery.

On June 18, 2010, the undersigned emailed counsel for the Plaintiff, Assistant Attorney General Susan Ugai, requesting a continuance of the June 23, 2010 hearing. Attorney Ugai has no objection to the continuance of the hearing on this matter.

Defendant has agreed to waive the provision of Neb. Rev. Stat. §38-183(3), which allows him to have his license to practice medicine and surgery reinstated ninety days after it was temporarily suspended until such time as the hearing is held and the matter is resolved.

WHEREFORE, in the interest of justice, the Defendant, Jasung Kim, M.D., requests a continuance of the hearing for 30 days.

DATED this 18th day of June, 2010.

JASUNG KIM, M.D., Defendant

By: 
Melanie J. Whittamore-Mantzios, #18883
WOLFE, SNOWDEN, HURD,
LUERS & AHL, LLP
Wells Fargo Center
1248 O Street, Suite 800
Lincoln, NE 68508-1424
Tel: (402) 474-1507
Fax: (402) 474-3170

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original of the foregoing **Motion to Continue Hearing** was served upon DHHS Legal & Regulatory Services, P. O. Box 98914, Lincoln, Nebraska 68509-8914, with a true and correct copy to Susan M. Ugai, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska 68509, by first-class United States Mail, postage prepaid, this 18th day of June, 2010.


Melanie J. Whittamore-Mantzios

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

MAY 28 2010

RECEIVED

STATE OF NEBRASKA ex rel.,
JON BRUNING, Attorney General

Plaintiff,

vs.

JASUNG KIM, M.D.,

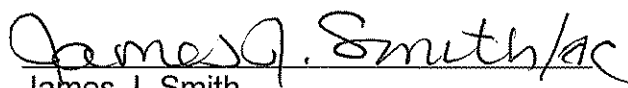
Defendant.

H10-405

NOTICE OF HEARING

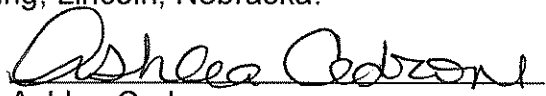
On April 29, 2010 an Order on Motion to Continue was granted in the above captioned matter. This matter is hereby set for hearing on **June 23, 2010 at 1:30 p.m.** Report to the DHHS Division of Public Health hearing room located in the Gold's Building, 1050 N Street, Suite 113, Lincoln, Nebraska.

DATED this 6th day of May, 2010.


James J. Smith
Hearing Officer

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 6th day of May 2010, a copy of the foregoing **NOTICE OF HEARING** was sent by certified United States mail, postage prepaid, return receipt requested to **Melanie J. Whittamore-Mantzios, Wolfe, Snowden, Hurd, Luers & Ahl, LLP, Wells Fargo Center, 1248 O Street, Suite 800, Lincoln, NE 68508-1424** and by interagency mail to **Susan M. Ugai, Assistant Attorney General, 2115 Capitol Building, Lincoln, Nebraska.**


Ashlea Cedrone
DHHS Legal and Regulatory Services
P.O. Box 98914
Lincoln, NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

MAY 28 2010

RECEIVED

STATE OF NEBRASKA ex rel.,
JON BRUNING, Attorney General

Plaintiff,

vs.

JASUNG KIM, M.D.,

Defendant.

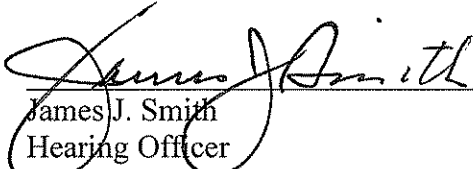
H10-405

ORDER ON
MOTION TO CONTINUE

THIS MATTER came for consideration on Motion of Counsel for Defendant, for a continuance of the hearing scheduled for April 29, 2010. Defendant has agreed to waive the provision of Neb. Rev. Stat. § 38-183(3). Counsel for the Plaintiff has no objection to this motion. The Hearing Officer being fully advised finds that the motion should be granted.


IT IS THEREFORE ORDERED that the hearing in this matter is hereby continued. A notice setting the matter for hearing will follow.

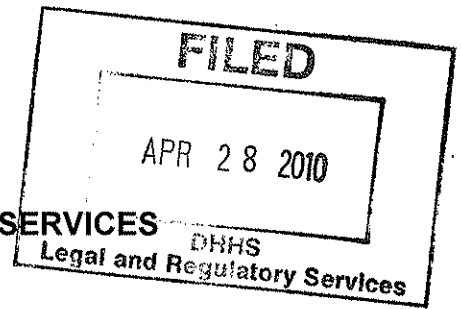
DATED this 29 day of April, 2010.


