

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

Youngjun David Kim, M.D.

**Physician's and Surgeon's
Certificate No. A 162639**

Case No.: 800-2020-063620

Respondent.

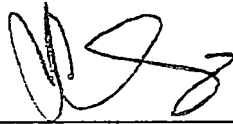
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 26, 2023.

IT IS SO ORDERED: June 26, 2023.

MEDICAL BOARD OF CALIFORNIA



**Laurie Rose Lubiano, J.D., Chair
Panel A**

1 ROB BONTA
Attorney General of California
2 EDWARD KIM
Supervising Deputy Attorney General
3 JONATHAN NGUYEN
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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2020-063620

12 **YOUNGJUN DAVID KIM, M.D.**
13 **Loma Linda University Medical Center**
14 **11234 Anderson Street**
15 **Loma Linda, CA 92354**

OAH No. 2022100442

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 **Physician's and Surgeon's**
17 **Certificate No. A 162639**

Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Reji Varghese (Complainant) is the Interim Executive Director of the Medical Board
22 of California (Board). He brought this action solely in his official capacity and is represented in
23 this matter by Rob Bonta, Attorney General of the State of California, by Jonathan Nguyen,
24 Deputy Attorney General.

25 2. Respondent Youngjun David Kim, M.D. (Respondent) is represented in this
26 proceeding by attorney Elizabeth M. Brady, whose address is: 8880 Rio San Diego Drive, Suite
27 800, San Diego, CA 92108

28 3. On or about May 20, 2019, the Board issued Physician's and Surgeon's Certificate No.

1 A 162639 to Youngjun David Kim, M.D. (Respondent). The Physician's and Surgeon's
2 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
3 No. 800-2020-063620, and will expire on May 31, 2023, unless renewed.

4 **JURISDICTION**

5 4. Accusation No. 800-2020-063620 was filed before the Board, and is currently
6 pending against Respondent. The Accusation and all other statutorily required documents were
7 properly served on Respondent on March 1, 2022. Respondent timely filed his Notice of Defense
8 contesting the Accusation.

9 5. A copy of Accusation No. 800-2020-063620 is attached as exhibit A and incorporated
10 herein by reference.

11 **ADVISEMENT AND WAIVERS**

12 6. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 800-2020-063620. Respondent has also carefully read,
14 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
15 Disciplinary Order.

16 7. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
18 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
19 to the issuance of subpoenas to compel the attendance of witnesses and the production of
20 documents; the right to reconsideration and court review of an adverse decision; and all other
21 rights accorded by the California Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 9. ACKNOWLEDGMENT. Respondent acknowledges the Disciplinary Order below,
25 requiring the disclosure of probation pursuant to Business and Professions Code section 2228.1,
26 serves to protect the public interest.

27 **CULPABILITY**

28 10. Respondent does not contest that, at an administrative hearing, complainant could

1 establish a prima facie case with respect to the charges and allegations in Accusation No. 800-
2 2020-063620, a true and correct copy of which is attached hereto as Exhibit A, and that he has
3 thereby subjected his Physician's and Surgeon's Certificate, No. A 162639 to disciplinary action.

4 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
5 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
6 Disciplinary Order below.

7 CONTINGENCY

8 12. This stipulation shall be subject to approval by the Medical Board of California.
9 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
10 Board of California may communicate directly with the Board regarding this stipulation and
11 settlement, without notice to or participation by Respondent or his counsel. By signing the
12 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
14 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
16 action between the parties, and the Board shall not be disqualified from further action by having
17 considered this matter.

18 13. Respondent agrees that if he ever petitions for early termination or modification of
19 probation, or if an accusation and/or petition to revoke probation is filed against him before the
20 Board, all of the charges and allegations contained in Accusation No. 800-2020-063620 shall be
21 deemed true, correct and fully admitted by respondent for purposes of any such proceeding or any
22 other licensing proceeding involving Respondent in the State of California.

23 14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
24 be an integrated writing representing the complete, final and exclusive embodiment of the
25 agreement of the parties in the above-entitled matter.

