

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

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

Joon Kim, M.D.

**Physician's and Surgeon's
License No. A77889**

Respondent

Case No. 800-2017-036604

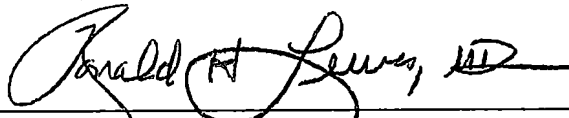
DECISION

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 April 9, 2021.

IT IS SO ORDERED: March 10, 2021.

MEDICAL BOARD OF CALIFORNIA



**Ronald H. Lewis, M.D., Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
4 State Bar No. 234540
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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:

14 **JOON KIM, M.D.**
15 **St. Josephs Hospital Radiology Dept.**
1100 W Stewart Dr.
Orange, CA 92868

16 **Physician's and Surgeon's Certificate**
17 **No. A77889,**

18 Respondent.

Case No. 800-2017-036604

OAH No. 2020090696

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

22 **PARTIES**

23 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
24 California (Board). He brought this action solely in his official capacity and is represented in this
25 matter by Xavier Becerra, Attorney General of the State of California, by Karolyn M. Westfall,
26 Deputy Attorney General.

27 2. Respondent Joon Kim, M.D. (Respondent) is represented in this proceeding by
28 attorneys Peter Osinoff, Esq., and Derek O'Reilly-Jones, Esq., whose address is: Bonne, Bridges,

1 Mueller, O'Keefe, & Nichols, 355 South Grand Avenue, Suite 1750, Los Angeles, California
2 90071.

3 3. On or about February 6, 2002, the Board issued Physician's and Surgeon's Certificate
4 No. A 77889 to Respondent. The Physician's and Surgeon's Certificate was in full force and
5 effect at all times relevant to the charges brought in Accusation No. 800-2017-036604, and will
6 expire on September 30, 2021, unless renewed.

7 **JURISDICTION**

8 4. Accusation No. 800-2017-036604 was filed before the Board, and is currently
9 pending against Respondent. The Accusation and all other statutorily required documents were
10 properly served on Respondent on August 24, 2020. Respondent timely filed his Notice of
11 Defense contesting the Accusation.

12 5. A true and correct copy of Accusation No. 800-2017-036604 is attached as Exhibit A
13 and incorporated herein by reference.

14 **ADVISEMENT AND WAIVERS**

15 6. Respondent has carefully read, fully discussed with counsel, and understands the
16 charges and allegations in Accusation No. 800-2017-036604. Respondent has also carefully read,
17 fully discussed with his counsel, and understands the effects of this Stipulated Settlement and
18 Disciplinary Order.

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

25 8. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently
26 waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 800-2017-036604.

4 10. 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 11. 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 12. 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. 800-2017-036604 shall be
21 deemed true, correct and fully admitted by Respondent for purposes of any such proceeding or
22 any other licensing proceeding involving Respondent in the State of California.

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

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

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 77889 issued
3 to Respondent, Joon Kim, M.D., is revoked. However, the revocation is stayed and Respondent
4 is placed on probation for four (4) years from the effective date of the Decision and Order on the
5 following terms and conditions:

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

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

16 2. **ALCOHOL - ABSTAIN FROM USE.** Respondent shall abstain completely from the
17 use of products or beverages containing alcohol.

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

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

6 Respondent shall submit a certification of successful completion to the Board or its
7 designee not later than 15 calendar days after successfully completing the program or not later
8 than 15 calendar days after the effective date of the Decision, whichever is later.

9 4. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
10 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
11 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
12 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
13 consider any information provided by the Board or designee and any other information the
14 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
15 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
16 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
17 psychiatric evaluations and psychological testing.

18 Respondent shall comply with all restrictions or conditions recommended by the evaluating
19 psychiatrist within 15 calendar days after being notified by the Board or its designee.

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

27 The psychotherapist shall consider any information provided by the Board or its designee
28 and any other information the psychotherapist deems relevant and shall furnish a written

1 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
2 psychotherapist with any information and documents that the psychotherapist may deem
3 pertinent.