James J. Smith
Hearing Officer

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 29 day of April 2010, a copy of the foregoing ORDER ON MOTION TO CONTINUE was sent by certified United States mail, postage prepaid, return receipt requested and by fax to **Melanie J. Whittamore-Mantzios, Wolfe, Snowden, Hurd, Luers & Ahl, LLP, Wells Fargo Center, 1248 O Street, Suite 800, Lincoln, NE 68508-1424, Fax 402-474-3170** and by interagency mail to **Susan M. Ugai, Assistant Attorney General, 2115 Capitol Building, Lincoln, Nebraska.**


Ashlea Cedrone
DHHS Legal and Regulatory Services
P.O. Box 98914
Lincoln, NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376



THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

STATE OF NEBRASKA ex rel. JON
BRUNING, Attorney General,

Plaintiff,

vs.

JASUNG KIM, M.D.,

Defendant.

MOTION TO
CONTINUE HEARING

COMES NOW, the defendant, Jasung Kim, M.D., by and through his attorney, Melanie J. Whittamore-Mantzios, and hereby moves that this case, which is presently scheduled for hearing on April 29, 2010, at 1:30 p.m., be continued for 30 days to allow for more time to gather witnesses and discovery.

On April 27, 2010, the undersigned telephoned counsel for the Plaintiff, Assistant Attorney General, Susan Ugai, requesting a continuance of the April 29, 2010, hearing. Attorney Ugai has no objection to the continuance of the hearing on this matter.

Defendant has agreed to waive the provision of Neb. Rev. Stat. §38-183(3), which allows him to have his license to practice medicine and surgery reinstated ninety days after it was temporarily suspended until such time as the hearing is held and the matter is resolved.

WHEREFORE, in the interest of justice, the Defendant, Jasung Kim, M.D., requests a continuance of the hearing for 30 days.

DATED this 27th day of April, 2010.

JASUNG KIM, M.D., Defendant

By:



Melanie J. Whittamore-Mantzios, #18883

WOLFE, SNOWDEN, HURD,

LUERS & AHL, LLP

Wells Fargo Center

1248 O Street, Suite 800

Lincoln, NE 68508-1424

Tel: (402) 474-1507

Fax: (402) 474-3170

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original of the foregoing **Motion to Continue Hearing** was served upon DHHS Legal & Regulatory Services, P. O. Box 98914, Lincoln, Nebraska 68509-8914, with a true and correct copy to Susan M. Ugai, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska 68509, by first-class United States Mail, postage prepaid, this 27th day of April, 2010.



Melanie J. Whittamore-Mantzios

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

STATE OF NEBRASKA ex rel.,
JON BRUNING, Attorney General

Plaintiff,

vs.

JASUNG KIM, M.D.,

Defendant.

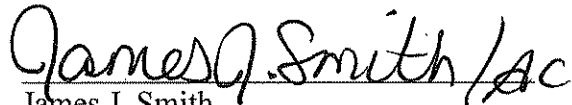
H10-405

ORDER ON
MOTION TO CONTINUE

THIS MATTER came for consideration on Motion of Counsel for Plaintiff, for a continuance of the hearing scheduled for March 25, 2010. Counsel for the Defendant has no objection to this motion. The Hearing Officer being fully advised finds that the motion should be granted.

IT IS THEREFORE ORDERED that the hearing in this matter is hereby continued until **April 29, 2010 at 1:30 p.m.** Report to the DHHS Division of Public Health hearing room located in the Gold's Building, 1050 N Street, Suite 113, Lincoln, Nebraska.

DATED this 26 day of March, 2010.

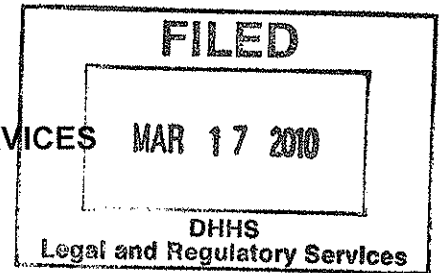

James J. Smith
Hearing Officer

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 26 day of March 2010, a copy of the foregoing **ORDER ON MOTION TO CONTINUE** was sent by certified United States mail, postage prepaid, return receipt requested to **Melanie J. Whittamore-Mantzios, Wolfe, Snowden, Hurd, Luers & Ahl, LLP, Wells Fargo Center, 1248 O Street, Suite 800, Lincoln, NE 68508-1424** and by interagency mail to **Susan M. Ugai, Assistant Attorney General, 2115 Capitol Building, Lincoln, Nebraska.**


Ashlea Cedrone
DHHS Legal and Regulatory Services
P.O. Box 98914
Lincoln, NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



STATE OF NEBRASKA, ex rel. JON
BRUNING, Attorney General

Plaintiff,

v.

