

**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. 2009-04854
Joel K. Carroll, D.O.,	)	
License No. 036-093329,	)	
Controlled Substances License	)	
No. 336-054624	)	Respondent,

**ORDER**

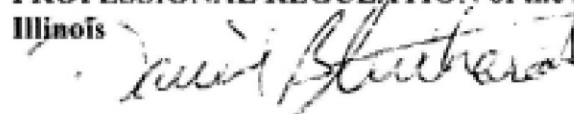
This matter having come before the Director of the Division of Professional Regulation of the State of Illinois, on a Petition filed by Gertrude M. Kelly, the Acting Chief of Medical Prosecutions, which requested Temporary Suspension of the Physician and Surgeon and Controlled Substance licenses of Respondent, Joel K. Carroll, D.O., and the Director, having examined the Petition, finds that the public interest, safety and welfare imperatively require emergency action to prevent the continued practice of Joel K. Carroll, D.O., the Respondent, in that Respondent's actions constitute an immediate danger to the public.

NOW, THEREFORE, I, DANIEL E. BLUTHARDT, DIRECTOR OF THE DIVISION OF PROFESSIONAL REGULATION of the State of Illinois, hereby ORDER that the Physician and Surgeon License and Controlled Substance License of Respondent, Joel K. Carroll, D.O., to practice medicine as a Physician and Surgeon in the State of Illinois be **SUSPENDED**, pending proceedings before an Administrative Law Judge at the Department of Financial and Professional Regulation and the Medical Disciplinary Board of the State of Illinois.

I FURTHER ORDER that Respondent shall immediately surrender all indicia of  
licensure to the Department.

DATED THIS 31<sup>st</sup> DAY OF July, 2009.

DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION of the State of  
Illinois



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DANIEL E. BLUTHARDT  
Director of the Division of Professional Regulation

Reference No. 2009-04854/036-093329 and 336-054624



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

DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION  
of the State of Illinois,  
v.  
Joel K. Carroll, D.O.,  
License No. 036-093329,  
Controlled Substances License  
No. 336-054624

Complainant,

Respondent,

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) No. 2009-04854  
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**PETITION FOR TEMPORARY SUSPENSION**

NOW COMES the Complainant, by its Acting Chief of Medical Prosecutions, Gertrude M. Kelly, and Petitions DANIEL E. BLUTHARDT, Director of the Division of Professional Regulation, Department of Financial and Professional Regulation of the State of Illinois, pursuant to 225 Illinois Compiled Statutes 60/37 (2002), to issue an Order for Temporary Suspension of the Physician and Surgeon License and Controlled Substance License of Joel K. Carroll, D.O., Respondent. In support of said Petition, Petitioner alleges as follows:

1. Joel K. Carroll, D.O., is presently the holder of a Certificate of Registration as Physician and Surgeon in the State of Illinois, License No. 036-093329 and Controlled Substance License No. 336-054624 issued by the Department of Financial and Professional Regulation of the State of Illinois. Said licenses are presently in Active status.
2. At all times herein relevant, Respondent practiced as a Physician and Surgeon in the State of Illinois, specializing in psychiatry.

3. Information has come to the Department's attention that Respondent has allegedly provided numerous pre-signed blank prescriptions prescription(s) for various Controlled Substances to Ms. Stacy Brady, his office receptionist, to provide to the patients of his physician office located at 4711 West Midlothian Turnpike, Ste. #16, Midlothian, IL.
4. In addition, information has come to the Department's attention that Respondent has allegedly engaged in the pattern of inappropriate conduct and/or behavior towards three female patients:
  - a. Specifically, Respondent engaged in the following inappropriate conduct and/or behavior towards patient L.N.: (i) offering patient L. N. wine during a patient visit; (ii) allowing patient L. N. to sleep at Respondent's physician office; (iii) taking naked pictures of patient L. N. while she was asleep; (iv) threatening to have patient L. N. "locked up" and/or committed; (v) repeatedly showing up to patient L. N.'s residence; (vi) making a copy of the key to patient L. N.'s residence; (vii) sleeping at patient L.N.'s residence on numerous occasions; (viii) attempting to climb in through patient L. N.'s bedroom window while patient L. N. was engaged in sexual activity with her boyfriend; (xix) walking around in front of patient L. N. wearing only his underwear; (x) asking patient L. N. to watch pornographic movies with him; (xi) giving patient L. N. sexual toys; (xii) masturbating in front of patient L. N. at her residence and/or at Respondent's office; (xiii) offering to let patient L. N. move into his

house; and/or (xiv) occasionally sleeping in the same bed with patient L. N.

**b.** Specifically, Respondent engaged in the following inappropriate conduct and/or behavior towards patient L.D.: (i) a. purchasing a cell phone for patient L. D.; (ii) visiting patient L. D.'s home approximately twenty (20) times; (iii) refusing to leave patient L. D.'s home after being asked to leave; (iv) throwing rocks at patient L. D.'s window(s) and/or yelling patient L. D.'s name when L. D. did not answer the door; (v) repeatedly placing phone calls to patient L. D. and/or patient L. D.'s mother after being told not to return to their home; (vi) attempting to kiss patient L. D.; (vii) asking patient L.D. for a hug; and/or (viii) offering to take patient L.D. and her mother to dinner.