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

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

12 6. MEDICAL EVALUATION AND TREATMENT. Within 30 calendar days of the
13 effective date of this Decision, and on a periodic basis thereafter as may be required by the Board
14 or its designee, Respondent shall undergo a medical evaluation by a Board-appointed physician
15 who shall consider any information provided by the Board or designee and any other information
16 the evaluating physician deems relevant and shall furnish a medical report to the Board or its
17 designee. Respondent shall provide the evaluating physician with any information and
18 documentation that the evaluating physician may deem pertinent.

19 Following the evaluation, Respondent shall comply with all restrictions or conditions
20 recommended by the evaluating physician within 15 calendar days after being notified by the
21 Board or its designee. If Respondent is required by the Board or its designee to undergo medical
22 treatment, Respondent shall within 30 calendar days of the requirement notice, submit to the
23 Board or its designee for prior approval the name and qualifications of a California licensed
24 treating physician of Respondent's choice. Upon approval of the treating physician, Respondent
25 shall within 15 calendar days undertake medical treatment and shall continue such treatment until
26 further notice from the Board or its designee.

27 The treating physician shall consider any information provided by the Board or its designee
28 or any other information the treating physician may deem pertinent prior to commencement of

1 treatment. Respondent shall have the treating physician submit quarterly reports to the Board or
2 its designee indicating whether or not the Respondent is capable of practicing medicine safely.
3 Respondent shall provide the Board or its designee with any and all medical records pertaining to
4 treatment that the Board or its designee deems necessary.

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

10 7. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)
11 days of the effective date of this Decision, Respondent shall provide to the Board the names,
12 physical addresses, mailing addresses, and telephone numbers of any and all employers and
13 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's
14 worksite monitor, and Respondent's employers and supervisors to communicate regarding
15 Respondent's work status, performance, and monitoring.

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

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

1 During the first year of probation, and for the duration of the probationary term, up to four
2 (4) years, Respondent shall be subject to 36 to 104 random tests per year.

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

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

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

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

14 (d) Its specimen collectors observe the collection of testing specimens.

15 (e) Its laboratories are certified and accredited by the United States Department of Health
16 and Human Services.

17 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day
18 of receipt and all specimens collected shall be handled pursuant to chain of custody
19 procedures. The laboratory shall process and analyze the specimens and provide legally
20 defensible test results to the Board within seven (7) business days of receipt of the
21 specimen. The Board will be notified of non-negative results within one (1) business day
22 and will be notified of negative test results within seven (7) business days.

23 (g) Its testing locations possess all the materials, equipment, and technical expertise
24 necessary in order to test Respondent on any day of the week.

25 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens
26 for the detection of alcohol and illegal and controlled substances.

27 (i) It maintains testing sites located throughout California.

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1 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line
2 computer database that allows the Respondent to check in daily for testing.

3 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff
4 access to drug test results and compliance reporting information that is available 24 hours a
5 day.

6 (l) It employs or contracts with toxicologists that are licensed physicians and have
7 knowledge of substance abuse disorders and the appropriate medical training to interpret
8 and evaluate laboratory biological fluid test results, medical histories, and any other
9 information relevant to biomedical information.

10 (m) It will not consider a toxicology screen to be negative if a positive result is obtained
11 while practicing, even if the Respondent holds a valid prescription for the substance.

12 Prior to changing testing locations for any reason, including during vacation or other travel,
13 alternative testing locations must be approved by the Board and meet the requirements above.

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

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

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

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

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

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

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

11 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited
12 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the
13 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to
14 any other terms or conditions the Board determines are necessary for public protection or to
15 enhance Respondent's rehabilitation.

16 9. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING
17 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of
18 probation.

