

FILED

May 16, 2014

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

In the matter of:

KYE S. CHUN, D.O.

CONSENT ORDER REINSTATING
LICENSE WITH CONDITIONS

This matter was reopened before the New Jersey State Board of Medical Examiners (the "Board") upon the Board's receipt of a request from respondent Kye S. Chun, D.O., that he presently be authorized to resume the practice of medicine and surgery in the State of New Jersey during a period of stayed license suspension. By way of background, respondent was charged, in an administrative complaint filed on March 31, 2009, with having engaged in repeated acts of negligence and with having engaged in sexual harassment and misconduct in connection with his treatment of two female patients. That case was resolved, prior to trial at the Office of Administrative Law, upon the entry of a Consent Order filed on November 18, 2009. The Consent Order imposed sanctions to include, without limitation: (1) a five year license suspension commencing on January 17, 2010, a minimum of two years of which were to be served as an active suspension and the remainder to be stayed and served as probation; (2) a requirement that Dr. Chun enroll in the PAP and that he comply with all recommendations made by the PAP or

any evaluating psychologist; (3) requirements that Dr. Chun successfully complete Board approved courses in ethics, prescribing of controlled dangerous substances and record-keeping; and (4) assessments of a civil penalty in the amount of \$20,000 and costs in the amount of \$65,000. The Order further provided that respondent was to appear before a Committee of the Board prior to resuming practice and then demonstrate fitness, and the Board expressly reserved the right to extend the period of active suspension and/or to place restrictions on respondent's practice upon reinstatement.

Dr. Chun initially requested reinstatement and appeared before a Committee of the Board on February 27, 2013, however was unable to demonstrate, to the satisfaction of the Board, fitness to resume practice and compliance with all terms and conditions of the Consent Order. Dr. Chun was then advised that he would need to submit to a repeat psychiatric evaluation to be conducted by a Board-approved evaluator, complete a Board approved record keeping course, make payment of (or enter an acceptable agreement to pay) assessed penalties and costs, and demonstrate that he had attained continuing education credits sufficient to comply with the requirements of N.J.A.C. 13:35-6.15(f). Subsequent to that appearance, Dr. Chun submitted to a repeat psychiatric evaluation conducted by Jeffrey Berman, M.D., entered into a written agreement dated August 12, 2013 with the Division of Consumer Affairs to

satisfy his outstanding financial obligations to the Board, completed a Board approved record keeping course and completed sufficient continuing education credits to meet Board regulatory requirements.

Dr. Chun appeared for a second time before a Committee of the Board on February 26, 2014, at which appearance he was accompanied by Louis E. Baxter, M.D., on behalf of the PAP. The Board then considered testimony offered both by Dr. Chun and by Dr. Baxter and reviewed available documentation, to include a confidential report of psychiatric evaluation prepared by Dr. Jeffrey Berman dated October 13, 2013, an update report prepared by Dr. Berman dated February 3, 2014, and a written position statement from the PAP supporting Dr. Chun's request for reinstatement dated December 12, 2013.

Upon consideration and review of available information and of the testimony offered both by respondent and Dr. Baxter on February 26, 2014, the Board is presently satisfied that Dr. Chun has demonstrated both fitness to resume practice and compliance with the terms and conditions of the Consent Order. When appearing before the PEC, Dr. Chun apologized to the Board for having exercised poor judgment and having engaged in inexcusable behavior, and expressed sincere remorse over his conduct. He testified that, were he to be reinstated, he has received an offer of employment

from Dr. Mustafa M. Sidali, an internist practicing in Belleville, New Jersey.

Dr. Baxter testified that he believes that Dr. Chun has secured a better understanding of his conduct and expressed remorse. Dr. Baxter further testified that the PAP supported Dr. Chun's request for reinstatement, provided that any reinstatement be with all conditions recommended by Dr. Berman to include continued full participation with the PAP and Dr. Chun's agreement to engage in weekly counseling with Dr. Berman. The PAP also offered a written position statement, dated December 11, 2013, wherein the PAP formally took a position in support of conditional reinstatement.

Dr. Berman found, in his confidential report dated October 18, 2013, that Dr. Chun had accepted responsibility for his conduct and had secured a better understanding of boundary issues.¹ Dr. Berman supported Dr. Chun's return to practice, provided that any reinstatement be with conditions to include completion of all Board approved course work, satisfaction of all financial commitments to the Board, continued monitoring by the PAP for a period of not less than five years, a requirement that Dr. Chun

¹ We have set forth herein certain findings and recommendations made by Dr. Berman in his report to the Board, for purposes of establishing the basis for the determination that we have made to reinstate Dr. Chun's license conditionally. We consider all other portions of Dr. Berman's reports to the Board, dated October 13, 2013 and February 3, 2014, as well as all documentation supplied to the Board by the PAP, to be confidential, as those documents set forth information that falls within the sphere of personal privacy and/or is protected by recognized privileges and law.

engage in weekly psychotherapy to understand the forces that led him to the behavior detailed in the allegations, and an initial limitation that Dr. Chun not practice in a "solo" setting.