26 15. The parties understand and agree that Portable Document Format (PDF) and facsimile
27 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
28 signatures thereto, shall have the same force and effect as the originals.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or opportunity to be heard by the Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 162639 issued to Respondent YOUNGJUN DAVID KIM, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for six (6) years on the following terms and conditions:

1. **PATIENT DISCLOSURE.** Before a patient's first visit following the effective date of this order and while the respondent is on probation, the respondent must provide all patients, or patient's guardian or health care surrogate, with a separate disclosure that includes the respondent's probation status, the length of the probation, the probation end date, all practice restrictions placed on the respondent by the board, the board's telephone number, and an explanation of how the patient can find further information on the respondent's probation on the respondent's profile page on the board's website. Respondent shall obtain from the patient, or the patient's guardian or health care surrogate, a separate, signed copy of that disclosure. Respondent shall not be required to provide a disclosure if any of the following applies: (1) The patient is unconscious or otherwise unable to comprehend the disclosure and sign the copy of the disclosure and a guardian or health care surrogate is unavailable to comprehend the disclosure and sign the copy; (2) The visit occurs in an emergency room or an urgent care facility or the visit is unscheduled, including consultations in inpatient facilities; (3) Respondent is not known to the patient until immediately prior to the start of the visit; (4) Respondent does not have a direct treatment relationship with the patient.

2. CONTROLLED SUBSTANCES - SURRENDER OF DEA PERMIT. Respondent is prohibited from practicing medicine until Respondent provides documentary proof to the Board or its designee that Respondent's DEA permit has been surrendered to the Drug Enforcement Administration for cancellation, together with any state prescription forms and all controlled substances order forms. Thereafter, Respondent shall not reapply for a new DEA permit without the prior written consent of the Board or its designee.

1 3. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain
2 completely from the personal use or possession of controlled substances as defined in the
3 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and
4 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not
5 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide
6 illness or condition.

7 Within 15 calendar days of receiving any lawfully prescribed medications, Respondent
8 shall notify the Board or its designee of the: issuing practitioner's name, address, and telephone
9 number; medication name, strength, and quantity; and issuing pharmacy name, address, and
10 telephone number.

11 4. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
12 use of products or beverages containing alcohol.

13 5. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days
14 of the effective date of this Decision, Respondent shall enroll in a professionalism program, that
15 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.
16 Respondent shall participate in and successfully complete that program. Respondent shall
17 provide any information and documents that the program may deem pertinent. Respondent shall
18 successfully complete the classroom component of the program not later than six (6) months after
19 Respondent's initial enrollment, and the longitudinal component of the program not later than the
20 time specified by the program, but no later than one (1) year after attending the classroom
21 component. The professionalism program shall be at Respondent's expense and shall be in
22 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

23 A professionalism program taken after the acts that gave rise to the charges in the
24 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
25 or its designee, be accepted towards the fulfillment of this condition if the program would have
26 been approved by the Board or its designee had the program been taken after the effective date of
27 this Decision.

28 Respondent shall submit a certification of successful completion to the Board or its

1 designee not later than 15 calendar days after successfully completing the program or not later
2 than 15 calendar days after the effective date of the Decision, whichever is later.

3 6. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
4 Respondent shall submit to the Board or its designee for prior approval the name and
5 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
6 has a doctoral degree in psychology and at least five years of postgraduate experience in the
7 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
8 undergo and continue psychotherapy treatment, including any modifications to the frequency of
9 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

10 The psychotherapist shall consider any information provided by the Board or its designee
11 and any other information the psychotherapist deems relevant and shall furnish a written
12 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
13 psychotherapist with any information and documents that the psychotherapist may deem
14 pertinent.

15 Respondent shall have the treating psychotherapist submit quarterly status reports to the
16 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
17 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
18 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
19 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
20 period of probation shall be extended until the Board determines that Respondent is mentally fit
21 to resume the practice of medicine without restrictions.

22 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

23 7. MEDICAL EVALUATION AND TREATMENT. Within 30 calendar days of the
24 effective date of this Decision, and on a periodic basis thereafter as may be required by the Board
25 or its designee, Respondent shall undergo a medical evaluation by a Board-appointed physician
26 who shall consider any information provided by the Board or designee and any other information
27 the evaluating physician deems relevant and shall furnish a medical report to the Board or its
28 designee. Respondent shall provide the evaluating physician with any information and

1 documentation that the evaluating physician may deem pertinent.