**c.** Specifically, Respondent engaged in the following inappropriate conduct and/or behavior towards patient D.G.: (i) visiting patient D.G. at a strip club, place of her employment; (ii) telling patient D. G. to wear shorts and a tank top to her medical appointment with him; (iii) asking patient D. G. out to lunch; and/or (iv) providing patient D.G. with the prescription only after D. G. joined him for the aforementioned lunch.

- 5.** Finally, information has come to the Department's attention that on April 14, 2009, the Crestwood Police Department responded to an unlocked exterior door at Respondent's Crestwood Office and found the following:

- a.** five (5) M18 smoke grenades;
- b.** weapons, such as: (i) one (1) Colt AR-15 (assault rifle) .223 Model

SP1; (ii) one (1) HI-Point Model 995 with one (1) 9 mm magazine; (iii) one (1) FM Hi-Power Industria Argentina 9mm; and/or (iv) one (1) loaded Sturm, Ruger & Co. Ruger Vaquero .45; and

c. ammunition such as: (i) fifty (50) rounds of .223 bullets; (ii) fifty (50) rounds of 5.7x28 mm bullets; (iii) five hundred twenty five (525) rounds of 22 Long Rifle bullets; (iv) fifty (50) rounds of 30-30 Winchester bullets; (v) fifty (50) rounds of 7.62x25 bullets; (vi) one hundred (100) Colt .45 caliber bullets; and/or (vii) three hundred fifty (350) rounds of 9 mm bullets.

6. On or about July 9, 2009, Respondent met with the agents from the Illinois Department of Financial and Professional Regulations and the United States Drug Enforcement Administration at his Crestwood Office. During the July 9, 2009, Respondent revealed the following information:

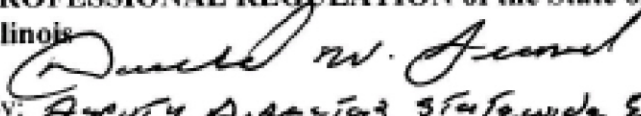
- a. Respondent had two guns at his office desk;
- b. Respondent had numerous rounds of ammunition at his Crestwood office;
- c. Respondent had numerous pornographic materials at his Crestwood office.

7. Larry McLain ,M.D., Chief Medical Coordinator of the Illinois Department of Financial and Professional Regulations, has been consulted in this matter and believes that the continued practice of medicine by Respondent, Dr. Joel K. Carroll, D.O., presents an immediate danger to the safety of the public in the State of Illinois.

8. Petitioner further alleges that the public interest, safety, and welfare imperatively require emergency action to prevent Respondent's continued practice of medicine because of the immediate danger he poses to the public.

**WHEREFORE**, Petitioner, Gertrude M. Kelly, Acting Chief of Medical Prosecutions, prays that the Physician and Surgeon License and Controlled Substance License of Joel K. Carroll, D.O., be Temporarily Suspended pending proceedings before the Medical Disciplinary Board of the State of Illinois.

**DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION of the State of  
Illinois**

By:   
Gertrude M. Kelly, Statewide Enforcement for  
Gertrude M. Kelly,  
Acting Chief of Medical Prosecutions

Vladimir Lozovskiy  
Staff Attorney, Medical Prosecutions Unit  
Department of Financial and Professional Regulation  
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100 West Randolph, Suite 9-300  
Chicago, Illinois 60601  
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**STATE OF ILLINOIS**  
**DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**  
**DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION  
of the State of Illinois,  
v.  
Joel K. Carroll, D.O.,  
License No. 036-093329,  
Controlled Substances License  
No. 336-054624

Complainant,

Respondent,

No. 2009-04854

**COMPLAINT**

NOW COMES the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, DIVISION OF PROFESSIONAL REGULATION, of the State of Illinois, by its Acting Chief of Medical Prosecutions, Gertrude M. Kelly, and as its COMPLAINT against Joel K. Carroll, D.O., Respondent complains as follows:

**COUNT I**

1. Joel K. Carroll, D.O., Respondent, is presently the holder of a Certificate of Registration as a Physician and Surgeon in the State of Illinois, License No. 036-093329 and Controlled Substance License No. 336-054624 issued by the Department of Financial and Professional Regulation of the State of Illinois. Said licenses are presently in Active Status.
2. The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois (the "DEPARTMENT") has jurisdiction over the matter set forth herein and the power and duty to investigate and discipline the conduct of licensees and to take all action herein sought pursuant to the Department of Professional Regulation Law 20 Ill. Comp. Stat. § 2105/2105-1, et seq., the Medical Practice Act



of 1987, 225 Ill. Comp. Stat. § 60/1, et seq. (hereinafter the "Act"), and the rules adopted by the DEPARTMENT in furtherance thereof, 68 Ill. Admin. Code § 1285.20, et seq.

