

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND)	
PROFESSIONAL REGULATION)	
of the State of Illinois,	Complainant,	
v.)	No. 2019-10761
Dawna Gutzmann, M.D,)	
License No. 036-075576,	Respondent.)

CONSENT ORDER

The Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois, by Vladimir Lozovski, one of its attorneys, (hereinafter the "Department") and Dawna Gutzmann, M.D. (hereinafter the "Respondent"), hereby agree to the following:

STIPULATIONS

Dawna Gutzmann, M.D. is licensed as a Physician and Surgeon in the State of Illinois, holding Illinois Physician and Surgeon License No. 036-075576. Said license is in Active status. At all times material to the matter(s) set forth in this Consent Order, the Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois had jurisdiction over the subject matter and parties herein.

Information has come to the attention of the Department that Respondent failed to properly supervise an unlicensed social worker in her practice which resulted in BC/BS audit and finding of questionable billing from Respondent's practice. The allegation(s) as set forth herein, if proven to be true, would constitute grounds for suspending, revoking or other discipline of Respondent's license as a Physician and Surgeon, on the authority 225 Illinois Compiled Statutes, Paragraph 60/22(A)(5).

Subsequently, the Department has filed a Formal Complaint and while the Complaint was pending, the Department and Respondent held an Informal Conference in this matter on January 18, 2023. Thomas A. Boyle, D.O. appeared for the Illinois State Medical Board and Vladimir Lozovskiy, staff attorney, appeared for the Department. During the informal conference, Respondent provided information regarding her past and present practice style and plans for the future. In addition, Respondent accepted responsibilities for her actions and provided information indicating that she is on schedule to complete the BC/BS refund demand in 2023.

For purposes of this Consent Order, Respondent acknowledges that should this matter proceed to a contested hearing, the Illinois State Medical Board (the "Board") could find a violation of the Medical Practice Act. Respondent has been advised of the right to a hearing on the pending complaint, the right to contest any charges brought, and the right to administrative review of this Consent Order. Respondent knowingly waives each of these rights, as well as the right to administrative review of this Consent Order. Such waiver ceases if this Consent Order is rejected by either Board or the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

Respondent and the Department have agreed, in order to resolve this matter, that Respondent, Dawna Gutzmann, M.D. be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable under the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Vladimir Lozovskiy, its attorney, and Dawna Gutzmann, M.D., Respondent, agree:

A. Illinois Physician and Surgeon License of Dawna Gutzmann, M.D., License No.

036-075576, is hereby placed on indefinite probation for minimum of two (2) years;

B. During a period of Probation, Respondent shall provide the Department with quarterly reports which include: (i) current residential address and contact telephone number as well as current practice location address and contact telephone number; (ii) address and contact information for each healthcare entity where Respondent has admitting privileges and/or employed; (iii) names of all the subordinates that are employed and/or supervised by Respondent during the reporting quarter; (iv) description of job duties, responsibilities and name of immediate supervisor and/or Department's Chairperson; (v) copy of any and all incident reports within the prior quarter filled against Respondent; and (vi) information, regarding any arrests, criminal, or civil actions filed, including DUI and/or other similar offenses against the Respondent; (vii) Respondent shall notify the Department of any adverse action taken against her related to the practice of medicine by another entity including but not limited to licensing authorities, insurance companies, and state and federal agencies, within ten (10) days of said adverse action; and (viii) Respondent shall notify the Department when she is the subject of any investigation initiated by another entity, including but not limited to licensing authorities, insurance companies, and state and federal agencies, within ten (10) days of said investigation;

C. During a period of Probation, Respondent shall notify the Department's Chief of Probation Investigations in writing of any change in employment and/or home address and/or telephone number within ten (10) days;

D. During a period of Probation, Respondent shall request the designated person from every healthcare entity, where she is practicing medicine/utilizing her Physician and Surgeon License, to submit quarterly reports to the Department regarding any issues arising out of her employment and practice of medicine;

