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1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-19-0682A

3 **CHUL H. KIM, M.D.**

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION; AND CONSENT TO
THE SAME**

4 Holder of License No. 52818
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

7 Chul H. Kim, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Letter of Reprimand and Probation;
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
10 this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 52818 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-19-0682A after receiving notification of
17 a malpractice settlement involving Respondent's care and treatment of a 5 year-old female
18 patient ("MSC") alleging failure to timely diagnose Rocky Mountain Spotted Fever with
19 subsequent death.

20 4. On September 24, 2013, MSC presented to Respondent's office for
21 complaints of fever and upper respiratory symptoms for two days. MSG was afebrile with a
22 heart rate of 145. Respondent noted MSG was well appearing with a normal examination.
23 At the time of the visit, the Centers for Disease Control (CDC) had declared the
24 Reservation where MSG resided to be endemic for Rocky Mountain Spotted Fever
25 (RMSF). Respondent considered RMSF and consulted the CDC recommended flow chart
to consider whether MSC required testing or treatment. Respondent determined that

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1 MSC's illness was non-specific and without rash and decided to wait for further symptoms.
2 Respondent diagnosed MSC with a viral upper respiratory infection and asthma with acute
3 exacerbation.

4 5. On September 26, 2013, MSC presented to an Indian Healthcare emergency
5 department with altered mental status, hypotension, and tachycardia. MSC was
6 administered doxycycline for presumed RMSF and transferred to a second Medical Center
7 for a higher level of care. The Medical Center diagnosed MSC with severe sepsis, septic
8 shock, thrombocytopenia, and disseminated intravascular coagulation (DIC).

9 6. On September 27, 2013, MSC expired. The autopsy report stated that the
10 final diagnosis was septic shock and respiratory failure secondary to RMSF.

11 7. The standard of care requires a physician to refer a pediatric patient to a
12 higher level of care for history of fever and tachycardia. Respondent deviated from this
13 standard of care by failing to refer the pediatric patient to a higher level of care for history
14 of fever and tachycardia.

15 8. The standard of care requires a physician to screen a patient for Rocky
16 Mountain Spotted Fever in an area with an endemic of the disease. Respondent deviated
17 from the standard of care by failing to screen the patient for Rocky Mountain Spotted
18 Fever in an area with an endemic of the disease.

19 9. Actual patient harm was identified in that the patient expired.

20 CONCLUSIONS OF LAW

21 a. The Board possesses jurisdiction over the subject matter hereof and over
22 Respondent.

23 b. The conduct and circumstances described above constitute unprofessional
24 conduct pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is or
25 might be harmful or dangerous to the health of the patient or the public.").

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ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand.
2. Respondent is placed on Probation for a period of six months with the following terms and conditions:

a. Continuing Medical Education

Respondent shall within 6 months of the effective date of this Order obtain no less than 5 hours of Board Staff pre-approved Category I Continuing Medical Education ("CME") in the diagnosis and treatment of Rocky Mountain Spotted Fever and the treatment of abnormal vital signs in a pediatric patient. Respondent shall within **thirty days** of the effective date of this Order submit his request for CME to the Board for pre-approval. Upon completion of the CME, Respondent shall provide Board staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical licensure. The Probation shall terminate upon Respondent's proof of successful completion of the CME.

b. Obey All Laws

Respondent shall obey all state, federal and local laws, all rules governing the practice of medicine in Arizona, and remain in full compliance with any court ordered criminal probation, payments and other orders.

3. The Board retains jurisdiction and may initiate new action against Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s)

DATED AND EFFECTIVE this 10th day of July, 2020.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Patricia E. McSorley
Executive Director

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CONSENT TO ENTRY OF ORDER

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3 1. Respondent has read and understands this Consent Agreement and the
4 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
5 acknowledges he has the right to consult with legal counsel regarding this matter.

6 2. Respondent acknowledges and agrees that this Order is entered into freely
7 and voluntarily and that no promise was made or coercion used to induce such entry.

8 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
9 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
10 this Order in its entirety as issued by the Board, and waives any other cause of action
11 related thereto or arising from said Order.

12 4. The Order is not effective until approved by the Board and signed by its
13 Executive Director.

14 5. All admissions made by Respondent in this Order are solely for final
15 disposition of this matter and any subsequent related administrative proceedings or civil
16 litigation involving the Board and Respondent. Therefore, said admissions by Respondent
17 are not intended or made for any other use, such as in the context of another state or
18 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
19 State of Arizona or any other state or federal court.

20 6. Notwithstanding any language in this Order, this Order does not preclude in
21 any way any other State agency or officer or political subdivision of this state from
22 instituting proceedings, investigating claims, or taking legal action as may be appropriate
23 now or in the future relating to this matter or other matters concerning Respondent,
24 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
25 acknowledges that, other than with respect to the Board, this Order makes no

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1 representations, implied or otherwise, about the views or intended actions of any other
2 state agency or officer or political subdivisions of the State relating to this matter or other
3 matters concerning Respondent.

4 7. Upon signing this agreement, and returning this document (or a copy thereof)
5 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
6 the Order. Respondent may not make any modifications to the document. Any
7 modifications to this original document are ineffective and void unless mutually approved
8 by the parties.

9 8. This Order is a public record that will be publicly disseminated as a formal
10 disciplinary action of the Board and will be reported to the National Practitioner's Data
11 Bank and on the Board's web site as a disciplinary action.

12 9. If any part of the Order is later declared void or otherwise unenforceable, the
13 remainder of the Order in its entirety shall remain in force and effect.

14 10. If the Board does not adopt this Order, Respondent will not assert as a
15 defense that the Board's consideration of the Order constitutes bias, prejudice,
16 prejudgment or other similar defense.

17 11. Any violation of this Order constitutes unprofessional conduct and may result
18 in disciplinary action. A.R.S. § § 32-1401(27)(s) ("Violating a formal order, probation,
19 consent agreement or stipulation issued or entered into by the board or its executive
20 director under this chapter.") and 32-1451.

21 12. ***Respondent has read and understands the conditions of probation.***

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23 Chul Hong Kim, M.D.
24 CHUL H. KIM, M.D.

DATED: 06/23/2020

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1 EXECUTED COPY of the foregoing mailed
2 this 10th day of July, 2020 to:

3 Chul H. Kim, M.D.
4 Address of Record

4 ORIGINAL of the foregoing filed
5 this 10th day of July, 2020 with:

6 Arizona Medical Board
7 1740 West Adams, Suite 4000
8 Phoenix, Arizona 85007

8 Michelle Hodus
9 Board staff

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