3. At all times herein mentioned, Respondent was engaged in the practice of medicine as a Physician and Surgeon in the State of Illinois.
4. At all times herein mentioned, Respondent held himself out as a Physician and Surgeon in the State of Illinois with practices located at:
  - a. 4711 West Midlothian Turnpike, Ste. #16, Midlothian, IL (hereinafter the "Crestwood Office");
  - b. Marion VA Medical Center, 2401 W Main St., Marion, IL 62959; and/or
  - c. Danville VA Health Care System, 1900 E Main St., Danville, Illinois.
5. Beginning on or about February 2008, Respondent employed Ms. Stacy Brady as his office assistant and/or receptionist at Crestwood Office.
6. While Respondent was acting as Ms. Brady's supervising physician and supervising employer, Respondent provided one or more pre-signed blank prescription(s) for various Controlled Substances to Ms. Stacy Brady to provide to the patients of the Crestwood Office.
7. While Respondent was acting as Ms. Brady's supervising physician and supervising employer, Respondent allowed Ms. Stacy Brady to fill-in and/or transcribe pre-signed blank prescription(s) for various Controlled Substances for the patients of the Crestwood Office.
8. While Respondent was acting as Ms. Brady's supervising physician and supervising employer, Respondent allowed Ms. Brady to provide pre-signed

prescriptions to patients of the Crestwood office without personally evaluating, seeing and/or examining the patients at the Crestwood Office.

9. At all times herein mentioned, Ms. Stacy Brady had no legal authority to fill-in and/or transcribe pre-signed blank prescription(s) for various Controlled Substances.
10. Respondent committed acts and/or omissions, which constitute dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public, including but not limited to:
  - a. Delegating responsibility for the delivery of patient care to Ms. Stacy Brady, who was not properly supervised and/or who was not competent to assume such responsibility;
  - b. Failing to properly supervise subordinate paraprofessional staff, Ms. Stacy Brady, in patient care responsibilities; and/or
  - c. Reasonably likely to cause harm to any member of the public in the future.
11. The aforementioned acts and/or omissions constitute dishonorable, unethical or unprofessional conduct likely to harm the public and are grounds for revocation, suspension, probation, or other discipline of Respondent's Physician and Surgeon License pursuant to 225 Ill. Comp. Stat. § 60/22 (A)(5) relying upon the Rules for the Administration of the Medical Practice Act, Illinois Administrative Code, Title 68, Chapter VII, Subpart b, Part 1285.240 (a).

**WHEREFORE**, based on the foregoing allegations, the DEPARTMENT OF FINANCIAL and PROFESSIONAL REGULATION of the State of Illinois, by Gertrude

M. Kelly, its Acting Chief of Medical Prosecutions, prays that the Physician and Surgeon License of Joel K. Carroll, D.O., be suspended, revoked, or otherwise disciplined.

## **COUNT II**

- 1-9. The Department realleges paragraphs 1 through 9 of Count I as paragraphs 1 through 9 of Count II.
10. Respondent utilized his Illinois Controlled Substance license in order to prescribe, authorize, issue and/or provide prescriptions for Controlled Substances for patients at Crestwood Office without personally evaluating, seeing and/or examining patients at Crestwood Office.
11. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration of Respondent's Illinois Controlled Substance License and Physician and Surgeon License pursuant to 225 Illinois Compiled Statutes, Section 60/22(A) paragraph (33) and 720 Illinois Compiled Statutes, Section 570/ 304(a)(5) and 720 Illinois Compiled Statutes, Section 570/312(h) and(i).

**WHEREFORE**, based on the foregoing allegations, the DEPARTMENT OF FINACIAL and PROFESSIONAL REGULATION of the State of Illinois, by Gertrude M. Kelly, its Acting Chief of Medical Prosecutions, prays that the Physician and Surgeon License and Controlled Substance License of Joel K. Carroll, D.O., be suspended, revoked, or otherwise disciplined.

## **COUNT III**

- 1-3. The Department realleges paragraphs 1 through 3 of Count I of this Complaint as paragraphs 1 through 3 of Count III of this Complaint.

4. From on or about December 2004 through on or about April 2008, Respondent engaged in treatment, care, and/or evaluation of patient L. N.
5. Respondent treated patient L.N. for the following medical conditions and/or illnesses:
  - a. Anxiety;
  - b. Panic Disorder.
6. While Respondent was engaged in said treatment, care, and/or evaluation of patient L. N., Respondent issued prescriptions and/or authorized the following medications:
  - a. Clonazepam;
  - b. Alprazolam;
  - c. Hydrocodone/ APAP;
  - d. Seroquel;
  - e. Inderal;
  - f. Wellbutrin;
  - g. Prozac;
  - h. Risperdal;
  - i. Invega.
7. While Respondent was engaged in said treatment, care and/or evaluation of patient L.N., Respondent engaged in the following conduct and/or behavior toward patient L. N.:
  - a. offering patient L. N. wine during a patient visit;
  - b. allowing patient L. N. to sleep at Respondent's physician office;
  - c. taking naked pictures of patient L. N. while she was asleep;

- d. threatening to have patient L. N. "locked up" and/or committed;
- e. repeatedly showing up to patient L. N.'s residence;
- f. making a copy of the key to patient L. N.'s residence;
- g. sleeping at patient L.N.'s residence on numerous occasions;
- h. attempting to climb in through patient L. N.'s bedroom window while patient L. N. was engaged in sexual activity with her boyfriend;
- i. walking around in front of patient L. N. wearing only his underwear;
- j. asking patient L. N. to watch pornographic movies with him;
- k. giving patient L. N. sexual toys
- l. masturbating in front of patient L. N. at her residence and/or at Respondent's office;
- m. offering to let patient L. N. move into his house; and/or
- n. occasionally sleeping in the same bed with patient L. N.

8. That the aforementioned acts and/or omissions constitute dishonorable, unethical or unprofessional conduct likely to harm the public and are grounds for revocation, suspension, probation, or other discipline of Respondent's Physician and Surgeon License pursuant to 225 Ill. Comp. Stat. § 60/22 (A)(5) relying upon the Rules for the Administration of the Medical Practice Act, Illinois Administrative Code, Title 68, Chapter VII, Subpart b, Part 1285.240 (a).