2 Following the evaluation, Respondent shall comply with all restrictions or conditions
3 recommended by the evaluating physician within 15 calendar days after being notified by the
4 Board or its designee. If Respondent is required by the Board or its designee to undergo medical
5 treatment, Respondent shall within 30 calendar days of the requirement notice, submit to the
6 Board or its designee for prior approval the name and qualifications of a California licensed
7 treating physician of Respondent's choice. Upon approval of the treating physician, Respondent
8 shall within 15 calendar days undertake medical treatment and shall continue such treatment until
9 further notice from the Board or its designee.

10 The treating physician shall consider any information provided by the Board or its designee
11 or any other information the treating physician may deem pertinent prior to commencement of
12 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or
13 its designee indicating whether or not the Respondent is capable of practicing medicine safely.
14 Respondent shall provide the Board or its designee with any and all medical records pertaining to
15 treatment that the Board or its designee deems necessary.

16 If, prior to the completion of probation, Respondent is found to be physically incapable of
17 resuming the practice of medicine without restrictions, the Board shall retain continuing
18 jurisdiction over Respondent's license and the period of probation shall be extended until the
19 Board determines that Respondent is physically capable of resuming the practice of medicine
20 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

21 8. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
22 days of the effective date of this Decision, Respondent shall provide to the Board the names,
23 physical addresses, mailing addresses, and telephone numbers of any and all employers and
24 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
25 worksite monitor, and Respondent's employers and supervisors to communicate regarding
26 Respondent's work status, performance, and monitoring.

27 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or
28 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff

1 privileges.

2 9. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
3 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
4 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
5 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall
6 make daily contact with the Board or its designee to determine whether biological fluid testing is
7 required. Respondent shall be tested on the date of the notification as directed by the Board or its
8 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at
9 any time, including weekends and holidays. Except when testing on a specific date as ordered by
10 the Board or its designee, the scheduling of biological fluid testing shall be done on a random
11 basis. The cost of biological fluid testing shall be borne by the Respondent.

12 During the first year of probation, Respondent shall be subject to 52 to 104 random tests.
13 During the second year of probation and for the duration of the probationary term, up to five (5)
14 years, Respondent shall be subject to 36 to 104 random tests per year. Only if there has been no
15 positive biological fluid tests in the previous five (5) consecutive years of probation, may testing
16 be reduced to one (1) time per month. Nothing precludes the Board from increasing the number
17 of random tests to the first-year level of frequency for any reason.

18 Prior to practicing medicine, Respondent shall contract with a laboratory or service,
19 approved in advance by the Board or its designee, that will conduct random, unannounced,
20 observed, biological fluid testing and meets all of the following standards:

21 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing
22 Industry Association or have completed the training required to serve as a collector for the
23 United States Department of Transportation.

24 (b) Its specimen collectors conform to the current United States Department of
25 Transportation Specimen Collection Guidelines.

26 (c) Its testing locations comply with the Urine Specimen Collection Guidelines
27 published by the United States Department of Transportation without regard to the type of
28 test administered.

- 1 (d) Its specimen collectors observe the collection of testing specimens.
- 2 (e) Its laboratories are certified and accredited by the United States Department of
3 Health and Human Services.
- 4 (f) Its testing locations shall submit a specimen to a laboratory within one (1)
5 business day of receipt and all specimens collected shall be handled pursuant to chain of
6 custody procedures. The laboratory shall process and analyze the specimens and provide
7 legally defensible test results to the Board within seven (7) business days of receipt of the
8 specimen. The Board will be notified of non-negative results within one (1) business day
9 and will be notified of negative test results within seven (7) business days.
- 10 (g) Its testing locations possess all the materials, equipment, and technical expertise
11 necessary in order to test Respondent on any day of the week.
- 12 (h) Its testing locations are able to scientifically test for urine, blood, and hair
13 specimens for the detection of alcohol and illegal and controlled substances.
- 14 (i) It maintains testing sites located throughout California.
- 15 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-
16 line computer database that allows the Respondent to check in daily for testing.
- 17 (k) It maintains a secure, HIPAA-compliant website or computer system that allows
18 staff access to drug test results and compliance reporting information that is available 24
19 hours a day.
- 20 (l) It employs or contracts with toxicologists that are licensed physicians and have
21 knowledge of substance abuse disorders and the appropriate medical training to interpret
22 and evaluate laboratory biological fluid test results, medical histories, and any other
23 information relevant to biomedical information.
- 24 (m) It will not consider a toxicology screen to be negative if a positive result is
25 obtained while practicing, even if the Respondent holds a valid prescription for the
26 substance.
- 27 Prior to changing testing locations for any reason, including during vacation or other travel,
28 alternative testing locations must be approved by the Board and meet the requirements above.