JASUNG KIM, M.D.,

Defendant.

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Case No.

MOTION FOR CONTINUANCE

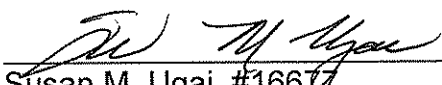
COMES NOW the plaintiff, by and through Susan M. Ugai, Assistant Attorney General, and moves the hearing officer to enter an order continuing the hearing currently scheduled for March 25, 2010, at 1:00 p.m. for the reason that the parties have additional discovery to complete.

Defendant has no objection to the continuance.

Dated this 16th day of March, 2010.

STATE OF NEBRASKA, ex rel. JON
BRUNING, Plaintiff,

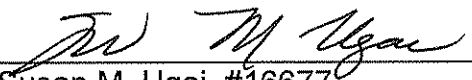
BY: JON BRUNING, #20351
Attorney General

BY: 
Susan M. Ugai, #1667
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
Tel: (402) 471-9658

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Now on this 16th day of March, 2010, a true and correct copy of the above Motion to Continue was sent by U.S. mail to Defendant's attorney Melanie J. Whittamore-Mantzios, Wolfe, Snowden, Hurd, Luers & Ahl, LLP, Suite 830, Wells Fargo Center, 1248 O Street, Lincoln, NE 68508-1424.


Susan M. Ugai, #16677

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

STATE OF NEBRASKA ex rel.,
JON BRUNING, Attorney General

Plaintiff,

vs.

JASUNG KIM, M.D.,

Defendant.

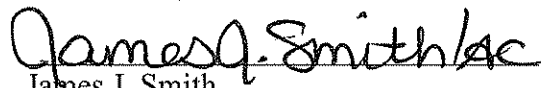
H10-405

ORDER ON
MOTION TO CONTINUE

THIS MATTER came for consideration on Motion of Counsel for Defendant, for a continuance of the hearing scheduled for February 19, 2010 to allow more time for preparation. Counsel for the Plaintiff has no objection to this motion. The Hearing Officer being fully advised finds that the motion should be granted.

IT IS THEREFORE ORDERED that the hearing in this matter is hereby continued until **March 25, 2010 at 1:30 p.m.** Report to the DHHS Division of Public Health hearing room located in the Gold's Building, 1050 N Street, Suite 113, Lincoln, Nebraska.

DATED this 16 day of February, 2010.

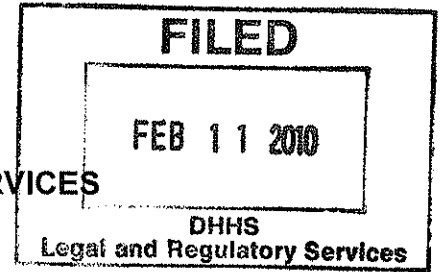

James J. Smith
Hearing Officer

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 16th day of February, 2010, a copy of the foregoing **ORDER ON MOTION TO CONTINUE** was sent by certified United States mail, postage prepaid, return receipt requested to **Melanie J. Whittamore-Mantzios, Wolfe, Snowden, Hurd, Luers & Ahl, LLP, Wells Fargo Center, 1248 O Street, Suite 800, Lincoln, NE 68508-1424** and by interagency mail to **Susan M. Ugai**, Assistant Attorney General, 2115 Capitol Building, Lincoln, Nebraska.


Ashlea Cedrone
DHHS Legal and Regulatory Services
P.O. Box 98914
Lincoln, NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



STATE OF NEBRASKA ex rel. JON
BRUNING, Attorney General,

Plaintiff,

vs.

JASUNG KIM, M.D.,

Defendant.

MOTION TO
CONTINUE HEARING

COMES NOW, the defendant, Jasung Kim, M.D., by and through his attorney, Melanie J. Whittamore-Mantzios, and hereby moves that this case which is presently scheduled for hearing on February 19, 2010, at 9:00 a.m., be continued for 30 days to allow for more time to gather witnesses and discovery.