**WHEREFORE**, based on the foregoing allegations, the DEPARTMENT OF FINANCIAL and PROFESSIONAL REGULATION of the State of Illinois, by Gertrude M. Kelly, its Acting Chief of Medical Prosecutions, prays that the Physician and Surgeon License of Joel K. Carroll, D.O., be suspended, revoked, or otherwise disciplined.



#### **COUNT IV**

1-7. The Department realleges paragraphs 1 through 7 of Count III of this Complaint as paragraphs 1 through 7 of Count IV of this Complaint.

8. That the foregoing acts and/or omissions of the Respondent are grounds for the revocation, suspension or other discipline of the Certificate of Registration pursuant to 225 Illinois Compiled Statutes, Section(s) 60/22 paragraph(s) (20) of the Illinois Medical Practice Act, relying on the Rules for the Administration of the Medical Practice Act, Title 68, Chapter VII, Subchapter b, Part 1285.240 (b).

**WHEREFORE**, based on the foregoing allegations, the DEPARTMENT OF FINANCIAL and PROFESSIONAL REGULATION of the State of Illinois, by Gertrude M. Kelly, its Acting Chief of Medical Prosecutions, prays that the Physician and Surgeon License of Joel K. Carroll, D.O., be suspended, revoked, or otherwise disciplined.

#### **COUNT V**

1-3. The Department realleges paragraphs 1 through 3 of Count I of this Complaint as paragraphs 1 through 3 of Count III of this Complaint.

4. Beginning in or around July 2008, Respondent engaged in treatment, care, and/or evaluation of patient L. D.

5. Respondent treated patient L.D. for the following medical condition and/or illness:

- a. anxiety;
- b. panic attacks; and/or
- c. germ phobias.

6. While Respondent was engaged in said treatment, care, and/or evaluation of patient L. N., Respondent issued prescriptions and/or authorized the following medications:



- a. Seroquel;
  - b. Lithium;
  - c. Alprazolam.
7. That during said treatment, care, and/or evaluation of patient L. D., Respondent engaged in the following conduct and/or behavior toward patient L.D.:
- a. purchasing a cell phone for patient L. D.;
  - b. visiting patient L. D.'s home approximately twenty (20) times;
  - c. refusing to leave patient L. D.'s home after being asked to leave;
  - d. throwing rocks at patient L. D.'s window(s) and/or yelling patient L. D.'s name when L. D. did not answer the door;
  - e. repeatedly placing phone calls to patient L. D. and/or patient L. D.'s mother after being told not to return to their home;
  - f. attempting to kiss patient L. D.;
  - g. asking patient L.D. for a hug; and/or
  - h. offering to take patient L.D. and her mother to dinner.
8. That the aforementioned acts and/or omissions constitute dishonorable, unethical or unprofessional conduct likely to harm the public and are grounds for revocation, suspension, probation, or other discipline of Respondent's Physician and Surgeon License pursuant to 225 Ill. Comp. Stat. § 60/22 (A)(5) relying upon the Rules for the Administration of the Medical Practice Act, Illinois Administrative Code, Title 68, Chapter VII, Subpart b, Part 1285.240 (a).

**WHEREFORE,** based on the foregoing allegations, the DEPARTMENT OF FINANCIAL and PROFESSIONAL REGULATION of the State of Illinois, by Gertrude

M. Kelly, its Acting Chief of Medical Prosecutions, prays that the Physician and Surgeon License of Joel K. Carroll, D.O., be suspended, revoked, or otherwise disciplined.

#### **COUNT VI**

- 1-7. The Department realleges paragraphs 1 through 7 of Count V of this Complaint as paragraphs 1 through 7 of Count VI of this Complaint.
8. That the foregoing acts and/or omissions of the Respondent are grounds for the revocation, suspension or other discipline of the Certificate of Registration pursuant to 225 Illinois Compiled Statutes, Section(s) 60/22 paragraph(s) (20) of the Illinois Medical Practice Act, relying on the Rules for the Administration of the Medical Practice Act, Title 68, Chapter VII, Subchapter b, Part 1285.240 (b).

**WHEREFORE**, based on the foregoing allegations, the DEPARTMENT OF FINANCIAL and PROFESSIONAL REGULATION of the State of Illinois, by Gertrude M. Kelly, its Acting Chief of Medical Prosecutions, prays that the Physician and Surgeon License of Joel K. Carroll, D.O., be suspended, revoked, or otherwise disciplined

#### **COUNT VII**

- 1-3. The Department realleges paragraphs 1 through 3 of Count I of this Complaint as paragraphs 1 through 3 of Count VII of this Complaint.
4. Beginning in or around approximately May 2008, Respondent engaged in treatment, care, and/or evaluation of patient D. G.
5. While Respondent was engaged in said treatment, care, and/or evaluation of patient D. G., Respondent issued prescriptions and/or authorized the following medications for patient D.G.:

- a. Methadone; and
  - b. Alprazolam.
- 6. During said treatment, care, and/or evaluation of patient D. G., Respondent engaged in the following conduct and/or behavior:
  - a. visiting patient D.G. at a strip club, place of her employment;
  - b. telling patient D. G. to wear shorts and a tank top to her medical appointment with him;
  - c. asking patient D. G. out to lunch; and/or
  - d. providing patient D.G. with the prescription only after D. G. joined him for the aforementioned lunch.
- 7. That the aforementioned acts and/or omissions constitute dishonorable, unethical or unprofessional conduct likely to harm the public and are grounds for revocation, suspension, probation, or other discipline of Respondent's Physician and Surgeon License pursuant to 225 Ill. Comp. Stat. § 60/22 (A)(5) relying upon the Rules for the Administration of the Medical Practice Act, Illinois Administrative Code, Title 68, Chapter VII, Subpart b, Part 1285.240 (a).