1 The contract shall require that the laboratory directly notify the Board or its designee of
2 non-negative results within one (1) business day and negative test results within seven (7)
3 business days of the results becoming available. Respondent shall maintain this laboratory or
4 service contract during the period of probation.

5 A certified copy of any laboratory test result may be received in evidence in any
6 proceedings between the Board and Respondent.

7 If a biological fluid test result indicates Respondent has used, consumed, ingested, or
8 administered to himself or herself a prohibited substance, the Board shall order Respondent to
9 cease practice and instruct Respondent to leave any place of work where Respondent is practicing
10 medicine or providing medical services. The Board shall immediately notify all of Respondent's
11 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or
12 provide medical services while the cease-practice order is in effect.

13 A biological fluid test will not be considered negative if a positive result is obtained while
14 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited
15 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

16 After the issuance of a cease-practice order, the Board shall determine whether the positive
17 biological fluid test is in fact evidence of prohibited substance use by consulting with the
18 specimen collector and the laboratory, communicating with the licensee, his or her treating
19 physician(s), other health care provider, or group facilitator, as applicable.

20 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the
21 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

22 For purposes of this condition, the term "prohibited substance" means an illegal drug, a
23 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by
24 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been
25 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

26 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
27 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
28 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to

1 any other terms or conditions the Board determines are necessary for public protection or to
2 enhance Respondent's rehabilitation.

3 10. SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of
4 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its
5 prior approval, the name of a substance abuse support group which he or she shall attend for the
6 duration of probation. Respondent shall attend substance abuse support group meetings at least
7 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance
8 abuse support group meeting costs.

9 The facilitator of the substance abuse support group meeting shall have a minimum of three
10 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed
11 or certified by the state or nationally certified organizations. The facilitator shall not have a
12 current or former financial, personal, or business relationship with Respondent within the last five
13 (5) years. Respondent's previous participation in a substance abuse group support meeting led by
14 the same facilitator does not constitute a prohibited current or former financial, personal, or
15 business relationship.

16 The facilitator shall provide a signed document to the Board or its designee showing
17 Respondent's name, the group name, the date and location of the meeting, Respondent's
18 attendance, and Respondent's level of participation and progress. The facilitator shall report any
19 unexcused absence by Respondent from any substance abuse support group meeting to the Board,
20 or its designee, within twenty-four (24) hours of the unexcused absence.

21 11. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty
22 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or
23 its designee for prior approval as a worksite monitor, the name and qualifications of one or more
24 licensed physician and surgeon, other licensed health care professional if no physician and
25 surgeon is available, or, as approved by the Board or its designee, a person in a position of
26 authority who is capable of monitoring the Respondent at work.

27 The worksite monitor shall not have a current or former financial, personal, or familial
28 relationship with Respondent, or any other relationship that could reasonably be expected to

1 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its
2 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite
3 monitor, this requirement may be waived by the Board or its designee, however, under no
4 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

5 The worksite monitor shall have an active unrestricted license with no disciplinary action
6 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms
7 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth
8 by the Board or its designee.

9 Respondent shall pay all worksite monitoring costs.

10 The worksite monitor shall have face-to-face contact with Respondent in the work
11 environment on as frequent a basis as determined by the Board or its designee, but not less than
12 once per week; interview other staff in the office regarding Respondent's behavior, if requested
13 by the Board or its designee; and review Respondent's work attendance.