E. Within 60 days of the final approval of this Consent Order, Respondent shall obtain a practice monitor, who is a licensed Physician and Surgeon in the State of Illinois, who is Board-certified in Psychiatry. Said practice monitor cannot be affiliated with Respondent's practice. Said practice monitor shall have an unrestricted Illinois Physician and Surgeon License that has never been disciplined by any state and/or federal agencies. The practice monitor shall be hired at the expense of Respondent and shall be pre-approved by the Chief Medical Coordinator of the Department. Respondent shall request that her practice monitor submit quarterly reports about scope and performance appraisals. On a quarterly basis the practice monitor shall meet with Respondent and randomly select and review ten (10) charts of patients who have been seen by Respondent during the quarter. The practice monitor shall review the charts of those patients and submit independent quarterly reports to the Department evaluating the scope, appropriateness, and quality of medical care rendered by Respondent;

F. During a period of Probation, the practice monitor shall agree to inform the Department immediately if there is evidence of inappropriate behavior, professional misconduct, a violation of Respondent's probation or any violation of the laws and rules governing the practice of medicine;

G. During a period of Probation, Respondent shall notify the Department's Probation Unit within 10 (ten) days should her relationship with any practice monitor cease. Respondent shall submit to the Department's Chief Medical Coordinator a name of a new practice monitor within 30 days from the date of the initial Notice as described above;

H. Respondent shall be fined in the amount of ten thousand (\$10,000.00) dollars. Respondent shall pay the aforementioned fine within twelve (12) months from the final approval of this Order. Respondent shall submit a check payable to the Illinois

Department of Financial and Professional Regulation. Said check shall be mailed to the Illinois Department of Financial and Professional Regulation, Attention: CMU/Accounts Receivable – Fine Payments, 320 W. Washington St., 3rd Floor, Springfield, Illinois 62786;

I. Respondent shall take and pass all 5 topic areas Ethics and Boundaries Post-Licensure (“EBAS”) Essay Examination within twelve (12) months of the effective date of this Consent Order. Information regarding how to take and pass EBAS Essay Examination is available at www.ebas.org;

J. Respondent shall submit a proof of completion of ten (10) Category I CMEs in the area of documentation/record-keeping. Said CMEs have to be pre-approved in writing by the Department’s Chief Medical Coordinator. Said CMEs are allowed to be counted towards regularly required CMEs pursuant to the Illinois Medical Practice Act;

k. Respondent shall ensure that all the reports required to be submitted under the terms of this Probation shall be filed with the Department no later than 1/20, 4/20, 7/20 and 10/20 of each year during the full term of the Probation;

L. Respondent agrees that a violation of the terms and conditions of this Consent Order or a violation of the terms of probation is a violation of 225 ILCS 60/22(A)(15);

M. Respondent shall not violate the Illinois Medical Practice Act of 1987, any other federal and state laws related to the practice of medicine as well as any other federal and state laws;


N. If Respondent violates any of the terms and conditions of this Order, the Director of the Division of Professional Regulation may issue an Order forthwith mandating the automatic, immediate, indefinite suspension of Respondent’s Illinois Physician License for a minimum of twelve (12) months. This indefinite suspension shall not

preclude the Department from taking any other disciplinary or other actions it deems appropriate. In the event Respondent contests in writing (by the filing of an appropriate petition with the Department) the factual basis underlying said indefinite suspension within thirty (30) days of the imposition thereof, then Respondent shall be afforded a hearing on the merits within thirty (30) days from filing of said petition;

O. This Consent Order is a final administrative order. Consent Order shall become effective after it is approved by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.


2/6/2023

DATE


Vladimir Lozovskiy, Attorney for the Department


2/3/2023

DATE


Dawna Gutzmann, M.D., Respondent

15 February 2023


DATE


Member, Illinois State Medical Board

The foregoing Consent Order is approved in full.

DATED THIS 29th day of March, 2023.

**DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION of
the State of Illinois, Mario Treto, Jr., Secretary
Division of Professional Regulation**


Cecilia Abundis
Director

REF: Case No. 2019-10761/License No. 036-075576