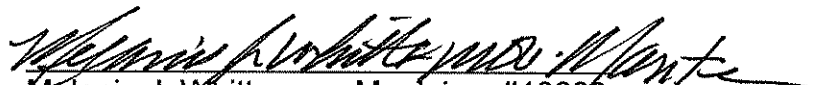
On February 9, 2010, the undersigned telephoned counsel for the Plaintiff, Assistant Attorney General, Susan Ugai, requesting a continuance of the February 19, 2010, hearing. Attorney Ugai has no objection to the continuance of the hearing on this matter.

WHEREFORE, in the interest of justice, the Defendant, Jasung Kim, M.D., requests a continuance of the hearing for 30 days.

DATED this 10th day of February, 2010.

JASUNG KIM, M.D., Defendant

By:



Melanie J. Whittamore-Mantzios, #18883

WOLFE, SNOWDEN, HURD,

LUERS & AHL, LLP

Wells Fargo Center

1248 O Street, Suite 800

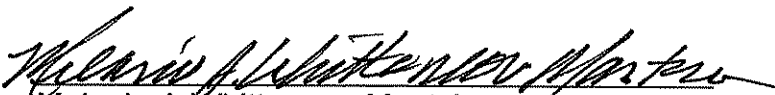
Lincoln, NE 68508-1424

Tel: (402) 474-1507

Fax: (402) 474-3170

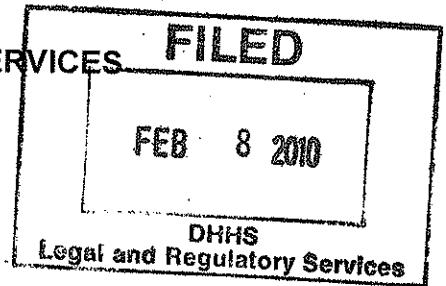
CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original of the foregoing **Motion to Continue Hearing** was served upon DHHS Legal & Regulatory Services, P. O. Box 98914, Lincoln, Nebraska 68509-8914, with a true and correct copy to Susan M. Ugai, Assistant Attorney General, 2115 State Capitol, Lincoln, Nebraska 68509, by first-class United States Mail, postage prepaid, this 10th day of February, 2010.



Melanie J. Whittamore-Mantzios

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



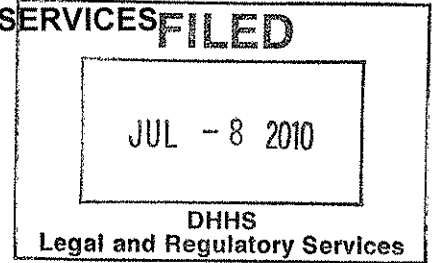
STATE OF NEBRASKA ex rel. JON)
BRUNING, Attorney General,)
)
Plaintiff,)
)
v.)
)
JASUNG KIM, M.D.,)
)
Defendant.)

PROOF OF SERVICE

The undersigned investigator from the Nebraska DHHS Division of Public Health, Professions and Occupations Investigations, hereby certifies that a copy of the Petition for: Disciplinary Action and Temporary License Suspension and Order for Temporary License Suspension and Notice of Hearing were personally served upon the Defendant, Jasung Kim, M.D., on February 4, 2010, at 4²⁵_P o'clock P.m. at the following location: Lincoln Psychiatric Group
6920 Van Dorn Ste B Lincoln, NE

BY: Patricia Lemke
Patricia Lemke, Investigator
1033 'O' St., Ste 500
Lincoln, NE

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



STATE OF NEBRASKA, ex rel. JON)
BRUNING, Attorney General,)
)
Plaintiff,)
)
vs.)
)
JASUNG KIM, M.D.,)
)
Defendant.)

AMENDED PETITION FOR:
DISCIPLINARY ACTION
And
TEMPORARY LICENSE
SUSPENSION

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Jurisdiction is based on NEB. REV. STAT. §§ 38-183, 38-184, 38-186 (Reissue 2008) and 71-150 (Reissue 2003).
2. At all times relevant herein, the Defendant, Jasung Kim, M.D., has been the holder of license #21811 which was issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department") for his practice as a medical doctor.
3. The Department is the agency of the State of Nebraska authorized to enforce the laws of Nebraska regulating the practice of medicine.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made its recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to NEB. REV. STAT. §§ 38-1,105, 38-1,106 (Reissue 2008), 71-168.01(7), and 71-168.01(8) (Reissue 2003).
5. Defendant's primary practice is in the field of psychiatry.

