

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2018-048

_____)
In the Matter of)

ALEXANDER J. KIM, M.D.)
_____)

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (Board) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Alexander J. Kim, M.D. (Respondent) has practiced medicine in violation of law, regulation, and/or good and accepted medical practice, as set forth herein. The investigative docket number associated with this order to show cause is 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. He 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, 2018, 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.

Legal Basis for Proposed Relief

A. Pursuant to 243 CMR 1.03(5)(a)18, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that he committed misconduct in the practice of medicine.

B. Pursuant to Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979); Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982), and Sugarman v. Board of Registration in Medicine, 422 Mass. 338 (1996), the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training, or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.
Board Chair

Date: October 25, 2018