**WHEREFORE**, based on the foregoing allegations, the DEPARTMENT OF FINANCIAL and PROFESSIONAL REGULATION of the State of Illinois, by Gertrude M. Kelly, its Acting Chief of Medical Prosecutions, prays that the Physician and Surgeon and License of Joel K. Carroll, D.O., be suspended, revoked, or otherwise disciplined.

#### **COUNT VIII**

- 1-6. The Department realleges paragraphs 1 through 6 of Count VII of this Complaint as paragraphs 1 through 6 of Count VIII of this Complaint.

7. That the foregoing acts and/or omissions of the Respondent are grounds for the revocation, suspension or other discipline of the Certificate of Registration pursuant to 225 Illinois Compiled Statutes, Section(s) 60/22 paragraph(s) (20) of the Illinois Medical Practice Act, relying on the Rules for the Administration of the Medical Practice Act, Title 68, Chapter VII, Subchapter b, Part 1285.240 (b).

**WHEREFORE**, based on the foregoing allegations, the DEPARTMENT OF FINANCIAL and PROFESSIONAL REGULATION of the State of Illinois, by Gertrude M. Kelly, its Acting Chief of Medical Prosecutions, prays that the Physician and Surgeon License of Joel K. Carroll, D.O., be suspended, revoked, or otherwise disciplined.

#### **COUNT IX**

- 1-3. The Department realleges paragraphs 1 through 3 of Count I of this Complaint as paragraphs 1 through 3 of Count IX of this Complaint.
4. At all times herein mentioned, Respondent held himself out as a Physician and Surgeon specializing in psychiatry at his Crestwood Office.
5. At all times herein mentioned, Respondent saw, treated and/or evaluated patients at his Crestwood Office.
6. On or about April 14, 2009, the Crestwood Police Department responded to an unlocked exterior door at Respondent's Crestwood Office and found the following:
  - a. five (5) M18 smoke grenades;
  - b. weapons, such as: (i) one (1) Colt AR-15 (assault rifle) .223 Model SP1; (ii) one (1) HI-Point Model 995 with one (1) 9 mm magazine; (iii) one (1) FM Hi-Power Industria Argentina 9mm; and/or (iv) one (1) loaded Sturm, Ruger & Co. Ruger Vaquero .45; and

c. ammunition such as: (i) fifty (50) rounds of .223 bullets; (ii) fifty (50) rounds of 5.7x28 mm bullets; (iii) five hundred twenty five (525) rounds of 22 Long Rifle bullets; (iv) fifty (50) rounds of 30-30 Winchester bullets; (v) fifty (50) rounds of 7.62x25 bullets; (vi) one hundred (100) Colt .45 caliber bullets; and/or (vii) three hundred fifty (350) rounds of 9 mm bullets.

7. On or about July 9, 2009, Respondent met with the agents from the Illinois Department of Financial and Professional Regulations and the United States Drug Enforcement Administration at his Crestwood Office.
8. During the July 9, 2009, Respondent revealed the following information:
  - a. Respondent had two guns at his office desk;
  - b. Respondent had numerous rounds of ammunition at his Crestwood office;
  - c. Respondent had numerous pornographic materials at his Crestwood office.
9. The aforementioned acts and/or omissions constitute dishonorable, unethical or unprofessional conduct likely to harm the public and are grounds for revocation, suspension, probation, or other discipline of Respondent's Physician and Surgeon License pursuant to 225 Ill. Comp. Stat. § 60/22 (A)(5) relying upon the Rules for the Administration of the Medical Practice Act, Illinois Administrative Code, Title 68, Chapter VII, Subpart b, Part 1285.240 (a).

**WHEREFORE,** based on the foregoing allegations, the DEPARTMENT OF FINANCIAL and PROFESSIONAL REGULATION of the State of Illinois, by Gertrude



M. Kelly, its Acting Chief of Medical Prosecutions, prays that the Physician and Surgeon License of Joel K. Carroll, D.O., be suspended, revoked, or otherwise disciplined.

**COUNT X**

- 1-3. The Department realleges paragraphs 1 through 3 of Count I of this Complaint as paragraphs 1 through 3 of Count X of this Complaint.
4. On or about July 9, 2009, Respondent met with the agents from the Illinois Department of Financial and Professional Regulations and the United States Drug Enforcement Administration at his Crestwood Office.
5. On or about July 9, 2009, Respondent was served with the releases for psychiatric records for the following patients: L.N, L.D., D.G. and L.S.
6. On or about July 9, 2009, Respondent was asked to produce copies of the medical records for the following patients: L.N, L.D., D.G. and L.S.
7. On or about July 9, 2009, Respondent admitted that he did not have any medical records for patient L.S.
8. Patient L.S. is Respondent's niece.
9. Respondent was unable to produce any medical records for patients L.N., L.D. and D.G.
10. That the foregoing acts and/or omissions of the Respondent are grounds for the revocation, suspension or other discipline of the Certificate of Registration pursuant to 225 Illinois Compiled Statutes, Section(s) 60/22 paragraph(s) (41) of the Illinois Medical Practice Act.

