MEDICAL BOARD
OF CALIFORNIA
Protecting consumers by advancing high quality, safe medical care.

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Gavin Newsom, Governor, State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

April 14, 2020

David Robert Gwynn, M.D.
26691 Plaza Suite 250
Mission Viejo, CA 92691-6398

RE: Physician's and Surgeon's Certificate No. G 86237
Case No. 800-2019-060506

Public Letter of Reprimand

On September 18, 2019, the Wisconsin Medical Examining Board issued a Reprimand against your license for failure to comply with CME requirements.

These actions constitute a violation of California Business and Professions Code sections 141(a), 2234 and 2305.

Pursuant to the authority of the California Business and Professions Code section 2233, you are hereby issued this Public Letter of Reprimand by the Medical Board of California.

Christine J. Lally
Interim Executive Director

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
DAVID R. GWYNN, M.D., RESPONDENT.	:	ORDER 0006361

Division of Legal Services and Compliance Case No. 18 MED 402

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

David R. Gwynn, M.D.
24156 Vista D Onde
Dana Point, CA 92629

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent David R. Gwynn, M.D., (dob 8/1/1960), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 38613-20, first issued on March 21, 1997, with registration current through October 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 24156 Vista D Onde, Dana Point, CA 92629.

2. In 2018, the Department conducted an audit of physicians to determine their compliance with the continuing medical education requirements for the 2016-2017 biennium.

3. Respondent's name was randomly selected as a subject of the audit pursuant to Wis. Stat. § 448.13(1m).

4. Respondent certified he completed 30 hours of AMA or AOA Category I Continuing Education, including two (2) hours of a Board-approved course related to the Board's Opioid Prescribing Guidelines, pursuant to Wis. Admin. Code Ch. Med 13.

5. Respondent failed to demonstrate compliance with the continuing medical education requirements for the 2016-2017 biennium as follows:

a. Respondent did not submit certification for a Board-approved opioid course obtained during the 2016-2017 biennium.

6. As of the date of this Final Decision and Order, Respondent has demonstrated compliance with the continuing medical education requirements for the 2016-2017 biennium.

7. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Stat. § 448.13(1)(a) by failing to complete an approved opioid course during the 2016-2017 biennium.

3. In violating Wis. Stat. § 448.13(1)(a), Respondent committed unprofessional conduct as defined by Wis. Admin. Code §§ Med 10.03(1)(a) and (b).

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent, David R. Gwynn, M.D., license no. 38613-20, is hereby REPRIMANDED.

3. Continuing education courses taken by Respondent after December 31, 2017 have been retroactively applied to the 2016-2017 biennium and may not be used to fulfill continuing education requirements for the 2018-2019 biennium.

4. Within 90 days from the date of this Order, Respondent David R. Gwynn, M.D., shall pay COSTS of this matter in the amount of $100.00.

5. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

7. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by: _____ MD
A Member of the Board

9/18/19
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
DAVID R. GWYNN, M.D., RESPONDENT.	:	ORDER 0006361

Division of Legal Services and Compliance Case No. 18 MED 402

Respondent David R. Gwynn, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

David R. Gwynn M.D.

David R. Gwynn, M.D., Respondent
24156 Vista D Onde
Dana Point, CA 92629
License no. 38613-20

7/5/2019
Date

Michael Berndt, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

8/4/19
Date