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

22 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical
23 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of
24 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice
25 order issued by the Board or its designee shall state that Respondent must test negative for at least
26 a month of continuous biological fluid testing before being allowed to resume practice. For
27 purposes of determining the length of time a Respondent must test negative while undergoing
28 continuous biological fluid testing following issuance of a cease-practice order, a month is

1 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until
2 notified in writing by the Board or its designee that he or she may do so.

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

4 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or
5 other action as determined by the Board or its designee.

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

9 (1) Issue a cease-practice order;

10 (2) Order practice limitations;

11 (3) Order or increase supervision of Respondent;

12 (4) Order increased documentation;

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

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

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

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

25 10. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
26 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
27 Chief Executive Officer at every hospital where privileges or membership are extended to
28 Respondent, at any other facility where Respondent engages in the practice of medicine,

1 including all physician and locum tenens registries or other similar agencies, and to the Chief
2 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
3 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
4 calendar days.

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

6 11. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
7 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
8 advanced practice nurses.

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

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

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

17 14. GENERAL PROBATION REQUIREMENTS.

18 Compliance with Probation Unit

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

20 Address Changes

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

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1 Place of Practice

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

5 License Renewal

6 Respondent shall maintain a current and renewed California physician's and surgeon's
7 license.

8 Travel or Residence Outside California

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

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

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

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

1 on probation with the medical licensing authority of that state or jurisdiction shall not be
2 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
3 period of non-practice.

4 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
5 months, Respondent shall successfully complete the Federation of State Medical Boards' Special
6 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
7 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
8 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

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

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

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

16 17. COMPLETION OF PROBATION. Respondent shall comply with all financial
17 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
18 completion of probation. Upon successful completion of probation, Respondent's certificate shall
19 be fully restored.

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

27 19. LICENSE SURRENDER. Following the effective date of this Decision, if
28 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy

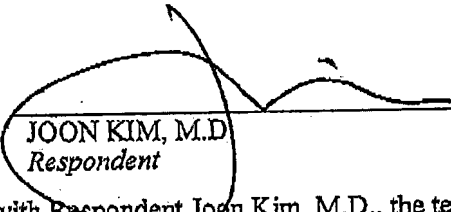
1 the terms and conditions of probation, Respondent may request to surrender his or her license.
2 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
3 determining whether or not to grant the request, or to take any other action deemed appropriate
4 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
5 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
6 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
7 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
8 application shall be treated as a petition for reinstatement of a revoked certificate.

9 20. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
10 with probation monitoring each and every year of probation, as designated by the Board, which
11 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
12 California and delivered to the Board or its designee no later than January 31 of each calendar
13 year.

14 ACCEPTANCE

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
16 discussed it with my attorneys Peter Osinoff, Esq., and Derek O'Reilly-Jones, Esq. I understand
17 the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into
18 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
19 agree to be bound by the Decision and Order of the Medical Board of California.

20
21 DATED: 1/29/21


JOON KIM, M.D.
Respondent

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

26 DATED: 02.01.2021


PETER OSINOFF, ESQ.
DEREK O'REILLY-JONES, ESQ.
Attorneys for Respondent

ENDORSEMENT

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

DATED: 2/1/21 _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General



KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant

SD2020800832
82692206.docx

Exhibit A

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8 *Attorneys for Complainant*

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12
13 In the Matter of the Accusation Against:

Case No. 800-2017-036604

14 **JOON KIM, M.D.**
15 **St. Josephs Hospital Radiology Dept**
1100 W. Stewart Dr.
16 **Orange, CA 92868**

A C C U S A T I O N

17 **Physician's and Surgeon's Certificate**
18 **No. A77889,**

Respondent.

19
20 **PARTIES**

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

24 2. On or about February 6, 2002, the Medical Board issued Physician's and Surgeon's
25 Certificate No. A77889 to Joon Kim, M.D. (Respondent). The Physician's and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will
27 expire on September 30, 2021, unless renewed.

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JURISDICTION

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

4. Section 822 of the Code states:

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

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

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

(c) Placing the licentiate on probation.

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

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

5. Section 2227 of the Code states, in pertinent part:

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

(1) Have his or her license revoked upon order of the board.