**WHEREFORE**, based on the foregoing allegations, the DEPARTMENT OF FINANCIAL and PROFESSIONAL REGULATION of the State of Illinois, by Gertrude



M. Kelly, its Acting Chief of Medical Prosecutions, prays that the Physician and Surgeon License of Joel K. Carroll, D.O., be suspended, revoked, or otherwise disciplined.

### **COUNT XI**

- 1-3. The Department realleges paragraphs 1 through 3 of Count I of this Complaint as paragraphs 1 through 3 of Count XI of this Complaint.
4. Between September 2006 and February 2007, Respondent was employed as a psychiatrist at Illinois Department of Corrections, Dwight Correction Center.
5. On or about February 2007, Respondent was placed on Administrative Lockout at Dwight Correction Center.
6. On or about February 2007, Respondent was terminated from his physician position at Dwight Correction Center.
7. On or about February 2007, Respondent was terminated from his physician position at Wexford Health Sources, Inc.
8. Respondent failed to report termination of his employment by Dwight Correction Center.
9. Respondent failed to report adverse action taking against him by Wexford Health Sources, Inc.
10. The aforementioned acts and/or omissions constitute failing to report the surrender of a membership on a medical staff and are grounds for revocation, suspension, probation, or other discipline of Respondent's Physician and Surgeon and Controlled Substance Licenses pursuant to 225 Ill. Comp. Stat. § 60/22 (A)(34).

**WHEREFORE**, based on the foregoing allegations, the DEPARTMENT OF FINANCIAL and PROFESSIONAL REGULATION of the State of Illinois, by Gertrude

M. Kelly, its Acting Chief of Medical Prosecutions, prays that the Physician and Surgeon License of Joel K. Carroll, D.O., be suspended, revoked, or otherwise disciplined.

### **COUNT XII**

1-9. The Department realleges paragraphs 1 through 9 of Count XI of this Complaint as paragraphs 1 through 9 of Count XII of this Complaint

10. On or about July 2008, Respondent submitted documents for the renewal of his Illinois Physician and Surgeon License.

11. Respondent was required to respond to the following question in order to renew his Physician and Surgeon License:

**"Since July 31, 2005, have your clinical, hospital or practice privileges relating to patient care been involuntarily restricted, suspended or revoked (other than for non-completion of medical records)? If yes, attach a detailed explanation."**


12. Respondent indicated in the 2008 Physician and Surgeon License Renewal Application that his clinical, hospital or practice privileges relating to patient care were not involuntarily restricted, suspended or revoked.

13. Respondent affirmed that the information provided on the 2008 Physician and Surgeon License renewal Application was true, correct and complete.

14. The foregoing acts and/or omissions are grounds for revocation or suspension of a Certificate of Registration pursuant to 225 Illinois Compiled Statutes, Section 60/22 (A), paragraph (9).

**WHEREFORE**, based on the foregoing allegations, the DEPARTMENT OF FINANCIAL and PROFESSIONAL REGULATION of the State of Illinois, by Gertrude M. Kelly, its Acting Chief of Medical Prosecutions, prays that the Physician and Surgeon License of Joel K. Carroll, D.O., be suspended, revoked, or otherwise disciplined.

DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION, DIVISION OF  
PROFESSIONAL REGULATION, of the State of  
Illinois

  
By: Gertrude M. Kelly, Statewide Enforcement, for  
Gertrude M. Kelly,  
Acting Chief of Medical Prosecutions

Vladimir Lozovskiy,  
Staff Attorney, Medical Prosecutions Unit  
Department of Financial and Professional Regulation  
Division of Professional Regulation  
100 West Randolph, Suite 9-300  
Chicago, Illinois 60601  
312/814-1691

**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.

Joel K. Carroll, D.O.,  
License No. 036-093329,  
Controlled Substances License  
No. 336-054624

Respondent,

No. 2009-04854

**AFFIDAVIT OF DAN MURPHY**

I, DAN MURPHY, being duly sworn upon oath, depose and make this Affidavit on my personal knowledge, and if sworn as a witness in this matter, I would competently testify to the following facts:

1. That I am currently an Investigator in the Medical Investigations Unit of the Illinois Division of Professional Regulation of the Department of Financial and Professional Regulation. I have been with the Division of Professional Regulation of the Department of Financial and Professional Regulation for approximately twenty years.
2. In the course of my duties with the Division of Professional Regulation, I was assigned Case No. 2009-04854 to investigate allegations against Respondent, Joel K. Carroll, D.O.
3. Specifically, information has come to the Department's attention that on April 14, 2009, the Crestwood Police Department responded to an unlocked exterior door at Respondent's Crestwood Office and found the following:
  - a. five (5) M18 smoke grenades;
  - b. weapons, such as: (i) one (1) Colt AR-15 (assault rifle) .223 Model



SP1; (ii) one (1) HI-Point Model 995 with one (1) 9 mm magazine; (iii) one (1) FM Hi-Power Industria Argentina 9mm; and/or (iv) one (1) loaded Sturm, Ruger & Co. Ruger Vaquero .45; and

c. ammunition such as: (i) fifty (50) rounds of .223 bullets; (ii) fifty (50) rounds of 5.7x28 mm bullets; (iii) five hundred twenty five (525) rounds of 22 Long Rifle bullets; (iv) fifty (50) rounds of 30-30 Winchester bullets; (v) fifty (50) rounds of 7.62x25 bullets; (vi) one hundred (100) Colt .45 caliber bullets; and/or (vii) three hundred fifty (350) rounds of 9 mm bullets.