6. Patient J.A. had her first appointment with the Defendant on July 14, 2009.

7. Defendant was being treated for depression. During the appointment J.A. told the Defendant she had been hurt terribly in relationships and wanted no romantic relationship in her life. Defendant wrote prescriptions for J.A. At the end of the session, Defendant told J.A. she needed to get a new psychiatrist as he was attracted to her. Defendant gave J.A. his cell phone number.

7. Defendant acquired J.A.'s telephone number from her medical chart and called her later that same day to ask her out on a date. They began a dating relationship on July 16, 2009, which became a sexual relationship and continued through September 9, 2009.

8. During their dating relationship, Defendant continued to give J.A. therapeutic advice and tried to wean her off her medications.

9. After she terminated her personal relationship with Defendant, J.A. called the treatment providers' office on September 10, 2009, and told them she needed medication refills, specifically requesting that Defendant not be involved in her care. Defendant wrote refill prescriptions for J.A. on September 10, 2009.

10. V.K. was Defendant's patient from July 23, 2004, through November 1, 2005, and from February 27, 2009, to the present. V.K. is being treated with Suboxone for opioid addiction. Defendant dated and had a sexual relationship with V.K. in May of 2009. V.K. indicated she felt she was in a situation where Defendant was one of the few prescribing physicians for Suboxone in Lincoln and wondered if she cut off the relationship whether he would stop prescribing for her, and she would have to go to Omaha for treatment.

11. Defendant is currently V.K.'s treatment provider and prescribing Suboxone for her. V.K. sees him approximately every six weeks.

FIRST CAUSE OF ACTION

12. Paragraphs 1 through 11 are incorporated herein by reference.

13. NEB. REV. STAT. §§ 38-178(23) (Reissue 2008) and 71-147 (10) (2006 Cum. Supp.) provides that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

14. NEB. REV. STAT. §§ 38-179 (Reissue 2008) and 71-148 (Reissue 2003) define unprofessional conduct as any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or occupation or the ethics of the profession or occupation regardless of whether a person, patient or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest.

15. NEB. REV. STAT. §§ 38-179(15) (Reissue 2008) and 71-148(22) (Reissue 2003) define unprofessional conduct as such other acts as may be defined in rules and regulations adopted and promulgated by the board of examiners in the profession of the applicant, licensee, certificate holder or registrant with the approval of the Department.

16. Title 172 Chapter 88-013.21 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as any conduct or practice outside the normal standard of care in the State of Nebraska which is or might be harmful or dangerous to the health of the patient or the public.

17. Title 172 Chapter 88-013.16 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as commission of any act of sexual misconduct, or exploitation related to the person's practice of medicine and surgery.

Sexual misconduct in the practice of medicine means violation of the physician-patient relationship through which the physician uses said relationship to induce or attempt to induce the patient to engage, or to attempt to engage the patient, in sexual activity; committing any act which may reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both.

18. Defendant's conduct is unprofessional conduct and is grounds for discipline.

SECOND CAUSE OF ACTION

19. Paragraphs 1 through 18 are incorporated herein by reference.

20. NEB. REV. STAT. §§ 38-178(23) (Reissue 2008) and 71-147 (10) (2006 Cum. Supp.) provide that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

21. NEB. REV. STAT. §§ 38-179(9) (Reissue 2008) defines unprofessional conduct as commission of any act of misconduct or exploitation related to the practice of the profession of the credential holder.

22. Defendant's conduct is unprofessional conduct and is grounds for discipline.

THIRD CAUSE OF ACTION

23. Paragraphs 1 through 22 are incorporated herein by reference.

24. Title 172 Chapter 88-013.1 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as any departure from or failure to conform to the ethics of the medical profession, as found in the American Medical Association's Code of Medical Ethics and Opinions.

25. The American Medical Association's Code of Medical Ethics and Opinions § 8.14 Sexual Misconduct in the Practice of Medicine also provides:

"Sexual contact that occurs concurrent with the patient-physician relationship constitutes sexual misconduct. Sexual or romantic interactions between physicians and patients detract from the goals of the physician-patient relationship, may exploit the vulnerability of the patient, may obscure the physician's objective judgment concerning the patient's health care, and ultimately may be detrimental to the patient's well-being.

If a physician has reason to believe that non-sexual contact with a patient may be perceived as or may lead to sexual contact, then he or she should avoid the non-sexual contact. At a minimum, a physician's ethical duties include terminating the physician-patient relationship before initiating a dating, romantic, or sexual relationship with a patient.

