

ZULIMA V. FARBER
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

FILED
July 20, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION OR :	:	
REVOCATION OF THE LICENSE OF :	:	Administrative Action
:	:	
SUNG UK KIM, M.D. :	:	
License No. MA55020 :	:	FINAL ORDER
:	:	OF DISCIPLINE
TO PRACTICE MEDICINE AND SURGERY :	:	
IN THE STATE OF NEW JERSEY :	:	

This matter was opened to the New Jersey State Board of Medical Examiners (Board) upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Sung Uk Kim, M.D., License No. MA55020, is a physician licensed in the State of New Jersey and has been licensed at all times relevant hereto.

2. On or about December 2, 2003, the New York State, Department of Health, State Board for Professional Medical Conduct, (New York Board) issued a Statement of Charges against Respondent alleging that Respondent committed professional misconduct as defined by N.Y. Educ. Law §6503(2) by practicing the profession of medicine fraudulently. Specifically, the New York Board alleged that on or about August 15, 2001, Respondent knowingly, and with intent to mislead, gave inaccurate responses on an insurance application he filed with the Medical Liability Mutual Insurance

CERTIFIED TRUE COPY

Company in that he failed to accurately disclose his medical malpractice claims history. On or about December 3, 2003, the New York Board entered a Consent Order adopting the terms of the Consent Agreement executed by Respondent on November 17, 2003. Pursuant to the terms of the Consent Agreement, Respondent's license to practice medicine was suspended for a period of twenty-four (24) months, with the suspension to be stayed, and Respondent placed on probation. Respondent was also assessed a fine in the amount of ten thousand (\$10,000) dollars. Pursuant to the Consent Agreement, Respondent did not contest the charge of fraudulent practice filed against him.

3. On or about April 8, 2005, Respondent reported the disciplinary action taken by the New York Board for the first time to the New Jersey State Board of Medical Examiners in a practitioner survey for the New Jersey Health Care Profile.

CONCLUSIONS OF LAW

1. The above disciplinary action taken by the sister state of New York provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(g), in that Respondent's license has been suspended in another state.

2. The above disciplinary action taken by the sister state of New York provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(b), in that Respondent has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense.

3. The above disciplinary action taken by the sister

state of New York provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(e), in that Respondent has engaged in professional or occupational misconduct.

4. The above disciplinary action taken by the sister state of New York provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(h), in that Respondent failed to comply with N.J.S.A. 45:9-19.16, which requires that a licensee notify the board of any out of state action taken against his medical license within ten (10) days of the action.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license to practice medicine and surgery in the State of New Jersey was entered on February 14, 2006, and a copy served on Respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons thereof.

Respondent responded on or about March 6, 2006, through Robert S. Asher, Esq. Pursuant to his response, Respondent did not object to the findings of fact and conclusions of law set forth in the

Provisional Order, but requested that the Board reconsider the sanction sought. Respondent indicated that he has successfully served the probationary period of twenty-four (24) months imposed by the New York Board which ran from December 10, 2003 until December 9, 2005. Therefore, Respondent requested that the Board consider imposing a probationary period retroactive to and concurrent with the period of probation imposed by New York or that in the alternative, the Board accelerate the period of probation in New Jersey so that his probationary term expires on December 9, 2006.

The Board considered Respondent's response at its May 10, 2006 meeting and determined that no material facts were in dispute and nothing Respondent presented in his response caused the Board to mitigate the penalty proposed in the Provisional Order. Therefore, the Board determined to finalize the Provisional Order without modification.

ACCORDINGLY, IT IS on this 20th day of July, 2006,
ORDERED AND AGREED THAT:

1. Respondent's license to practice medicine in the State of New Jersey is suspended for a period of twenty-four (24) months, the suspension stayed, to be served as probation for a period of twenty-four (24) months.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

Sindy M. Paul, MD, MPH

By: _____
Sindy Paul, M.D.,
Board President