4. In addition, information has come to the Department's attention alleging that Respondent Joel K. Carroll, D.O., delegated prescribing authority to his receptionist to fill out pre-signed prescriptions and allow his receptionist to fill in the prescriptions and provide them to the patients without personally seeing the patients.
5. During the investigation, I also interviewed patients L. N., L. D. and D. G. who all provided numerous accounts of Respondent's inappropriate behavior towards them.
6. Specifically, patient L.N. provided the following information during her interview regarding Respondent's conduct towards her: (i) offering patient L. N. wine during a patient visit; (ii) allowing patient L. N. to sleep at Respondent's physician office; (iii) taking naked pictures of patient L. N. while she was asleep; (iv) threatening to have patient L. N. "locked up" and/or committed; (v) repeatedly showing up to patient L. N.'s residence; (vi) making




a copy of the key to patient L. N.'s residence; (vii) sleeping at patient L.N.'s residence on numerous occasions; (viii) attempting to climb in through patient L. N.'s bedroom window while patient L. N. was engaged in sexual activity with her boyfriend; (xix) walking around in front of patient L. N. wearing only his underwear; (x) asking patient L. N. to watch pornographic movies with him; (xi) giving patient L. N. sexual toys; (xii) masturbating in front of patient L. N. at her residence and/or at Respondent's office; (xiii) offering to let patient L. N. move into his house; and/or (xiv) occasionally sleeping in the same bed with patient L. N.

7. Patient L.D. provided the following information regarding Respondent's conduct with her: (i) a. purchasing a cell phone for patient L. D.; (ii) visiting patient L. D.'s home approximately twenty (20) times; (iii) refusing to leave patient L. D.'s home after being asked to leave; (iv) throwing rocks at patient L. D.'s window(s) and/or yelling patient L. D.'s name when L. D. did not answer the door; (v) repeatedly placing phone calls to patient L. D. and/or patient L. D.'s mother after being told not to return to their home; (vi) attempting to kiss patient L. D.; (vii) asking patient L.D. for a hug; and/or (viii) offering to take patient L.D. and her mother to dinner.


8. Finally, patient D.G. provided the following information regarding Respondent's conduct toward her: (i) visiting patient D.G. at a strip club, place of her employment; (ii) telling patient D. G. to wear shorts and a tank top to her medical appointment with him; (iii) asking patient D. G. out to lunch; and/or

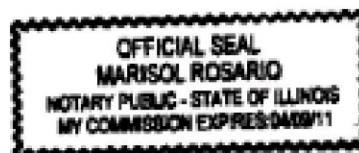


- (iv) providing patient D.G. with the prescription only after D. G. joined him for the aforementioned lunch.
9. On July 9, 2009, I interviewed Respondent at his Crestwood physician office, located at 4711 Midlothian Tpke Ste 16, Crestwood, IL 60445-4905. During the interview, Respondent revealed the following information: (a) Respondent had two guns at his office desk; (b) Respondent had numerous rounds of ammunition at his Crestwood office; and (c) Respondent had numerous pornographic materials at his Crestwood office.
10. Based on the foregoing, it is my opinion with a reasonable degree of certainty that Respondent's continued practice of medicine as a Physician and Surgeon presents an immediate danger to the safety of the public.

  
Dan Murphy  
Affiant

Subscribed and sworn to before me  
this 30<sup>th</sup> day of July, 2009.

  
NOTARY PUBLIC



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

DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION  
of the State of Illinois,

v.

Joel K. Carroll, D.O.,  
License No. 036-093329,  
Controlled Substances License  
No. 336-054624

Complainant,

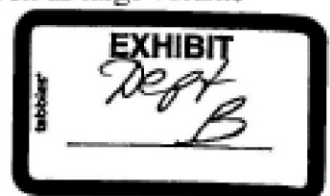
Respondent,

No. 2009-04854

**AFFIDAVIT OF LARRY MCLAIN, M.D.**

I, Larry McLain, M.D., being duly sworn upon oath, deposes and makes this Affidavit on my personal knowledge, and if sworn as a witness in this matter I could competently testify to the following facts:

1. I am a Medical Doctor licensed to practice medicine in the State of Illinois.
2. I am currently the Chief Medical Coordinator of the Illinois Department of Financial and Professional Regulation.
3. I have reviewed the Department's records and documents in the Department Case No 2009-04854 regarding Joel K. Carroll, D.O., Physician and Surgeon License No. 036-093329 and Controlled Substance License No. 336-054624.
4. Information has come to the Department's attention regarding Respondent's conduct with female patients. Specifically, the Department's investigation revealed that Respondent acted unprofessionally, unethically and immorally in his interactions with several patients of his psychiatric practice.
5. In addition, the Department's investigation revealed that Respondent possessed large number of weapons and ammunition as well as large volume of pornographic materials in his physician office.

