

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
KIM Y. CHUNG, M.D.,	:	<u>LS 0611161 MED</u>
RESPONDENT.	:	

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[03 MED 471, 03 MED 473 & 06 MED 053]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Kim Y. Chung, M.D.  
1134 Main Street  
Oconto, WI 54153  
  
Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
  
Wisconsin Medical Examining Board  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

This disciplinary proceeding was commenced by the filing and service of a Complaint and Notice of Hearing on November 16, 2006. A hearing was scheduled for December 13, 2006, but was adjourned.

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining 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. Kim Y. Chung, M.D., Respondent, date of birth October 7, 1934, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 20502, which was first granted November 15, 1976.

2. Respondent's license was summarily suspended by the Board on November 15, 2006 and has remained suspended continuously to the date of this Final Decision and Order.

3. Respondent's last address reported to the Department of Regulation and Licensing is 1134 Main Street, Oconto, WI 54153.

4. Respondent is a general practitioner in solo practice.

5. On April 22, 2003, the Medical Examining Board accepted a Stipulation entered into between Respondent and the Division of Enforcement and based on that Stipulation, issued a Final Decision and Order which became effective that day and which placed various limitations on Respondent's license.

6. Among other things, the April 22, 2003 Order required that Respondent initiate arrangements to undergo an assessment to evaluate her current abilities to practice medicine at her current practice given her current patient population and the facts of the case which resulted in the Order. The evaluation was to be performed by the University of Wisconsin Continuing Medical Education Program (UW-CME) or another assessment provider acceptable to the Board.

7. The UW-CME performed an individualized assessment of Respondent's practice and the May 21, 2004 evaluation report recommended a remedial education program. Among other things, the report said:

a. DISCUSSION: While we have several significant concerns (see below), it is our belief that [Respondent] demonstrates the ability, with help, to practice independently in her present locale.

1) We are not sure that [Respondent's] hearing ability is adequate.

2) We are not sure of [Respondent's] comprehension of common English/American phraseology.

3) Her self taught family practice skill-set has left her deficient in many of the basic patient communication and data gathering techniques.

4) She demonstrates many of the traits of the "isolated physician," e.g. outdated drug practices, and lack of information regarding currently recommended practice guidelines.

b. RECOMMENDATIONS: Prior to recommending CME we believe it is important that [Respondent] have a hearing evaluation and an English language comprehension evaluation to make sure that these issues are not barriers to her successful practice. A remedial CME program would need to consist of:

1) A comprehensive home-study review of the pathophysiology and investigative strategies of cardiovascular & infectious diseases.

2) A review of pharmacology and therapeutics to bring her up-to-date.

3) Specific training in methods of communication and patient counseling.

4) A training program to allow her to connect her practice electronically to peers and sources of information.

5) To alleviate her professional isolation, a plan should be developed whereby she can discuss patient problems with a peer-mentor and/or a librarian mentor.

c. The UW-CME offered to present a detailed plan and budget for the recommended remedial education program.

COUNT I - (03MED473)

8. Paragraph 4 of the Board's Order of April 22, 2003 required Respondent to successfully complete any educational program recommended by the assessment, within two years of the date of the Order.

9. Respondent did complete a number of continuing education programs within the two year period, but has not commenced or completed a remedial education course to address those deficits identified by the assessment. It was Respondent's responsibility to do so.

COUNT II - (03MED473)

10. Paragraph 8 of the Board's Order of April 22, 2003 required Respondent to arrange to appear before the Board, following receipt of the UW-CME assessment report, so the Board could determine whether protection of public health and safety required that Respondent have a professional mentor for her practice. The professional mentor would be responsible for supervision of Respondent's provision of trigger point injections and pain management, including weekly review of charts, monthly meetings, and any other actions appropriate to determine that Respondent was practicing in a professional and competent manner.

11. Following receipt of the UW-CME's May 21, 2004 assessment report, Respondent has not made arrangements for a personal appearance before the Board so the Board can determine whether to require Respondent to obtain a professional mentor for her practice. It was Respondent's responsibility to do so.

COUNT III - (03MED471)

12. Paragraph 7 of the Board's Order of April 22, 2003 limited Respondent's practice related to trigger point treatments or steroid injection therapy and the billing of those injections.

13. During 2003, Respondent submitted claims to Blue Cross Blue Shield requesting payment for providing trigger point injections to 11 patients after the date of the Board's Order. Respondent's conduct with those patients was in violation of the Board's Order.