Sexual or romantic relationships between a physician and a former patient may be unduly influenced by the previous physician-patient relationship. Sexual or romantic relationships with former patients are unethical if the physician uses or exploits trust, knowledge, emotions, or influence derived from the previous professional relationship."

26. The Principles of Medical Ethics with Annotations Especially Applicable to Psychiatry, Section 1.1, 2009 Edition Revised, states: "A psychiatrist shall not gratify his or her own needs by exploiting the patient. The psychiatrist shall be ever vigilant about the impact that his or her conduct has upon the boundaries of the doctor-patient relationship, and thus upon the well-being of the patient. These requirements become particularly

important because of the essentially private, highly personal, and sometimes intensely emotional nature of the relationship established with the psychiatrist.”

27. The Principles of Medical Ethics with Annotations Especially Applicable to Psychiatry, Section 2.1, 2009 Edition Revised, states: “The requirement that the physician conduct himself/herself with propriety in his or her professional and in all the actions of his or her life is especially important in the case of the psychiatrist because the patient tends to model his or her behavior after that of his or her psychiatrist by identification. Further, the necessary intensity of the treatment relationship may tend to activate sexual and other needs and fantasies on the part of both patient and psychiatrist, while weakening the objectivity necessary for control. Additionally, the inherent inequality in the doctor-patient relationship may lead to exploitation of the patient. Sexual activity with a current or former patient is unethical.”

28. Defendant’s personal relationships with patients and continued treatment of those patients constitute unprofessional conduct and is grounds for discipline.

FOURTH CAUSE OF ACTION

29. Paragraphs 1 through 28 are incorporated herein by reference.

30. NEB. REV. STAT. §§ 38-178(6)(d and) 71-147(5) (2006 Cum. Supp.) provides that a professional license may be disciplined, revoked, or suspended for practice of the profession in a pattern of negligent conduct in performing the duties of the profession.

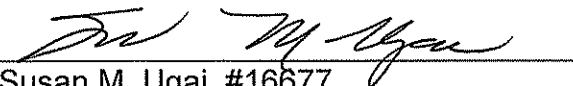
31. Defendant’s conduct is grounds for discipline.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff requests that the Chief Medical Officer set this Amended Petition for: Disciplinary Action and Temporary License Suspension for hearing and enter an order for appropriate disciplinary action pursuant to NEB. REV. STAT. § 38-183 (Reissue 2008), and tax the costs of this proceeding to the Defendant.

STATE OF NEBRASKA ex rel. JON BRUNING,
Attorney General,
Plaintiff,

BY: JON BRUNING, #20351
Attorney General

BY: 
Susan M. Ugai, #16677
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-2682

Attorneys for the Plaintiff.

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

STATE OF NEBRASKA ex rel. JON)
BRUNING, Attorney General,)
)
Plaintiff,)
)
v.)
)
JASUNG KIM, M.D.,)
)
Defendant.)

ORDER FOR TEMPORARY
LICENSE SUSPENSION AND
NOTICE OF HEARING

THIS MATTER came on for consideration before the Nebraska Department of Health and Human Services Public Health Division's Chief Medical Officer on Plaintiff's Petition for: Disciplinary Action and Temporary License Suspension ("Petition") and upon the affidavit in support of the request for temporary suspension. The Chief Medical Officer finds that there is reasonable cause to believe that grounds exist under NEB. REV. STAT. §§ 38-183 and 38-178 (Reissue 2008) for the suspension of the license of the Defendant to practice as a physician on the basis that the Defendant's continued practice at this time would constitute an imminent danger to public health and safety.

IT IS THEREFORE ORDERED:

1. The license of the Defendant, JASUNG KIM, M.D., to practice medicine is suspended effective upon service of this Order upon the Defendant in accordance with NEB. REV. STAT. §§ 38-183 (Reissue 2008) and 71-1795 (Reissue 2003).
2. Pursuant to NEB. REV. STAT. § 38-183, the hearing on the merits of the allegations of the Petition shall be held on the 19th day of February, 2010, beginning at

9:00 a.m. at the DHHS Hearing Room, Gold's Galleria, 1033 O Street, Suite 113,
Lincoln, NE, Vital Records Entrance, corner of 11th & N Streets.

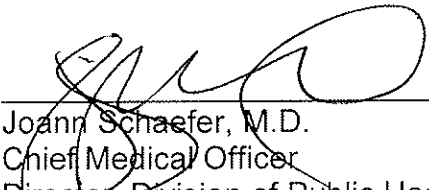
3. James J. Smith is the designated Hearing Officer with authority over the hearing as provided by Title 184 – Nebraska Administrative Code, Chapter 1 – Rules of Practice and Procedure of the Department of Health for Administrative Hearings.