The Board finding that respondent has presently made a demonstration of fitness sufficient to support reinstatement of his medical license, subject to his compliance with all terms and conditions set forth below, that the within Order is adequately protective of the public interest, and that good cause exists to support entry of this Order, and respondent consenting to the terms and conditions set forth herein,

IT IS on this 16 day of May , 2014

ORDERED and AGREED:

1) The license of respondent Kye S. Chun, D.O., to practice medicine and surgery in the State of New Jersey is hereby conditionally reinstated, subject to Dr. Chun's compliance with each of the terms set forth below. Respondent shall be deemed to be practicing during a period of probation, which probation shall commence on the filing date of this Order and continue for a period of three years from said date.

2) Dr. Chun shall engage in weekly psychotherapy sessions with Dr. Jeffrey Berman, M.D. (or any Board approved successor treatment provider) directed at addressing and/or understanding the forces that led to the behavior that was the subject of the Board's action. Dr. Berman shall provide reports

regarding Dr. Chun's progress and participation in psychotherapy to the PAP, to include immediate reports in the event Dr. Chun fails to continue to participate in psychotherapy. The frequency of psychotherapy sessions may be reduced hereafter at the discretion of Dr. Berman (or any successor), should Dr. Berman determine that a reduction is warranted based on Dr. Chun's progress in therapy, provided that any reduction in frequency of sessions is made in consultation with the PAP.

3) Dr. Chun shall continue to fully participate with the Professional Assistance Program of New Jersey. The PAP shall provide quarterly status reports to the Board attesting to Dr. Chun's continued full participation in the PAP and to his compliance with all requirements that may be imposed upon him by the PAP, to include without limitation confirmation that he continues to engage in psychotherapy with Dr. Jeffrey Berman (or any approved successor treatment provider). The PAP shall also make an immediate report to the Board in the event Dr. Chun fails to fully participate with and/or comply with any program requirements, fails to attend or participate in psychotherapy sessions, or upon the PAP's receipt of any evidence that Dr. Chun has failed to comply with any of the terms of this agreement and/or engaged in any inappropriate conduct, including but not limited to any allegation of sexual misconduct involving any patient.

4) Dr. Chun shall only practice in a Board approved setting, and is precluded from engaging in any solo practice of medicine. For purposes of this Order, the Board will approve of his practice as an employee of Dr. Mustafa A. Sidali. In the event respondent seeks to practice in any other setting, he shall need to secure specific written approval from the Board for such practice.

5) Dr. Chun shall be accompanied, at all times that he provides any care or treatment to a female patient, by a Board approved female chaperone, who shall be a professional licensed by a health care Board within the Division of Consumer Affairs. The chaperone shall be required to agree to be present with Dr. Chun at all times that he sees any female patient, and to further agree to provide the Board with immediate written reports in the event that she were to receive any information that Dr. Chun had violated the terms of this Order by seeing, examining or treating any female patient at any time that she was not present and/or in the event that the chaperone were to observe Dr. Chun engaging in any inappropriate conduct.

6) Dr. Chun shall continue to make payments towards the satisfaction of all financial costs and penalties assessed within the Consent Order, consistent with the payment agreement he entered with the Division of Consumer Affairs on August 13, 2013.

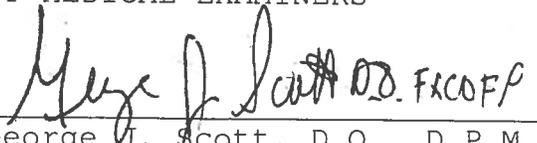
7) The Board may enter an Order immediately terminating the period of "probation" and actively suspending respondent's

medical license in the event respondent fails to comply with all terms and conditions of this Order, to include without limitation the Board's receipt of any "immediate" report from the PAP or the approved chaperone for any of the reasons set forth in paragraphs 3 and 5 above. In the event such an Order is entered, respondent shall be entitled to be heard and to contest the entry of such Order, however any hearing shall be limited solely to the issue whether respondent is or is not in compliance with any or all of the terms and conditions of this Order.

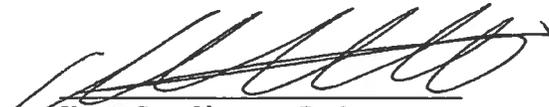
8) The terms of this Order shall continue in full force and effect until such time as a supplemental Order may be entered by the Board, upon its receipt and consideration of a petition from Dr. Chun (which petition should be fully supported by the PAP) for discontinuation and/or modification of any of the terms and conditions of this Order. Should Dr. Chun request discontinuation and/or modification of any terms or conditions of this Order, he may then be required to appear before a Committee of the Board before any determination whether to grant his request, in whole or in part, is made by the Board.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By:


George J. Scott, D.O., D.P.M.
Board President

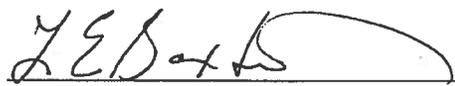
I agree to all terms and conditions of this Order, and to its entry by the New Jersey State Board of Medical Examiners. I am aware that the Board may enter an Order immediately suspending my medical license in the event I fail to comply with any of the terms or conditions of this Order.


Kye S. Chun, D.O.

Dated: 4/24/14

Agreement on behalf of the PAP to monitor Dr. Chun consistent with the terms of this Order and to make all reports detailed in paragraph 3 above to the Board.

PROFESSIONAL ASSISTANCE
PROGRAM OF NEW JERSEY

By: 
Louis E. Baxter, M.D., FASAM
Executive Medical Director

Dated: 4/24/14