(06MED053)

14. On April 18, 2006, the Board opened an investigation of Respondent based on information that Respondent's malpractice carrier had paid \$60,000 on a claim that Respondent's failure to rule out an ectopic pregnancy in July of 2003 had resulted in the patient requiring an open surgical procedure rather than a laparoscopic procedure.

15. This allegation has not been fully investigated, but the case is concluded by this Final Decision and Order.

16. Respondent has retired from the active practice of medicine and has offered to voluntarily surrender her current registration with the Board and not to attempt to become registered with the Board again. While Respondent does retain her license to practice medicine and surgery, Respondent understands that she cannot practice medicine anywhere using her Wisconsin license to practice medicine and surgery unless she is currently registered. ["No person may exercise the rights or privileges conferred by any license or certificate granted by the board unless currently registered." Wis. Stat. § 448.07]

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. §§ 227.44(5) and 448.02(5).

2. Respondent, by violating paragraph 4 of the April 22, 2003 Order of the Board, has violated Wis. Admin. Code § MED 10.02(2)(b) and is subject to discipline pursuant to Wis. Stat. § 448.02(3). [Count I]

3. Respondent, by violating paragraph 8 of the April 22, 2003 Order of the Board, has violated Wis. Admin. Code § MED 10.02(2)(b) and is subject to discipline pursuant to Wis. Stat. § 448.02(3). [Count II]

4. Respondent, by violating paragraph 7 of the April 22, 2003 Order of the Board, has violated Wis. Admin. Code § MED 10.02(2)(b) and is subject to discipline pursuant to Wis. Stat. § 448.02(3). [Count III]

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The voluntary SURRENDER by Kim Y. Chung, M.D., Respondent, of her current registration with the Board is hereby ACCEPTED.

2. Respondent shall not be allowed to register with the Board in the future.

3. Respondent shall, within 120 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$2,450.00 pursuant to Wis. Stat. § 440.22(2).

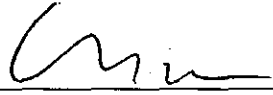
4. Payment shall be mailed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax (608) 266-2264  
Telephone (608) 267-3817

5. This Order is effective upon the date of its signing.

Wisconsin Medical Examining Board

By:

  
A Member of the Board

  
Date

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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

KIM Y. CHUNG, M.D.,  
RESPONDENT.

STIPULATION  
LS 0611161 MED

[03 MED 471, 03 MED 473 & 06 MED 053]

It is hereby stipulated and agreed, by and between Kim Y. Chung, M.D., Respondent; Raymond M. Dall'Osto of Gimbel, Reilly, Guerin & Brown, attorneys for Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending disciplinary proceeding against Respondent's licensure by the Division of Enforcement (files 03 MED 471, 03 MED 473 & 06 MED 053). Respondent consents to the resolution of this matter by stipulation and without a hearing.

2. Respondent understands that by signing this Stipulation, she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

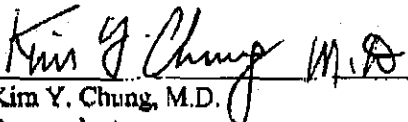
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

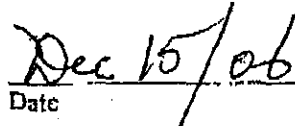
6. Attached to this Stipulation are Respondent's current wallet registration certificate and any and all evidence of current registration. If the Board does not accept this Stipulation, Respondent's certificate shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.

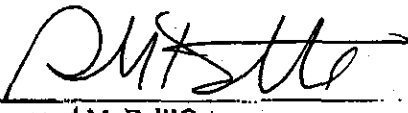
7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and the member of the Board assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

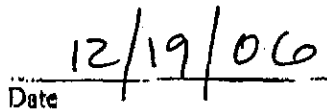
8. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

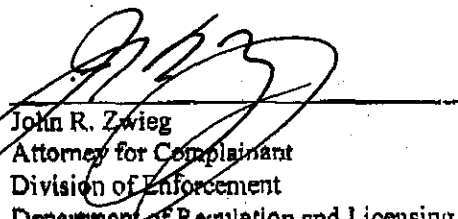
9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Kim Y. Chung, M.D.  
Respondent  
1134 Main Street  
Oconto, WI 54153

  
Date

  
Raymond M. Dall'Osto  
Gimbel, Reilly, Guerin & Brown  
Attorneys for Respondent  
330 E. Kilbourn Avenue #1170  
Milwaukee, WI 53202-3146

  
Date

  
John R. Zwiag  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

  
Date

[03 MED 471/03 MED 473/06 MED 053: Costs \$2,450.00]

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