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**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION
BEFORE THE ADMINISTRATIVE DIRECTOR**

In Re: PROVIDER SUSPENSION

ORDER OF SUSPENSION

**DAVID YOUNG KIM,
Respondent.**

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Labor Code section 139.21(a)(1)(A) requires the Administrative Director of the Division of Workers' Compensation to suspend any physician, practitioner, or provider from participating in the workers' compensation system as a physician, practitioner, or provider if the individual or entity has been convicted of any felony or misdemeanor and that crime either: (1) involves fraud or abuse of the federal Medicare or Medicaid programs, the Medi-Cal program, or the workers' compensation system, or fraud or abuse of any patient; (2) relates to the conduct of the individual's medical practice as it pertains to patient care; or (3) is a financial crime that relates to the federal Medicare or Medicaid programs, the Medi-Cal program, or the workers' compensation system.

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Labor Code section 139.21(a)(1)(B) requires the Administrative Director of the Division of Workers' Compensation to suspend any physician, practitioner, or provider from participating in the workers' compensation system as a physician, practitioner, or provider if the individual or entity has been suspended, due to fraud or abuse, from the federal Medicare or Medicaid programs or the Medi-Cal program.

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Labor Code section 139.21(a)(1)(C) requires the Administrative Director to suspend any physician, practitioner, or provider from participating in the workers' compensation system as a physician, practitioner, or provider whose license, certification or approval to provide health care services has been surrendered or revoked.

1 On or about September 9, 2019, Respondent David Young Kim (Kim) was
2 convicted in the United States District Court, Central District of California, of a crime
3 described in Labor Code section 139.21(a)(1)(A). (USA v. Sales, et al., Case No. 2:15-
4 CR-00576-DOC.)

5 Respondent Kim was suspended, due to fraud or abuse, from the federal
6 Medicare or Medicaid programs.

7 On or about May 5, 2022, Respondent Kim's license, certification or approval to
8 provide health care services was surrendered or revoked by the Board of Chiropractic
9 Examiners, Department of Consumer Affairs.

10 On or about May 25, 2022, the Administrative Director mailed to Respondent Kim
11 a written notice of the right to a hearing regarding the suspension and the procedure to
12 follow to request a hearing, as provided in Labor Code section 139.21(b)(2) and
13 California Code of Regulations, title 8, section 9788.1.

14 Pursuant to Labor Code section 139.21(b)(2) and California Code of Regulations,
15 title 8, section 9788.1(d), the written notice advised Respondent Kim that the
16 suspension would start thirty (30) calendar days after the date of mailing of written
17 notice, unless Respondent Kim submitted a written request for a hearing within ten (10)
18 calendar days of the date of mailing of the notice.

19 Respondent Kim did not submit a written request for hearing within ten (10)
20 calendar days of the date of mailing of the notice.

21 The Administrative Director is required to suspend any physician, practitioner, or
22 provider pursuant to Labor Code section 139.21 and Title 8, California Code of
23 Regulations section 9788.2, after thirty (30) days from the date the notice was mailed,
24 unless the physician, practitioner, or provider submits a written request for a hearing
25 within ten (10) calendar days of the date of mailing of the notice;

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1 **IT IS HEREBY ORDERED** that Respondent David Young Kim is hereby
2 suspended from participating in the workers' compensation system as a physician,
3 practitioner, or provider.

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5 Date: June 29, 2022

/S/ George P. Parisotto

George P. Parisotto
Administrative Director
Division of Workers' Compensation

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