14 The worksite monitor shall verbally report any suspected substance abuse to the Board and
15 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected
16 substance abuse does not occur during the Board's normal business hours, the verbal report shall
17 be made to the Board or its designee within one (1) hour of the next business day. A written
18 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and
19 any other information deemed important by the worksite monitor shall be submitted to the Board
20 or its designee within 48 hours of the occurrence.

21 The worksite monitor shall complete and submit a written report monthly or as directed by
22 the Board or its designee which shall include the following: (1) Respondent's name and
23 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)
24 the worksite monitor's license number, if applicable; (4) the location or location(s) of the
25 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the
26 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;
27 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can
28 lead to suspected substance abuse by Respondent. Respondent shall complete any required

1 consent forms and execute agreements with the approved worksite monitor and the Board, or its
2 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

3 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)
4 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior
5 approval, the name and qualifications of a replacement monitor who will be assuming that
6 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a
7 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the
8 monitor, Respondent shall receive a notification from the Board or its designee to cease the
9 practice of medicine within three (3) calendar days after being so notified. Respondent shall
10 cease the practice of medicine until a replacement monitor is approved and assumes monitoring
11 responsibility.

12 12. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
13 LICENSEES . Failure to fully comply with any term or condition of probation is a violation of
14 probation.

15 A. If Respondent commits a major violation of probation as defined by section 1361.52,
16 subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take one or
17 more of the following actions:

18 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
19 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
20 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
21 order issued by the Board or its designee shall state that Respondent must test negative for at least
22 a month of continuous biological fluid testing before being allowed to resume practice. For
23 purposes of determining the length of time a Respondent must test negative while undergoing
24 continuous biological fluid testing following issuance of a cease-practice order, a month is
25 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
26 notified in writing by the Board or its designee that he or she may do so.

27 (2) Increase the frequency of biological fluid testing.

28 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or

1 other action as determined by the Board or its designee.

2 B. If Respondent commits a minor violation of probation as defined by section 1361.52,
3 subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take one or
4 more of the following actions:

5 (1) Issue a cease-practice order;

6 (2) Order practice limitations;

7 (3) Order or increase supervision of Respondent;

8 (4) Order increased documentation;

9 (5) Issue a citation and fine, or a warning letter;

10 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in
11 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of
12 Regulations, at Respondent's expense;

13 (7) Take any other action as determined by the Board or its designee.

14 C. Nothing in this Decision shall be considered a limitation on the Board's authority to
15 revoke Respondent's probation if he or she has violated any term or condition of probation. If
16 Respondent violates probation in any respect, the Board, after giving Respondent notice and the
17 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
18 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed
19 against Respondent during probation, the Board shall have continuing jurisdiction until the matter
20 is final, and the period of probation shall be extended until the matter is final.

21 13. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
22 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
23 Chief Executive Officer at every hospital where privileges or membership are extended to
24 Respondent, at any other facility where Respondent engages in the practice of medicine,
25 including all physician and locum tenens registries or other similar agencies, and to the Chief
26 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
27 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
28 calendar days.

1 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

2 14. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
3 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
4 advanced practice nurses (collectively, PANPs), provided that this condition shall not apply
5 during any period when Respondent (and any such PANP) is not engaged in direct patient care.

6 Respondent must notify the Board prior to engaging in direct patient care (or prior to
7 supervising PANPs engaging in direct patient care). If Respondent (or any of his supervisee
8 PANPs) engages in direct patient care, Respondent shall submit to the Board or its designee for
9 prior approval as a practice monitor, the name and qualifications of one or more licensed
10 physicians and surgeons whose licenses are valid and in good standing, and who are preferably
11 American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or
12 current business or personal relationship with Respondent, or other relationship that could
13 reasonably be expected to compromise the ability of the monitor to render fair and unbiased
14 reports to the Board, including but not limited to any form of bartering, shall be in Respondent's
15 field of practice, and must agree to serve as Respondent's monitor. Respondent shall pay all
16 monitoring costs.

17 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
18 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
19 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
20 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
21 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
22 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the
23 signed statement for approval by the Board or its designee.

24 During any period throughout probation when Respondent (or any of his supervisee PANPs)
25 engages in direct patient care, Respondent's practice shall be monitored by the approved monitor.
26 Respondent shall make all records available for immediate inspection and copying on the
27 premises by the monitor at all times during business hours and shall retain the records for the
28 entire term of probation.