(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

...

1 6. Section 2234 of the Code, states, in pertinent part:

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

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

7 ...

8 7. Section 2236 of the Code states, in pertinent part:

9 (a) The conviction of any offense substantially related to the qualifications,
10 functions, or duties of a physician and surgeon constitutes unprofessional conduct
11 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
12 of conviction shall be conclusive evidence only of the fact that the conviction
13 occurred.

14 ...

15 (d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is
16 deemed to be a conviction within the meaning of this section and Section 2236.1.
17 The record of conviction shall be conclusive evidence of the fact that the conviction
18 occurred.

19 8. Section 2239 of the Code states:

20 (a) The use or prescribing for or administering to himself or herself, of any
21 controlled substance; or the use of any of the dangerous drugs specified in Section
22 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
23 or injurious to the licensee, or to any other person or to the public, or to the extent that
24 such use impairs the ability of the licensee to practice medicine safely or more than
25 one misdemeanor or any felony involving the use, consumption, or
26 self-administration of any of the substances referred to in this section, or any
27 combination thereof, constitutes unprofessional conduct. The record of the
28 conviction is conclusive evidence of such unprofessional conduct.

 (b) A plea or verdict of guilty or a conviction following a plea of nolo
 contendere is deemed to be a conviction within the meaning of this section. The
 Medical Board may order discipline of the licensee in accordance with Section 2227
 or the Medical Board may order the denial of the license when the time for appeal has
 elapsed or the judgment of conviction has been affirmed on appeal or when an order
 granting probation is made suspending imposition of sentence, irrespective of a
 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
 such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
 setting aside the verdict of guilty, or dismissing the accusation, complaint,
 information, or indictment.

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FIRST CAUSE FOR DISCIPLINE

(Use of Alcoholic Beverages to the Extent, or in a Manner, as to be Dangerous to Respondent, Another Person, or the Public)

9. Respondent has subjected his Physician's and Surgeon's Certificate No. A77889 to disciplinary action under sections 2227 and 2234, as defined by section 2239, subdivision (a), of the Code, in that he has used alcoholic beverages to the extent, or in such a manner, as to be dangerous or injurious to himself, another person, or the public, as more particularly alleged hereinafter:

10. Between in or around 2016 and in or around 2018, Respondent received monthly prescriptions of thirty (30) tabs of zolpidem¹ 10 mg from his treating physician.

11. On or about August 10, 2017, at approximately 12:30 a.m., Respondent drove onto a raised divider in the road, and proceeded to crash into a traffic post sign and a palm tree before his vehicle came to a stop. Witnesses had to pull Respondent from the driver's seat of his smoking vehicle and called police. When police officers arrived, Respondent admitted he had consumed one beer and a sleeping pill before driving. After performing poorly on field sobriety tests, Respondent was placed under arrest. At approximately 2:12 a.m., a blood sample was taken from Respondent, which was subsequently tested and revealed a positive result for zolpidem and a blood alcohol content of .07 percent.

12. On or about February 13, 2018, the Orange County District Attorney filed a criminal complaint against Respondent in the matter entitled, *The People of the State of California v. Joon Kim*, Orange County Superior Court Case No. 18CM02040. The complaint charged Respondent with multiple counts, including (1) driving under the influence of alcohol and drugs, in violation of Vehicle Code section 23152, subdivision (g), a misdemeanor, (2) driving under the influence of drugs, in violation of Vehicle Code section 23152, subdivision (f), a misdemeanor; (3) driving under the influence of alcohol, in violation of Vehicle Code section 23152, subdivision (a), a misdemeanor; and (4) unsafe turning movement, in violation of Vehicle Code section 22107, an infraction.

¹ Zolpidem (brand name Ambien) is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022. It is a sedative used for the short-term treatment of insomnia.

