

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2018-048

In the Matter of)
ALEXANDER J. KIM, M.D.)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Alexander J. Kim, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 17-190.

Findings of Fact

1. The Respondent was born in March of 1986. He graduated from New York Medical College in 2012 and is certified by the American Board of Anesthesiology. The Respondent has been licensed to practice medicine in Massachusetts under certificate number 265718 since 2016.

2. On May 17, 2017, the Respondent worked a moonlighting shift in the Anesthesiology Department at Brigham and Women's Hospital. During the course of his shift, which ended at around 8:30 p.m., the Respondent obtained a 100 mcg syringe of Fentanyl from

one of the hospital's medication cabinets. The Respondent administered a portion of the Fentanyl to a patient he was treating and saved the remainder of the medication, which he was required to waste, for his own personal use.

3. At approximately 9:30 p.m. on May 17, 2017, the Respondent self-administered Fentanyl on hospital premises.

4. On May 18, 2017, the Respondent met with his supervisors and admitted to diverting and self-administering Fentanyl and other narcotics that he obtained during his moonlighting shifts in the Anesthesiology Department at Brigham and Women's Hospital.

5. On May 18, 2017, the Respondent voluntarily commenced a leave of absence from his Pain Medicine Fellowship at Brigham and Women's Hospital.

6. On May 29, 2017, the Respondent entered an in-patient treatment program for substance abuse issues, which he successfully completed on July 12, 2017.

7. On June 23, 2017, the Respondent entered into a Voluntary Agreement not to Practice Medicine (VANP) which was ratified by the Board on June 29, 2017.

8. On July 13, 2017, the Respondent entered into a contract with Physician Health Services (PHS), which requires strict substance use testing requirements, monitoring, and support groups.

9. The Respondent has been compliant with his PHS contract.

Conclusion of Law

A. The Respondent has violated 243 CMR 1.03(5)(a)18 by engaging in misconduct in the practice of medicine.

B. The Respondent has engaged in conduct which undermines the public's confidence in the integrity of the medical profession. *See Raymond v. Board of Registration in*

Medicine, 387 Mass. 708 (1982); *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979).

Sanction and Order


The Respondent's license is hereby indefinitely suspended. The Respondent may be allowed to petition to stay the indefinite suspension upon documentation of his consistent compliance for eighteen (18) months with his PHS Substance Abuse Monitoring contract. Any stay of the suspension would be at the Board's discretion and contingent upon the Respondent entering into a 5-year Probation Agreement. The terms of the Probation Agreement shall include the following: 1) compliance with the Respondent's PHS substance abuse monitoring contract; 2) practice pursuant to a Board-approved practice plan with workplace monitoring; and 3) any other conditions that the Board may deem appropriate.

Execution of this Consent Order

The Respondent shall provide a complete copy of this Consent Order and Probation Agreement with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any

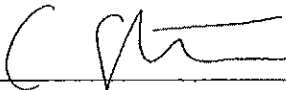
such designated entities with which the Respondent becomes associated for the duration of the suspension and Probation Agreement. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.



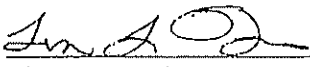
Alexander J. Kim, M.D.
Licensee

3/9/18
Date



Eve Slattery
Attorney for the Licensee

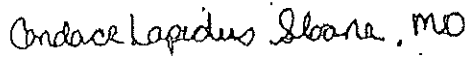
3/12/18
Date



Lisa L. Fuccione
Complaint Counsel

3/14/18
Date

So ORDERED by the Board of Registration in Medicine this 25th day of October, 2018.



Candace Lapidus Sloane, M.D.
Board Chair