1 If Respondent fails to obtain approval of a monitor (pursuant to the preceding paragraphs)
2 within 60 calendar days of engaging in direct patient care (or supervising a PANP who engages in
3 direct patient care), Respondent shall receive a notification from the Board or its designee to
4 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
5 shall cease the practice of medicine until a monitor is approved to provide monitoring
6 responsibility.

7 The monitor(s) shall submit a quarterly written report to the Board or its designee which
8 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
9 are within the standards of practice of medicine, and whether Respondent is practicing medicine
10 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure
11 that the monitor submits the quarterly written reports to the Board or its designee within 10
12 calendar days after the end of the preceding quarter.

13 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
14 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
15 name and qualifications of a replacement monitor who will be assuming that responsibility within
16 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60
17 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
18 notification from the Board or its designee to cease the practice of medicine within three (3)
19 calendar days after being so notified. Respondent shall cease the practice of medicine until a
20 replacement monitor is approved and assumes monitoring responsibility.

21 15. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
22 governing the practice of medicine in California and remain in full compliance with any court
23 ordered criminal probation, payments, and other orders.

24 16. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby
25 ordered to reimburse the Board its costs of investigation and enforcement, including, but not
26 limited to, expert review, amended accusations, legal reviews, investigation(s), and subpoena
27 enforcement, as applicable, in the amount of \$5,989 (Five thousand nine hundred eighty-nine
28 dollars). Costs shall be payable to the Medical Board of California. Failure to pay such costs

1 shall be considered a violation of probation.

2 Payment must be made in full within 30 calendar days of the effective date of the Order, or
3 by a payment plan approved by the Medical Board of California. Any and all requests for a
4 payment plan shall be submitted in writing by respondent to the Board. Failure to comply with
5 the payment plan shall be considered a violation of probation.

6 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
7 repay investigation and enforcement costs, including expert review costs.

8 17. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
9 under penalty of perjury on forms provided by the Board, stating whether there has been
10 compliance with all the conditions of probation.

11 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
12 of the preceding quarter.

13 18. GENERAL PROBATION REQUIREMENTS.

14 Compliance with Probation Unit

15 Respondent shall comply with the Board's probation unit.

16 Address Changes

17 Respondent shall, at all times, keep the Board informed of Respondent's business and
18 residence addresses, email address (if available), and telephone number. Changes of such
19 addresses shall be immediately communicated in writing to the Board or its designee. Under no
20 circumstances shall a post office box serve as an address of record, except as allowed by Business
21 and Professions Code section 2021, subdivision (b).

22 Place of Practice

23 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
24 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
25 facility.

26 License Renewal

27 Respondent shall maintain a current and renewed California physician's and surgeon's
28 license.

1 Travel or Residence Outside California

2 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
3 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
4 (30) calendar days.

5 In the event Respondent should leave the State of California to reside or to practice
6 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
7 departure and return.

8 19. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
9 available in person upon request for interviews either at Respondent's place of business or at the
10 probation unit office, with or without prior notice throughout the term of probation.

11 20. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
12 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
13 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
14 defined as any period of time Respondent is not practicing medicine as defined in Business and
15 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct
16 patient care, clinical activity or teaching, or other activity as approved by the Board. If
17 Respondent resides in California and is considered to be in non-practice, Respondent shall
18 comply with all terms and conditions of probation. All time spent in an intensive training
19 program which has been approved by the Board or its designee shall not be considered non-
20 practice and does not relieve Respondent from complying with all the terms and conditions of
21 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
22 on probation with the medical licensing authority of that state or jurisdiction shall not be
23 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
24 period of non-practice.

25 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
26 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
27 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
28 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model

1 Disciplinary Orders and Disciplinary Guidelines” prior to resuming the practice of medicine.

2 Respondent’s period of non-practice while on probation shall not exceed two (2) years.

3 Periods of non-practice will not apply to the reduction of the probationary term.

4 Periods of non-practice for a Respondent residing outside of California will relieve
5 Respondent of the responsibility to comply with the probationary terms and conditions with the
6 exception of this condition and the following terms and conditions of probation: Obey All Laws;
7 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
8 Controlled Substances; and Biological Fluid Testing..