1 13. On or about June 18, 2018, at approximately 1:48 a.m., a police officer was on
2 routine patrol when he observed Respondent drive into a pillar on the sidewalk, then drive into a
3 curb causing his vehicle to spin out and come to a stop. When the officer approached the vehicle,
4 he noted Respondent was seated in the driver's seat hunched over the steering wheel as his
5 vehicle was leaking oil and emitting smoke from the engine. When Respondent eventually exited
6 the vehicle, the officer immediately noted he had red watery eyes, slurred speech, and smelled of
7 alcohol. After performing poorly on field sobriety tests, Respondent was placed under arrest. At
8 approximately 3:17 a.m., a blood sample was taken from Respondent, which was subsequently
9 tested and revealed a positive result for zolpidem and a blood alcohol content of .11 percent.

10 14. On or about October 23, 2018, the Orange County District Attorney filed a criminal
11 complaint against Respondent in the matter entitled, *The People of the State of California v. Joon*
12 *Kim*, Orange County Superior Court Case No. 18CM10539. The complaint charged Respondent
13 with multiple counts, including (1) driving under the influence of alcohol, in violation of Vehicle
14 Code section 23152, subdivision (a), a misdemeanor; and (2) driving with a blood alcohol level of
15 .08% or more, in violation of Vehicle Code section 23152, subdivision (b), a misdemeanor.

16 15. In and around June 2019, Respondent began participating in a wellness committee
17 through his employer, who required him to receive treatment through the Pacific Assistance
18 Group (PAG). The PAG referred Respondent to attend a 9-week Professional Enhancement
19 Program through the Pine Grove Residential Treatment Program (Pine Grove).

20 16. Between on or about July 2, 2019, and on or about September 4, 2019, Respondent
21 received intensive treatment at Pine Grove. Upon his discharge, Respondent was diagnosed with
22 Avoidant Personality Traits, Sedative Hypnotic Use Disorder, and Alcohol Use Disorder. At the
23 conclusion of treatment, Pine Grove found Respondent was safe to return to practice with
24 continued monitoring for a period of five (5) years that included, but was not limited to, random
25 urine drug screens, random hair/nail tests, and 12-step meeting attendance.

26 17. On or about February 20, 2020, Respondent pled guilty to all charges in both Orange
27 County Superior Court Case No. 18CM02040 and Case No. 18CM10539, and was sentenced to

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1 120 days of custody and five (5) years of probation, subject to various terms and conditions,
2 including an 18 month multiple offender alcohol program.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Use of Controlled Substances to the Extent, or in a Manner, as to be Dangerous to**
5 **Respondent, Another Person, or the Public)**

6 18. Respondent has further subjected his Physician's and Surgeon's Certificate No.
7 A77889 to disciplinary action under sections 2227 and 2234, as defined by section 2239,
8 subdivision (a), of the Code, in that he has used controlled substances to the extent, or in such a
9 manner, as to be dangerous or injurious to himself, another person, or the public, as more
10 particularly alleged in paragraphs 9 through 17, above, which are hereby incorporated by
11 reference as if fully set forth herein.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(More than One Misdemeanor Conviction Involving the Use of Alcohol and Controlled**
14 **Substances)**

15 19. Respondent has further subjected his Physician's and Surgeon's Certificate No.
16 A77889 to disciplinary action under sections 2227 and 2234, as defined by section 2239,
17 subdivision (a), of the Code, in that he has suffered more than one misdemeanor conviction
18 involving the use of alcohol and controlled substances, as more particularly alleged in paragraphs
19 9 through 17, above, which are hereby incorporated by reference as if fully set forth herein.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Conviction of a Crime Substantially Related to the Qualifications,**
22 **Functions, or Duties of a Physician and Surgeon)**

23 20. Respondent has further subjected his Physician's and Surgeon's Certificate No.
24 A77889 to disciplinary action under sections 2227 and 2234, as defined by section 2236, of the
25 Code, in that he has been convicted of a crime substantially related to the qualifications,
26 functions, or duties of a physician and surgeon, as more particularly alleged in paragraphs 9
27 through 17, above, which are hereby incorporated by reference and realleged as if fully set forth
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