

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	ORDER OF SUSPENSION
	:	PENDING HEARING
DAVID Y. KIM, M.D.,	:	
RESPONDENT.	:	

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

David Y. Kim, M.D.
1244 Wisconsin Ave, Suite 303
Racine, WI 53403

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as an interim disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. That David Y. Kim, M.D., Respondent, date of birth April 23, 1945, is a physician licensed to practice medicine and surgery in the state of Wisconsin pursuant to license number 21368, which was granted December 9, 1977 and limited December 19, 1990.

2. That Respondent's last address reported to the Department of Regulation and Licensing is 1244 Wisconsin Avenue, Suite 303, Racine, WI 53403.

3. That on June 19, 1992, Respondent was served with copies of a Petition for Summary Suspension and Notice of Presentation of Petition for Summary Suspension, both dated June 17, 1992. That those documents notified Respondent that the Petitioner would seek the summary suspension of Respondent's license to practice medicine and surgery in the state of Wisconsin by presenting the Petition for Summary Suspension to the Wisconsin Medical Examining Board on June 24, 1992 at 9:30 a.m.

4. The Petition for Summary Suspension asserts that Respondent has violated the December 19, 1990 Order of the Medical Examining Board by engaging in indepth, long term psychotherapy with a patient. It also asserts that Respondent has engaged in repeated acts of sexual conduct with that patient while practicing under his limited license.

5. That Respondent disagrees with the allegations of wrongdoing set out in the Petition for Summary Suspension and desires to defend himself against those allegations at a full evidentiary hearing.

6. Respondent agrees to the suspension of his license to practice medicine and surgery in the state of Wisconsin, until there can be a determination of the issues, as set out below.

CONCLUSIONS OF LAW

1. That the Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sections 448.02(3) and (4), Wis. Stats.

2. That the Wisconsin Medical Examining Board has authority to enter into this stipulated interim resolution pursuant to 227.44(5) and 448.02(4), Wis. Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent's license to practice medicine and surgery in the state of Wisconsin is suspended immediately.


IT IS FURTHER ORDERED, that the time periods set out in section 448.02(4), Wis. Stats. shall apply in this matter and that if no Final Decision of the Board is made within the required period of time, the suspension of Respondent's license to practice medicine and surgery in the State of Wisconsin shall end. Those time periods are:

1. The suspension of Respondent's license shall be for a period not to exceed 30-days pending hearing.
2. However, the Medical Examining Board or the Administrative Law Judge assigned to hear this matter may, while the hearing is in progress, extend the initial 30-day period of suspension for an additional 30-days;
3. If the Respondent has caused a delay in the hearing process, the Board hereby delegates to the Administrative Law Judge assigned to hear this matter the authority to continue the suspension of the license from the time the hearing is commenced until a Final Decision is issued by the Board.

IT IS FURTHER ORDERED that upon the entry of a Final Decision and Order regarding the allegations in this matter, this suspension pending hearing shall end.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin this 24th day of June, 1992.



B. Ann Neviasec
Secretary
Wisconsin Medical Examining Board

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DAVID Y. KIM, M.D.,
RESPONDENT.

STIPULATION

It is hereby stipulated and agreed, by and between, David Y. Kim, M.D., Respondent; Geoffery T. Van Remmen of Van Remmen & Wilz, attorneys for Respondent; and, John R. Zwieg, prosecuting attorney for the Petitioner, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. That David Y. Kim, M.D., Respondent, date of birth April 23, 1945, is a physician licensed to practice medicine and surgery in the state of Wisconsin pursuant to license number 21368, which was granted December 9, 1977 and limited December 19, 1990.

2. That Respondent's last address reported to the Department of Regulation and Licensing is 1244 Wisconsin Avenue, Suite 303, Racine, WI 53403.

3. That on June 19, 1992, Respondent was served with copies of a Petition for Summary Suspension and Notice of Presentation of Petition for Summary Suspension, both dated June 17, 1992. That those documents notified Respondent that the Petitioner would seek the summary suspension of Respondent's license to practice medicine and surgery in the state of Wisconsin by presenting the Petition for Summary Suspension to the Wisconsin Medical Examining Board on June 24, 1992 at 9:30 a.m.


4. The Petition for Summary Suspension asserts that Respondent has violated the December 19, 1990 Order of the Medical Examining Board by engaging in indepth, long term psychotherapy with a patient. It also asserts that Respondent has engaged in repeated acts of sexual conduct with that patient while practicing under his limited license.

5. That Respondent disagrees with the allegations of wrongdoing set out in the Petition for Summary Suspension and desires to defend himself against those allegations at a full evidentiary hearing.

6. Respondent agrees to the suspension of his license to practice medicine and surgery in the state of Wisconsin, until there can be a determination of the issues.

7. That the parties agree that the attached Order may be made and entered without further notice to any party.

Dated this 22 day of June, 1992.


David Y. Kim, M.D.,
Respondent

Dated this 22 day of June, 1992.

Geoffrey T. Van Remmen
Geoffrey T. Van Remmen
Van Remmen & Wilz, S.C.
Attorneys for Respondent

Dated this 24th day of June, 1992.

John E. Zwieg
John E. Zwieg
Attorney for Petitioner
Department of Regulation and Licensing
Division of Enforcement

ATY2-1309

REC'D

Dept. of Regulation and Licensing
Division of Enforcement

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is June 29, 1992.