9 21. COMPLETION OF PROBATION. Respondent shall comply with all financial
10 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
11 completion of probation. This term does not include cost recovery, which is due within 30
12 calendar days of the effective date of the Order, or by a payment plan approved by the Medical
13 Board and timely satisfied. Upon successful completion of probation, Respondent’s certificate
14 shall be fully restored.

15 22. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
16 of probation is a violation of probation. If Respondent violates probation in any respect, the
17 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
18 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
19 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
20 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
21 the matter is final.

22 23. LICENSE SURRENDER. Following the effective date of this Decision, if
23 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
24 the terms and conditions of probation, Respondent may request to surrender his or her license.
25 The Board reserves the right to evaluate Respondent’s request and to exercise its discretion in
26 determining whether or not to grant the request, or to take any other action deemed appropriate
27 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
28 shall within 15 calendar days deliver Respondent’s wallet and wall certificate to the Board or its

1 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
2 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
3 application shall be treated as a petition for reinstatement of a revoked certificate.

4 24. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
5 with probation monitoring each and every year of probation, as designated by the Board, which
6 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
7 California and delivered to the Board or its designee no later than January 31 of each calendar
8 year.

9 25. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for
10 a new license or certification, or petition for reinstatement of a license, by any other health care
11 licensing action agency in the State of California, all of the charges and allegations contained in
12 Accusation No. 800-2020-063620 shall be deemed to be true, correct, and admitted by
13 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or
14 restrict license.

15 ACCEPTANCE

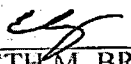
16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
17 discussed it with my attorney, Elizabeth M. Brady. I understand the stipulation and the effect it
18 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
19 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
20 Decision and Order of the Medical Board of California.

21
22 DATED: 27-Mar-2023

23 
YOUNGJUN DAVID KIM, M.D.
Respondent

24 I have read and fully discussed with Respondent Youngjun David Kim, M.D. the terms and
25 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
26 I approve its form and content.

27 DATED: March 27, 2023

28 
ELIZABETH M. BRADY
Attorney for Respondent

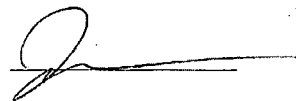
1 **ENDORSEMENT**

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Medical Board of California.

4 DATED: March 28, 2023

Respectfully submitted,

5 ROB BONTA
6 Attorney General of California
7 EDWARD KIM
8 Supervising Deputy Attorney General

9 

10 JONATHAN NGUYEN
11 Deputy Attorney General
12 *Attorneys for Complainant*

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14 65828684.docx

Exhibit A
Accusation No. 800-2020-063620

1 ROB BONTA
Attorney General of California
2 EDWARD KIM
Supervising Deputy Attorney General
3 JONATHAN NGUYEN
Deputy Attorney General
4 State Bar No. 263420
Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6434
Facsimile: (916) 731-2117
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2020-063620

12 **YOUNGJUN DAVID KIM, M.D.**
13 **23933 Old Adobe Lane**
Valencia, CA 91354-1551

A C C U S A T I O N

14 **Physician's and Surgeon's**
15 **Certificate No. A 162639,**

16 Respondent.

17 **PARTIES**

18 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity
19 as the Executive Director of the Medical Board of California, Department of Consumer Affairs
20 (Board).

21 2. On or about May 20, 2019, the Board issued Physician's and Surgeon's Certificate
22 Number A 162639 to Youngjun David Kim, M.D. (Respondent). The Physician's and Surgeon's
23 Certificate was in full force and effect at all times relevant to the charges brought herein and will
24 expire on May 31, 2023, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28

1 indicated.

2 4. Section 2227 of the Code provides that a licensee who is found guilty under the
3 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
4 one year, placed on probation and required to pay the costs of probation monitoring, or such other
5 action taken in relation to discipline as the Division deems proper.

6 5. Section 820 of the Code states:

7 Whenever it appears that any person holding a license, certificate or permit
8 under this division or under any initiative act referred to in this division may be
9 unable to practice his or her profession safely because the licentiate's ability to
10 practice is impaired due to mental illness, or physical illness affecting competency,
11 the licensing agency may order the licentiate to be examined by one or more
12 physicians and surgeons or psychologists designated by the agency. The report of the
13 examiners shall be made available to the licentiate and may be received as direct
14 evidence in proceedings conducted pursuant to Section 822.

15 6. Section 822 of the Code states:

16 If a licensing agency determines that its licentiate's ability to practice his or her
17 profession safely is impaired because the licentiate is mentally ill, or physically ill
18 affecting competency, the licensing agency may take action by any one of the
19 following methods:

20 (a) Revoking the licentiate's certificate or license.

21 (b) Suspending the licentiate's right to practice.

22 (c) Placing the licentiate on probation.

23 (d) Taking such other action in relation to the licentiate as the licensing agency
24 in its discretion deems proper.

25 The licensing section shall not reinstate a revoked or suspended certificate or
26 license until it has received competent evidence of the absence or control of the
27 condition which caused its action and until it is satisfied that with due regard for the
28 public health and safety the person's right to practice his or her profession may be
safely reinstated.

7. Section 2234 of the Code, states:

The board shall take action against any licensee who is charged with
unprofessional conduct. In addition to other provisions of this article, unprofessional
conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or
abetting the violation of, or conspiring to violate any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more

negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

(f) Any action or conduct that would have warranted the denial of a certificate.

(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Impaired Ability to Practice Medicine)

9. Respondent Youngjun David Kim, M.D. is subject to disciplinary action under sections 822 of the Code in that his ability to practice medicine safely is impaired due to a mental and/or physical illness affecting competency. The circumstances are as follows:

10. This matter originated after the Board became aware that Respondent appeared to suffer from poor work performance issues during his residency in surgery from October 2018 to October 2019. Those issues included: (1) not communicating with his team that he was out of

1 town; (2) leaving his pager unattended; (3) not answering phone calls or disclosing his location;
2 (4) being late for shifts and educational conferences; (5) failing to make entries into case logs;
3 and (6) not reporting for his morning rounds.

4 11. Despite warnings from his residency program, psychiatric treatment for depression,
5 and being given time off from work, Respondent's issues at work persisted. Respondent
6 requested additional leave from his residency, but on December 30, 2019, his residency program
7 denied that request and he resigned from the program.

8 12. On or about July 15, 2021, the Board issued an order pursuant to section 820 of the
9 Code, ordering Respondent to submit to a mental and a physical examination.

10 13. On or about August 9, 2021, a psychiatric and psychological examination was
11 performed on Respondent by Dr. M.K., M.D., a Board-certified psychiatrist who specializes in
12 addiction issues. After his evaluation, Dr. M.K. concluded that Respondent has a mental illness
13 or condition that requires ongoing monitoring, treatment, and oversight in order to practice
14 medicine safely.

15 14. Dr. M.K. further stated that while Respondent is not currently disabled by remitted
16 psychiatric conditions of amphetamine use disorder, major depression or substance induced
17 depression, but he is at risk for recidivism or reoccurrence. Dr. M.K. recommended that
18 Respondent continue with his current treatment with a psychiatrist and therapist and that the
19 Board monitor his sobriety with frequent urine substance abuse screening.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(General Unprofessional Conduct)**

22 15. Respondent Youngjun David Kim, M.D. is subject to disciplinary action under
23 section 2234 of the Code in that Respondent's actions and/or omissions represent unprofessional
24 conduct generally. The circumstances are as follows:

25 16. The facts and circumstances as set forth in the First Cause for Discipline are
26 incorporated by reference herein as if fully set forth.

27 **PRAYER**

28 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,

1 and that following the hearing, the Medical Board of California issue a decision:


2 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 162639,
3 issued to Respondent Youngjun David Kim, M.D.;

4 2. Revoking, suspending or denying approval of Respondent Youngjun David Kim,
5 M.D.'s authority to supervise physician assistants and advanced practice nurses;

6 3. Ordering Respondent Youngjun David Kim, M.D., to pay the Board the costs of the
7 investigation and enforcement of this case, and if placed on probation, the costs of probation
8 monitoring; and

9 4. Taking such other and further action as deemed necessary and proper.

10
11 DATED: MAR 01 2022



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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