

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



830 Union Street, Suite 100

Telephone: (504) 524-6763

FAX (504) 568-8893

New Orleans, LA 70112-1499

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In The Matter Of

No. 92-A-014

**CHRISTOPHER YONGKYUN KIM, M.D.**  
(CERTIFICATE NO. 06917R)

**DECISION**

*Respondent.*

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An administrative hearing was convened before the Louisiana State Board of Medical Examiners ("Board") on Thursday, January 28, 1993. Present representing the Board was a quorum of its membership including Drs. F.P. Bordelon, Keith C. Ferdinand, Ike Muslow, Richard M. Nunnally, Elmo J. Laborde, Mary Lou Applewhite, and Bernard L. Kaplan, with Dr. Kaplan presiding. Also present were Judge Frederick S. Ellis, Independent Counsel for the Board; L. Thomas Styron, Attorney at Law, representing the complainant. Respondent was present represented by Thomas L. Lorenzi, Attorney at Law.

## FINDINGS OF FACTS

Christopher Yongkyun Kim, M.D. was before the Board pursuant to an Administrative Complaint in which he was charged with unprofessional conduct in violation of R.S. 37:1285(A)(13) and immoral conduct in exercising the privileges provided for by his license, in violation of R.S. 37:1285(A)(15).

The testimony produced at the hearing consisted of a video deposition given by Sandra W. She testified that she visited Dr. Kim in September, 1990, to get advice about a pregnancy drug. After a brief pelvic examination, and after the nurse left the room, she stated that Dr. Kim prevented her from getting her right foot out of the stirrup, and fondled her breasts, legs, buttocks, and genitalia, all the while talking about her problem. He tried to hug and kiss her twice, but she was able to depart. Before leaving the office, Sandra W. stated that she called her doctor at Fort Polk to talk to him about what had happened. However, Dr. Kim came out and she had to hang up.

A couple of days later, she went to the police, who asked her to come in and make a statement. She did so, and later, at the request of the police, returned to Dr. Kim's office

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with a microphone in her purse, and with instructions about what to say to Dr. Kim. Sandra W. testified that the same thing happened during this examination. However, the tape recording was of such poor quality that it is of no evidentiary effect.

She made a phone call to Dr. Kim to discuss what had happened, but the recording of this call was also unintelligible. At the behest of the police, she made a third visit to Dr. Kim, once again with a microphone in her purse. This time she did not disrobe, but did ask Dr. Kim about his conduct toward her. Once again, the recording was of poor quality, but Dr. Kim stated that a transcript of the conversation tendered in evidence by the complainant was substantially correct. Without going into detail, it is the finding of the Board that the so-called admissions of Dr. Kim on that tape are, at best, ambiguous.

In his defense, Dr. Kim denied having fondled Sandra W. in the way she described. He did admit to putting his arm around her shoulders, in a non-sexual way, and that his body inadvertently bumped her breast. However, he immediately pulled back when she apparently took it as a sexual advance. He apologized to her at that time.

Sabre Ward, a former employee of Dr. Kim, now living in Monticello, Arkansas, testified that she recalled the September visit. She stated that she had kept Sandra W.'s child while Sandra was visiting Dr. Kim. When Sandra came out of his examining room the baby was fussy, and Sandra began to breast feed the baby while she was making a phone call. Mrs. Ward testified that Sandra was calling the Army hospital at Fort Polk, that she overheard the conversation, and that Sandra said nothing which would indicate that she was upset with Dr. Kim.

Mrs. Ward stated that Sandra was in the office for at least five minutes while feeding the baby, that she did not appear to be upset, and that she did not appear to have been crying. Mrs. Ward had no recollection of the two visits during which Sandra W. was carrying the microphone.

Debora Wolff, also a former employee of Dr. Kim, recalled the September visit. She testified that she was present during the pelvic exam, and that, before she left the room, Sandra W. was sitting up on the examining table. Ms. Wolff testified that she never left a patient in the stirrups after an exam. She further testified that she recalled Sandra W. nursing her baby after the visit, and that she did not appear to be distraught or upset.

### CONCLUSIONS OF LAW

Based on the above evidence, it is the opinion of the Board that the complainant has failed to carry the burden of proving misconduct on the part of Dr. Kim. The Board was not impressed with Sandra W.'s testimony, which was inconsistent with that of other witnesses, including the police officer who testified; and further finds that the tapes offered in evidence are of poor quality, and the content thereof is ambiguous. Dr. Kim is therefore found not guilty of this charge.

The other allegation of misconduct against Dr. Kim is that he called a patient, Toni D., while she was under his care as a patient, and asked her to see him on a personal basis. She

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refused. Dr. Kim admits that he tried to date Toni D., but states that her refusal was the end of it, and that he made no further advances. The Board does not find Dr. Kim to be guilty of "immoral conduct" because of the invitation issued to Toni D. by him. Admittedly, Dr. Kim was acting in an unprofessional manner when he attempted to date a patient, but the Board does not find this isolated incident to be of sufficient severity to warrant disciplinary action.

### DECISION

The Board does, however, caution Dr. Kim that it is impropitious to remain in an examining room after completing an examination with a patient who is disrobed, and without the presence of a nurse. Dr. Kim is further cautioned that it is improper to attempt to establish a social relationship with a patient without first severing the doctor-patient relationship. With these cautions, the complaint against Dr. Kim is dismissed. No costs are assessed.

New Orleans, Louisiana, this 25<sup>th</sup> day of February, 1993.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

By

  
F. P. Bordelon, Jr., M.D.  
Vice-President