

**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. 2021-05965
Kathleen M. Bottum, M.D.)	
License No. 036-106742/ [REDACTED])	Respondent.

CONSENT ORDER

The Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois, by Vladimir Lozovskiy, one of its attorneys, (hereinafter the “Department”) and Kathleen M. Bottum, M.D. (hereinafter the “Respondent”), through her attorney, Jacqueline Stein of the Law Offices of Michael V. Favia, hereby agree to the following:

STIPULATIONS

Kathleen M. Bottum, M.D. is licensed as a Physician and Surgeon in the State of Illinois, holding Illinois Physician and Surgeon License No. 036-106742 and Controlled Substance License No. [REDACTED]. Said licenses is in Active status. Since August 2019, Respondent’s Illinois Physician and Surgeon License has been on indefinite probation for a minimum of two (2) years related to allegations of inappropriate prescribing to patients of her practice. 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 inappropriately prescribed Controlled Substances to several patients of her 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) and (33).

Subsequently, the Department and Respondent engaged in negotiations for an amicable resolution of this matter. 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, 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 the 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, Kathleen M. Bottum, 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 Lozovski, its attorney, and Kathleen M. Bottum, M.D., Respondent, through Jacqueline Stein, her attorney, agree:

- A. Indefinite Probation of Illinois Physician and Surgeon License of Kathleen M. Bottum, M.D., License No. 036-106742, is hereby extended for minimum of eighteen months (18) months;
- B. Illinois Controlled Substance License on Kathleen M. Bottum, M.D., License [REDACTED] [REDACTED] is hereby surrendered. In addition, Respondent agrees to surrender DEA

Registration for Cause within 14 days of the final approval of the Consent Order.

Respondent cannot file Petition for Restoration of her Illinois Controlled Substance License until she shows a proof of full compliance with all the terms and conditions of the Indefinite Probation of her Illinois Physician and Surgeon License for a minimum of twelve (12) months along with a proof of completion of fifty (50) Category I CMEs in the area of Controlled Substance prescribing and twenty (20) Category I CMEs in the area of professional responsibility;

- C. 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 nurse practitioners or physician assistants that are 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;
- D. 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;

- E. 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;
- F. If Respondent remains in direct patient care, Respondent shall continue to utilize the services of the practice monitor, who is a licensed Physician and Surgeon in the State of Illinois. 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;
- G. 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;
- H. 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 in paragraph F;

- I. If Respondent is not actively using her medical license while on Probation, periods of non-practice will not apply to the time of Probation;
- J. If Respondent's period of no direct patient care practice exceeds 18 calendar months, Respondent will be required to take and pass SPEX examination with a score of 75 or better prior to allowing to engage in practice of medicine.
- 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 036-106742 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. Upon the final approval of this Consent Order by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation, the Probation's terms and conditions set out by this Consent Order shall supersede all the terms and conditions of the Probation in the IDFPR Consent Order No. 2019-00986 approved by the Director of the Division of Professional Regulation in August 2019;
- P. This Consent Order shall become effective immediately after it is approved by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

5/11/2022

DATE


Vladimir Lozovskiy, Attorney for the Department

5/5/22
DATE


Kathleen M. Berman, M.D., Respondent

5/5/22
DATE


Jacqueline Stein, Attorney for Respondent

DATE

Member, Illinois State Medical Board

The foregoing Consent Order is approved in full.

DATED THIS _____ day of _____, 2022

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


Cecilia Abundis
Director

REF: Case No. 2021-05965/ License No. 036-106742/336-067411


5/11/2022

DATE


Vladimir Lazovsky, Attorney for the Department

5/5/22

DATE


Kathleen M. Nelson, M.D., Respondent

5/5/22

DATE


Jacqueline Smith, Attorney for Respondent

5/18/22

DATE


Member, Illinois State Medical Board

The foregoing Consent Order is approved in full

DATE OF THIS 13th day of June, 2022

DEPARTMENT OF FINANCIAL AND
PROFESSIONAL REGULATION of
the State of Illinois, Maria Cotto, Jr., Secretary
Division of Professional Regulations


Director

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