



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

February 17, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Anthony Kim, M.D.
6910 Shalimar Way
Fayetteville, New York 13066

RE: License No.165964

Dear Dr. Kim:

Enclosed please find Order #BPMC 99-38 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 17, 1999**.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Loretta R. Kilpatrick, Esq.
Byrne, Costello & Pickard, PC
MONY Tower 1
100 Madison Street, Suite 800
Syracuse, New York 13202

William Lynch, Esq.

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

IN THE MATTER
OF
ANTHONY HYOUNG KIM, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-38

ANTHONY HYOUNG KIM, M.D., (Respondent) says:

That on or about April 21, 1986, I was licensed to practice as a physician in the State of New York, having been issued License No. 165964 by the New York State Education Department.

My current address is 6910 Shalimar Way, Fayetteville, New York 13066, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A."

I admit guilt to the second specification in full satisfaction of the charges against me. I hereby agree to the following penalty:

1. A Censure and Reprimand;
2. A permanent limitation on my license prohibiting me from prescribing medications for myself, any personal associate, or any relative by affinity or consanguinity within the fourth degree;
3. At my own expense and within 45 days of the effective date of this Order, I shall provide the Director of OPMC with a psychiatric evaluation and treatment recommendations prepared by a practitioner who shall be approved in advance in writing by the Director of OPMC;

4. Upon notification of approval by the Director of OPMC, I shall comply with the ongoing recommendations of the treatment plan. Upon review of the evaluation and treatment plan, the Director of OPMC may impose additional monitoring terms pursuant to Public Health Law § 230(17).

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC.

I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

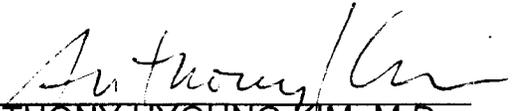
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the

value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED 2/2/99



ANTHONY HYOUNG KIM, M.D.
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 2/2/99



LORETTA R. KILPATRICK
Attorney for Respondent

DATE: 2/9/99



WILLIAM J. LYNCH
Senior Attorney
Bureau of Professional
Medical Conduct

DATE: 2/11/99



ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
ANTHONY HYOUNG KIM, M.D.

CONSENT
ORDER

Upon the proposed agreement of ANTHONY HYOUNG KIM, M.D.
(Respondent) for Consent Order, which application is made a part hereof, it is
agreed to and

ORDERED, that the application and the provisions thereof are hereby
adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board,
which may be accomplished by mailing, by first class mail, a copy of the Consent
Order to Respondent at the address set forth in this agreement or to
Respondent's attorney by certified mail, or upon transmission via facsimile to
Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 2/11/99

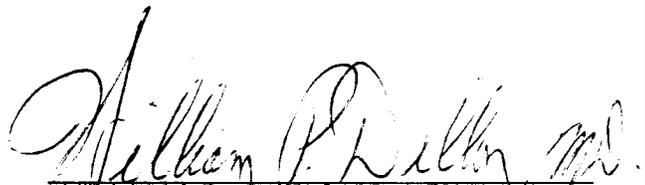

WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT "A"

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

-----X

IN THE MATTER : STATEMENT
OF : OF
ANTHONY HYOUNG KIM, M.D. : CHARGES

-----X

ANTHONY HYOUNG KIM, M.D., the Respondent, was authorized to practice medicine in New York State on April 21, 1986 by the issuance of license number 165964 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine through January 31, 2000 and resides at address of 6910 Shalimar Way, Fayetteville, New York 13066.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care to himself and Patients B through D, [patients are identified in the Appendix] on various occasions between approximately April 20, 1995 and July 27, 1998. Respondent's self care did not conform to accepted standards of medical care in that:
1. Respondent inappropriately self-prescribed numerous drugs, among them psychoactive drugs including trazodone, Depakote, Prozac and lithium.
 2. Respondent failed to monitor his Depakote and lithium serum levels.
 3. Respondent failed to maintain a record of his self treatment.

- B. Respondent's care of Patient B did not conform to accepted standards of medical care in that:
1. Respondent failed to adequately assess and/or document his assessment of Patient B.
- C. Respondent's care of Patient C did not conform to accepted standards of medical care in that:
1. Respondent failed to adequately assess and/or document his assessment of Patient C.
- D. Respondent's care of Patient D did not conform to accepted standards of medical care in that:
1. Respondent failed to adequately assess and/or document his assessment of Patient D.
- E. Respondent's care of Patient E did not conform to accepted standards of medical care in that:
1. Respondent failed to adequately assess and/or document his assessment of Patient E.

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing medicine with negligence on more than one occasion in violation of New York Education Law §6530(3), in that Petitioner charges that Respondent committed two or more of the following:

1. The facts in Paragraphs A and A.1 and/or A and A.2 and/or A and A.3 and/or B and B.1 and/or C and C.1 and/or D and D.1 and/or E and E.1.

SECOND SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient in violation of New York Education Law §6530(32), in that Petitioner charges:

2. The facts in Paragraphs A and A.3 and/or B and B.1 and/or C and C.1 and/or D and D.1 and/or E and E.1.

DATED: ~~January~~ ^{February 9}, 1999
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct