

Sang H. Kim, L. Ac.  
20010 Fisher Avenue, Suite D  
Poolesville, Maryland 20837

RECEIVED

Date: 5/27/2020

JUN 5 2020

Thomas Ingegno, Chair  
Maryland State Acupuncture Board  
4201 Patterson Avenue, 3rd Floor  
Baltimore, MD 21215-2299

MARYLAND  
BOARD OF ACUPUNCTURE

Re: Surrender of License to Practice Acupuncture  
Sang H. Kim, L.Ac. License Number: U02098  
Case Number: 20-02, 20-03, 20-04

Dear Mr. Ingegno and Members of the Board,

Please be advised that, pursuant to Md. Code Ann., Health Occ. § 1A-308, I have decided to **SURRENDER** my license to practice acupuncture in the State of Maryland, License Number U02098, effective immediately. I understand that upon surrender of my license, I may not engage in the practice of acupuncture in the State of Maryland as it is defined in the Maryland Acupuncture Act (the "Act"), Health Occ. §§ 1A-101 *et seq.* and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC DOCUMENT**, and upon acceptance, becomes a **FINAL ORDER** of the Maryland State Acupuncture Board (the "Board").

I acknowledge that the Board initiated an investigation of my practice. On March 16, 2020, the Board issued an Order summarily suspending my license. On April 15, 2020, the Board issued disciplinary charges against me under Health Occ. § 1A-309(3) (is guilty of immoral or unprofessional conduct in the practice of acupuncture), (6) (knowingly violates any provision of this title or any rule or regulation of the Board), (15) (fails to cooperate with a lawful investigation conducted by the Board), (16) (commits any act of gross negligence, incompetence, or misconduct in the practice of acupuncture), and (17) (engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of acupuncture), and the Board's regulations, COMAR 10.26.03.03C(7) pertaining to my failure to cooperate with the Board's investigation, and COMAR 10.26.03.05 pertaining to my violation of professional boundaries. Specifically, the Board alleged that I am guilty of unprofessional conduct, inconsistent with generally accepted professional standards in the practice of acupuncture, by touching the breasts of three female patients (and in two instances additionally touching the nipples) without permission and without medical indication, that I failed to maintain adequate medical records, and that I failed to cooperate with the

Sang H. Kim, L.Ac. and Maryland State Board of Acupuncture

RE: Sang H. Kim, L.Ac.

Letter of Surrender

Page 2

Board's investigation. A copy of the charges is attached as Attachment 1. I have decided to surrender my license to practice acupuncture in the State of Maryland to avoid further investigation and prosecution of these disciplinary charges.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid further prosecution of the disciplinary charges. I acknowledge that for all purposes related to my acupuncture licensure, the charges will be treated as if proven.

I understand that by executing this Letter of Surrender I am waiving my right to a hearing to contest the disciplinary charges. In waiving my right to contest the charges, I am also waiving the right to be represented by counsel at the hearing, to confront witnesses, to give testimony, to call witnesses on my own behalf, to present other evidence to support my position, and all other substantive and procedural protections provided by law, including the right to appeal to circuit court.

I understand that the Board will advise the National Practitioner Data Bank of this Letter of Surrender. I also understand that in the event I would apply for licensure in any form in any other state or jurisdiction that this Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.*, and that this Letter of Surrender constitutes a disciplinary action by the Board.

I affirm that I will provide access to and copies of medical records to my patients in compliance with Title 4, subtitle 3 of the Health General Article.

I further recognize and agree that by submitting this Letter of Surrender, my license will remain surrendered unless and until the Board grants reinstatement. I understand that I may apply for reinstatement of my license in two years. I further understand that if I file a petition for reinstatement, I will approach the Board in the same position as an individual whose license has been revoked.

In the event that I apply for reinstatement of my Maryland License, I will be required to submit a written application for reinstatement on a form prescribed by the Board, the appropriate fee, written responses to any questions that the Board may propose concerning the reasons my license was surrendered and concerning my current fitness to practice. The Board may conduct an informal inquiry with the opportunity to have a personal interview with the Board. The Board may consider my history and an oral presentation from me and the administrative prosecutor's office. I understand that the Board is not required to grant reinstatement. The Board will consider my application, my responses to any written questions and supporting documentation and written arguments, if any submitted by me and any response by the administrative prosecutor's office. I understand that the Board shall determine in its discretion if post-disciplinary reinstatement is consistent with the health and welfare of the general public and with the

best interest of the profession. The Board will issue a written order on the post-disciplinary reinstatement application that either (1) denies reinstatement of my license (2) reinstates my license without conditions; or (3) reinstates my license with one or more of the following conditions: (a) Probation; (b) requirements for supervision or chaperone; (c) limitations on practice; or (d) other conditions that the Board considers appropriate for public safety and the protection of the integrity and reputation of the profession. If the Board denies me reinstatement I understand that the Board may set out when, if ever, a subsequent petition may be submitted.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before the Board, including the right to consult with an attorney prior to signing this Letter of Surrender. I have knowingly and willfully waived my right to be represented by an attorney before signing this letter surrendering my license to practice acupuncture in Maryland. I understand both the nature of the Board's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Very truly yours,

Sang H. Kim, L.Ac.

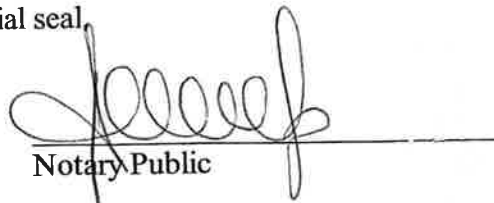


**NOTARY**

STATE OF MD  
CITY/COUNTY OF Gaithersburg / Montgomery

I HEREBY CERTIFY that on this 27 day of MAY, 2020 before me, a Notary Public of the City/County aforesaid, personally appeared Sang H. Kim, L.Ac., and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was their voluntary act and deed.

AS WITNESS my hand and Notarial seal,

  
Notary Public

My commission expires: 02/19/2024

Sang H. Kim, L.Ac. and Maryland State Board of Acupuncture

RE: Sang H. Kim, L.Ac.

Letter of Surrender

Page 4

ACCEPTANCE

On behalf of the Board on this 9<sup>th</sup> day of June, 2020, I, Penny Heisler, accept Sang H. Kim, L.Ac.'s **PUBLIC SURRENDER** of their license to practice medicine in the State of Maryland.

  
Penny Heisler, Executive Director  
Maryland State Board of Acupuncture