4. The Defendant shall have the opportunity to appear and defend against the Petition at such time and place. The Defendant is further notified that he may present such witnesses and such evidence at said time and place as he may care to present in answer to the allegations of the Petition, and he may be represented by legal counsel at said hearing. Hearings are conducted according to NEB. REV. STAT. §§ 38-186 and 84-901, et seq. (Reissue 2008; 2006 Cum. Supp.), and the Rules of Practice and Procedure of the Department 184 NAC 1. If auxiliary aids or reasonable accommodations are needed for participation in the hearing, please call Ashlea Cedrone, (402) 471- 7237, or for persons with hearing impairments, (402) 471-9570 TDD, or the Nebraska Relay System, (800) 833-7352 TDD, prior to the hearing date.

5. The DHHS Division of Public Health, Office of Investigations, is appointed, pursuant to 184 NAC 006.01E, to personally serve the Defendant with copies of this Order and the Petition.

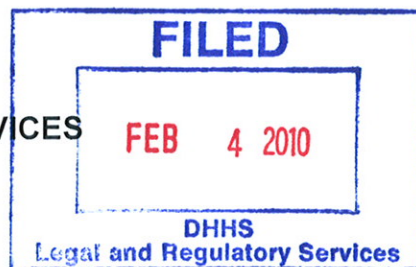
DATED this 4 day of February, 2010.

BY:



Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA



STATE OF NEBRASKA, ex rel. JON
BRUNING, Attorney General,

Plaintiff,

vs.

JASUNG KIM, M.D.,

Defendant.

PETITION FOR:
DISCIPLINARY ACTION
And
TEMPORARY LICENSE
SUSPENSION

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Jurisdiction is based on NEB. REV. STAT. §§ 38-183, 38-184, 38-186 (Reissue 2008) and 71-150 (Reissue 2003).

2. At all times relevant herein, the Defendant, Jasung Kim, M.D., has been the holder of license #21811 which was issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department") for his practice as a medical doctor.

3. The Department is the agency of the State of Nebraska authorized to enforce the laws of Nebraska regulating the practice of medicine.

4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made its recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to NEB. REV. STAT. §§ 38-1,105, 38-1,106 (Reissue 2008), 71-168.01(7), and 71-168.01(8) (Reissue 2003).

5. Defendant's primary practice is in the field of psychiatry.

6. Patient J.A. had her first appointment with the Defendant on July 14, 2009. Defendant was being treated for depression. During the appointment J.A. told the

Defendant she had been hurt terribly in relationships and wanted no romantic relationship in her life. Defendant wrote prescriptions for J.A. At the end of the session, Defendant told J.A. she needed to get a new psychiatrist as he was attracted to her. Defendant gave J.A. his cell phone number.

7. Defendant acquired J.A.'s telephone number from her medical chart and called her later that same day to ask her out on a date. They began a dating relationship on July 16, 2009, which became a sexual relationship and continued through September 9, 2009.

8. During their dating relationship, Defendant continued to give J.A. therapeutic advice and tried to wean her off her medications.

9. During their dating relationship, Defendant shared the names and medical information concerning his other patients with J.A. On one occasion he brought a patient list over to J.A.'s home and described each of the patients' issues.

10. After she terminated her personal relationship with Defendant, J.A. called the treatment providers' office on September 10, 2009, and told them she needed medication refills, specifically requesting that Defendant not be involved in her care. Defendant wrote refill prescriptions for J.A. on September 10, 2009.

11. V.K. was Defendant's patient from July 23, 2004, through November 1, 2005, and from February 27, 2009, to the present. V.K. is being treated with Suboxone for opioid addiction. Defendant dated and had a sexual relationship with V.K. in May of 2009. V.K. indicated she felt she was in a situation where Defendant was one of the few prescribing physicians for Suboxone in Lincoln and wondered if she cut off the relationship whether he would stop prescribing for her, and she would have to go to Omaha for treatment.

12. Defendant is currently V.K.'s treatment provider and prescribing Suboxone for her. V.K. sees him approximately every six weeks.

FIRST CAUSE OF ACTION

13. Paragraphs 1 through 12 are incorporated herein by reference.

14. NEB. REV. STAT. §§ 38-178(23) (Reissue 2008) and 71-147 (10) (2006 Cum. Supp.) provides that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

15. NEB. REV. STAT. §§ 38-179 (Reissue 2008) and 71-148 (Reissue 2003) define unprofessional conduct as any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or occupation or the ethics of the profession or occupation regardless of whether a person, patient or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest.

