

BEFORE THE
BOARD OF NATUROPATHIC MEDICINE
STATE OF OREGON

In the Matter of the License of:	Case No. 20-06-15
Kim, Hyo-Shin ND, Licensee.	FINAL ORDER – DEFAULT LICENSE SUSPENSION

1.

The Board of Naturopathic Medicine (Board) is the state agency responsible for licensing, regulating, and disciplining naturopathic physicians in the State of Oregon, pursuant to Oregon Revised Statutes (ORS) chapter 685 and Oregon Administrative Rules (OAR) chapter 850. Kim, Hyo-Shin N.D. (Licensee) is a licensed naturopathic physician in Oregon and is subject to the jurisdiction of the Board.

2.

Pursuant to ORS 685.110(21), OAR 850-050-0010(1)(c)(E), the Board proposed to take disciplinary action against Licensee's license to practice naturopathic medicine, on the grounds described in the following paragraphs. For each violation, the Board may impose a civil penalty up to \$5,000, a term of probation, a letter of reprimand and license limitation, suspension, or revocation.

3.

In June 2020, the Board received a complaint alleging that Dr. Kim engaged in, but not limited to, negligent conduct. Board investigator began the complaint investigation in September of 2020.

4.

In preparing to send Licensee a subpoena for medical records related to the complaint, Board investigator learned the address listed for Licensee in the OBNM database, was not the same clinic address on Licensee's website contact information. The OBNM website listed 11515 SW Durham Rd Suite E-9; as his primary address, while his website listed 11545 SW Durham Rd Suite B-9.

5.

On September 21, 2020, Board investigator sent a subpoena via certified mail to both addresses requesting medical records from Licensee pertaining to the investigation. Licensee did not correspond or contact the Board regarding either of certified mailings.

6.

On October 27, 2020, Board investigator sent an email to Licensee at the email listed in the OBNM database; requesting he respond to the subpoena sent to him on or about September 21, 2020. Dr. Kim did not respond to investigator's email.

7.

On February 23, 2021, Board investigator sent Licensee a subpoena via certified mail to two home addresses found on a publicly available database. Dr. Kim did not contact the Board or respond to the either of the mailings.

8.

On April 8, 2021, Board investigator returned to Suite E-9 and personally served Licensee a subpoena requesting documents pertaining to the complaint. The subpoena designated an April 22, 3pm deadline to submit the documents to Board.

9.

On April 21, 2021, Licensee sent the Board investigator an email from: drkim7@hotmail.com; requesting an extension to submit the subpoenaed medical records to the Board to May 21, 2021. Board investigator responded to the email stating the Board would extend the deadline to May 7, 2021.

10.

On May 11, 2021, Dr. Kim sent Board investigator another email, from drkim7@hotmail.com; asking for an extension to submit the subpoenaed medical records to May 21, 2021. Board investigator responded to the email and declined the extension.

11.

To date, Dr. Kim has not submitted to the Board the medical records requested in the subpoena by the deadline provided in the document, or the extension provided via email by the Board

investigator. Licensee has not initiated any further contact with the Board since on or about May 11, 2021.

12.

On the grounds described above, Licensee's failure to timely respond with the information requested in the subpoena is in violation of ORS 685.110(21), OAR 850-050-0010(1)(c)(E). On June 14, 2021, the Board proposed the following discipline: license suspension until Licensee provides the information and documentation contained in the subpoena; then for an additional six months after the requested information is provided.

13.

The Notice of Proposed Discipline included the required Notice of Opportunity for Hearing:

Licensee is entitled to a hearing as provided by the Administrative Procedures Act (ORS Chapter 183). If you want a hearing, you must file a written request for hearing with the Board within 21 days from the date this notice was mailed. You must submit request for hearing to either via email Naturopathic.Medicine@Oregon.gov or U.S. Mail to Oregon Board of Naturopathic Medicine, 800 NE Oregon Street, Suite 407, Portland, OR 97232. The request for hearing must be received by the Board within 21 days from the date of mailing of this notice, and must be accompanied by a written answer to the charges contained in this Notice. If a request for hearing is not received within 21 days, the right to hearing is waived.

14.

For the foregoing violations, the Board sent licensee the Notice of Proposed Discipline – via Email: drkim7@hotmail.com; and Certified Mail on / about June 22, 2021, to:

Dr. Hyo-Shin Kim, ND

NaturoMedicine Center

11515 SW Durham Road Suite E-9

Tigard, OR 97224

15.

To date, Licensee did not correspond or contact the Board regarding either the email or certified mailings. Licensee has not requested a hearing as required in the Notice, or an provide the Board an answer to the Notice pursuant to OAR 850-001-0015.

16.

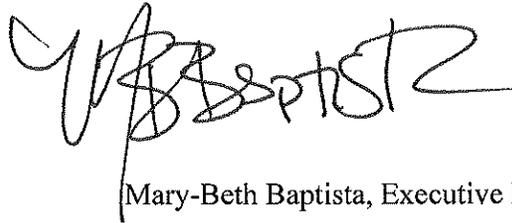
Due to Licensee's failure to request a hearing within 21 days, the Board hereby issues:

FINAL ORDER – Default Judgement: License suspension until Licensee provides the information and documentation contained in the subpoena; then for an additional six months after the requested information is provided.

DATED this 25 day of Oct 2021.

BOARD OF NATUROPATHIC MEDICINE

State of Oregon

A handwritten signature in black ink, appearing to read 'M. BAPTISTA', written over a horizontal line.

Mary-Beth Baptista, Executive Director

NOTICE OF RIGHT TO JUDICIAL REVIEW

You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review is in accordance with ORS 183.482(1) to the Oregon Court of Appeals.