

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In the Matter of:

No. 18-I-316

DANIEL KIHONG KIM, M.D.

(Applicant),

Respondent

**CONSENT ORDER
FOR ISSUANCE OF
LICENSE**

This matter is before the Louisiana State Board of Medical Examiners ("the Board") on the application of Daniel Kihong Kim, M.D. for issuance of a medical license. While it appears that Dr. Kim is generally qualified for licensure by reciprocity, his application and other information supplied to and obtained by the Board indicates that Dr. Kim has had past disciplinary action in Mississippi, is currently being monitored for a medical condition/substance use disorder in Mississippi, and has had his clinical privileges restricted at a facility in Mississippi.

By his subscription hereto, Dr. Kim acknowledges the substantial accuracy of the foregoing information and, further, that proof of such information upon an administrative evidentiary hearing could establish grounds under the Louisiana Medical Practice Act¹ for such action against his license to practice medicine in the state of Louisiana as the Board may determine appropriate. In consideration of the foregoing, and on the recommendation of the Investigating Officer respecting the pending investigation, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state against the unprofessional, unqualified and unsafe practice of medicine, La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Recognizing his right to have notice and administrative adjudication of his application of licensure pending in this matter, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf

¹ Pursuant to La. R.S. §37:1285A, the Board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued pursuant to this Part for the following causes:...(12) [a]n inability to practice medicine with reasonable skill or safety due to mental illness or deficiency, including but not limited to deterioration through the aging process or the loss of motor skills or excessive use or abuse of drugs, including alcohol;...(14) [m]edical incompetency, including but not limited to, incompetency manifested by continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state.

in defense or in support of the application for licensure made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951, *et seq.*, Dr. Kim nonetheless, hereby waives his right to notice and formal adjudication and pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter. By his subscription hereto, Dr. Kim also acknowledges that he waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et seq.*, or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto, Dr. Kim also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Dr. Kim expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority or to the Board's capacity to adjudicate his application for licensure should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the application for a license to practice medicine in the state of Louisiana of Daniel Kihong Kim, M.D. is **APPROVED** and Dr. Kim is hereby issued a license to practice medicine in the state of Louisiana and such license is hereby placed on **PROBATION** for one (1) year; *provided, however*, that such licensure and Dr. Kim's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms and conditions:

(1) Personal Appearance before the Board. Dr. Kim shall personally appear before the Board or its designee to permit the Board to consider his intentions to comply with the terms and conditions contained in this Order.

(2) Board Approval of Practice Setting. Dr. Kim shall only engage in the practice of medicine in a setting pre-approved in writing by the Board.

(3) Monitoring Physicians; Reporting. Dr. Kim's practice shall be monitored by one or more physicians approved in writing by the Board, who shall monitor his practice to determine whether he is practicing consistently within accepted standards. Dr. Kim shall authorize and cause such physician(s) to provide quarterly written reports to the Board concerning Dr. Kim's professional and medical performance as derived from such monitoring.

(4) Participation in HPFL/PHP, Reports to Board. Dr. Kim shall, if he has not already done so, enter into a Monitoring Agreement with the Healthcare Professionals Foundation of Louisiana's Physician Health Program ("HPFL/PHP") and he shall strictly adhere to all terms and conditions of his Monitoring Agreement or any subsequent agreement that the PHP may recommend. Dr. Kim shall authorize the PHP to submit to

the Board not less frequently than quarterly throughout the probationary period, written reports or verbal reports should the Board so desire, as to his compliance with such recommendations and with the terms and conditions of this Order. Dr. Kim shall immediately self-report, and cause those involved in his monitoring to report, to the Board in writing, any failure to adhere to their recommendations, as well as any other violation of this Order.

(5) Notification to Employers. Dr. Kim shall provide a copy of this Consent Order to each employer for whom he provides services as a physician in this state.

(6) Continuing Medical Education. Dr. Kim shall obtain not less than fifty (50) credit hours per year during his probationary term throughout attendance at and participation in continuing medical education programs ("CME") accredited by the American College of Physicians, the American Medical Association, or such other national accrediting association or organization as the Board may approve in writing. On or before the anniversary of the effective date of this Order, Dr. Kim shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

(7) Absence from the State/Practice/Effect on Probation. Should Dr. Kim at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a physician, for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period ordered herein shall be deemed interrupted and extended for no less than the period of time during which he was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed at the Board's discretion.

(8) Cooperation with the Board's Probation and Compliance Officer. Dr. Kim shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers, and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms and conditions of this Consent Order.

(9) Probation Monitoring Fee. Dr. Kim shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of such fee shall be due not later than sixty (60) days from the effective date of this Order.

(10) Payment of Administrative Fee. Within one (1) year of the effective date of this Order, Dr. Kim shall pay to the Board an administrative fee in the amount of One Thousand and no/100 (\$1,000.00) Dollars.

(11) Effect of Violation/Sanction. By his subscription hereto, Dr. Kim acknowledges that his receipt of written notification that the Board has received reliable

information which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§ 49:951 et seq., or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate suspension of his license to practice medicine in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges; alternatively, by the Board's acceptance of a Consent Order or other order or recommendation respecting disposition of the matter.

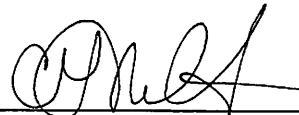
IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Dr. Kim shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such action against Dr. Kim's license to practice medicine in this state as the Board may deem appropriate, as if such violation were enumerated among the causes provided in La. Rev. Stat. §37:1285.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 17th day of September, 2018.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:



Christy L. Valentine, M.D.
President

***Acknowledgement and Consent
on Following Page***

STATE OF Mississippi
PARISH/COUNTY OF Madison

**ACKNOWLEDGMENT
AND CONSENT**

I, **DANIEL KIHONG KIM, M.D.** hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Consent Order and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Order without duress and of my own free will and accord, this 29th day of August, 2018.

Daniel Kihong Kim, M.D.
DANIEL KIHONG KIM, M.D.

WITNESSES:

Thomas C Baruffe
Signature

Alisha McBrotha
Signature

Thomas C. Baruffe
Typed Name

Alisha McBrotha
Typed Name

109 W. Jackson St.
Address Ridge land, MS 39157

109 W Jackson St Ridgeland, MS
Address 39157

Sworn to and subscribed before me at 109 W Jackson,
Ridgeland Ms 39157, this 29th day of August, 2018,
in the presence of the two stated witnesses.

[Signature]
Notary Public (Signature/Seal)

ONOFARIN Popoda.
Notary Public (Printed Name)/Bar-Notary #