16. NEB. REV. STAT. §§ 38-179(15) (Reissue 2008) and 71-148(22) (Reissue 2003) define unprofessional conduct as such other acts as may be defined in rules and regulations adopted and promulgated by the board of examiners in the profession of the applicant, licensee, certificate holder or registrant with the approval of the Department.

17. Title 172 Chapter 88-013.21 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as any conduct or practice outside the normal standard of care in the State of Nebraska which is or might be harmful or dangerous to the health of the patient or the public.

18. Title 172 Chapter 88-013.16 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as commission of any act of sexual misconduct, or exploitation related to the person's practice of medicine and surgery.

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19. Defendant's conduct is unprofessional conduct and is grounds for discipline.

SECOND CAUSE OF ACTION

20. Paragraphs 1 through 19 are incorporated herein by reference.

21. NEB. REV. STAT. §§ 38-178(23) (Reissue 2008) and 71-147 (10) (2006 Cum. Supp.) provide that a professional license may be disciplined, revoked, or suspended for unprofessional conduct.

22. NEB. REV. STAT. §§ 38-179(9) (Reissue 2008) defines unprofessional conduct as commission of any act of misconduct or exploitation related to the practice of the profession of the credential holder.

23. Defendant's conduct is unprofessional conduct and is grounds for discipline.

THIRD CAUSE OF ACTION

24. Paragraphs 1 through 23 are incorporated herein by reference.

25. Title 172 Chapter 88-013.1 Regulations Governing the Practice of Medicine and Surgery defines unprofessional conduct as any departure from or failure to conform to the ethics of the medical profession, as found in the American Medical Association's Code of Medical Ethics and Opinions.

26. The American Medical Association's Code of Medical Ethics and Opinions §

5.05 Confidentiality states:

"The information disclosed to a physician by a patient should be held in confidence. The patient should feel free to make a full disclosure of information to the physician in order that the physician may most effectively provide needed services. The patient should be able to make this disclosure with the knowledge that the physician will respect the confidential nature of the communication. The physician should not reveal confidential information without the express consent of the patient, subject to certain exceptions which are ethically justified because of overriding considerations."

27. The American Medical Association's Code of Medical Ethics and Opinions §

8.14 Sexual Misconduct in the Practice of Medicine also provides:

"Sexual contact that occurs concurrent with the patient-physician relationship constitutes sexual misconduct. Sexual or romantic interactions between physicians and patients detract from the goals of the physician-patient relationship, may exploit the vulnerability of the patient, may obscure the physician's objective judgment concerning the patient's health care, and ultimately may be detrimental to the patient's well-being.

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29. The Principles of Medical Ethics with Annotations Especially Applicable to Psychiatry, Section 2.1, 2009 Edition Revised, states: “The requirement that the physician conduct himself/herself with propriety in his or her professional and in all the actions of his or her life is especially important in the case of the psychiatrist because the patient tends to model his or her behavior after that of his or her psychiatrist by identification. Further, the necessary intensity of the treatment relationship may tend to activate sexual and other needs and fantasies on the part of both patient and psychiatrist, while weakening the objectivity necessary for control. Additionally, the inherent inequality in the doctor-patient relationship may lead to exploitation of the patient. Sexual activity with a current or former patient is unethical.”

30. Defendant's personal relationships with patients and continued treatment of those patients constitute unprofessional conduct and is grounds for discipline.

FOURTH CAUSE OF ACTION

31. Paragraphs 1 through 30 are incorporated herein by reference.

32. NEB. REV. STAT. §§ 38-178(6)(d and) 71-147(5) (2006 Cum. Supp.) provides that a professional license may be disciplined, revoked, or suspended for practice of the profession in a pattern of negligent conduct in performing the duties of the profession.


33. Defendant's conduct is grounds for discipline.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff requests that the Chief Medical Officer set this Petition for: Disciplinary Action and Temporary License Suspension for hearing and enter an order for appropriate disciplinary action pursuant to NEB. REV. STAT. § 38-183 (Reissue 2008), and tax the costs of this proceeding to the Defendant.

STATE OF NEBRASKA ex rel. JON BRUNING,
Attorney General,
Plaintiff,

BY: JON BRUNING, #20351
Attorney General

BY: 
Susan M. Ugai, #16677
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-2682

Attorneys for the Plaintiff.