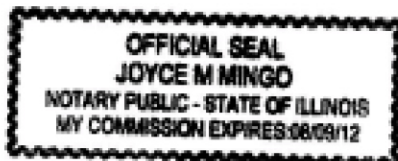


6. Finally, the Department's investigation revealed that Respondent delegated prescribing authority to his receptionist to fill out pre-signed prescriptions and allow his receptionist to fill-in the prescriptions and provide them to the patients without personally seeing the patients.
7. Based on the foregoing I am of the opinion that the continued practice of medicine by Joel K. Carroll, D.O., presents an immediate danger to the safety of the public in the State of Illinois.

  
Larry McFain, M.D.  
Affiant

Subscribed and sworn to before me  
this 30th day of July, 2009.

  
NOTARY PUBLIC



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

DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION  
of the State of Illinois,  
v.  
Joel K. Carroll, D.O.,  
License No. 036-093329,  
Controlled Substances License  
No. 336-054624

Complainant,

Respondent,

No. 2009-04854

**NOTICE OF TEMPORARY SUSPENSION**

To: Joel K. Carroll, D.O.  
7900 Keystone Ave  
Skokie, IL 60076-3418

JOEL K CARROLL, D.O.  
4711 Midlothian Tpke Ste 16  
Crestwood, IL 60445-4905

PLEASE TAKE NOTICE that the Director of the Division of Professional Regulation of the State of Illinois signed the attached ORDER which provides that your Physician and Surgeon License, License No. 036-093329 and Controlled Substance License No. 336-054624 are **TEMPORARILY SUSPENDED**. Copies of the ORDER, Petition, Complaint and Affidavits on which it is based, are attached.

FURTHERMORE, on **August 13, 2009**, at **10:30 am**, the Medical Disciplinary Board of the Department of Financial and Professional Regulation of the State of Illinois will hold a hearing at 100 W. Randolph Street, Suite 9-300, Chicago, Illinois 60601, to determine the truth of the charges set forth in the attached Complaint. At the hearing you will be given an opportunity to present such statements, testimony, evidence and argument as may be pertinent to or in defense to the charges.

It is required that you appear at the hearing unless the matter is continued in advance. Failure to attend the hearing at the time and place as stated above may result in a decision being made, in your absence, to continue the suspension of your license.

You have the right to retain counsel to represent you in this matter and, in the opinion of this Department; it is advisable to be represented by a lawyer.

It is required that you file a VERIFIED ANSWER to the attached Complaint with the Department of Financial and Professional Regulation by the date of the hearing.

No CONTINUANCE of a hearing will be granted except at the discretion of the Committee or Board. A written motion for continuance must be served on the Department of Financial and Professional Regulation at least three (3) business days before the date set for the Hearing and must set forth the reasons why holding the hearing on the date indicated will cause undue hardship.

Your ANSWER, your lawyer's APPEARANCE, and all MOTIONS or papers should be filed with the Clerk of the Court of the Department of Financial and Professional Regulation, at 100 W. Randolph Street, Suite 9-300, Chicago, IL 60601.

RULES OF PRACTICE IN ADMINISTRATIVE HEARINGS IN THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION BEFORE COMMITTEES OR BOARDS OF SAID DEPARTMENT are available upon request.

**DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION of the State of  
Illinois**

By: \_\_\_\_\_



Gertrude M. Kelly,  
Acting Chief of Medical Prosecutions

Vladimir Lozovski  
Staff Attorney, Medical Prosecutions Unit  
Department of Financial and Professional Regulation  
Division of Professional Regulation  
100 West Randolph, Suite 9-300  
Chicago, Illinois 60601  
312/814-1691



**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. 2009-04854
Joel K. Carroll, D.O.,	)	
License No. 036-093329,	)	
Controlled Substances License	)	
No. 336-054624	Respondent, )	

**ORDER**

This matter having come before me on the Respondent's Motion for Rehearing and/or Reconsideration, being duly advised in the premises.

NOW, THEREFORE, I, DANIEL E. BLUTHARDT, DIRECTOR OF THE DIVISION OF PROFESSIONAL REGULATION of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, having reviewed the record in this cause, FIND:

1. That I have jurisdiction of the parties and the subject matter herein;
2. That oral argument on the said Motion is not necessary for a clear understanding of the issues presented;
3. That Respondent has failed to allege new evidence sufficient to warrant action contrary to the recommendation of the Illinois Medical Disciplinary Board (the "Board");
4. That Respondent has failed to allege facts setting forth an appropriate basis to warrant action contrary to the recommendation of the Board;
5. That Respondent has failed to allege errors of law setting forth an appropriate basis to warrant action contrary to the recommendation of the Board;

6. That substantial justice has been done in this case.

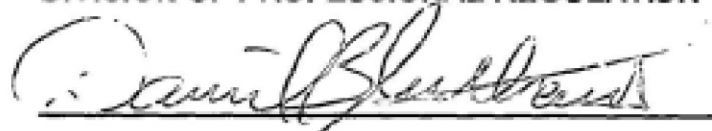
IT IS THEREFORE ORDERED that the Certificates of Registration, Physician and Surgeon License No. 036-093329 and Controlled Substance License No. 336-054624, heretofore issued to Joel K. Carroll, D.O. to practice as a Physician and Surgeon in the State of Illinois are INDEFINITELY SUSPENDED. IT IS FURTHER ORDERED that Respondent, Joel K. Carroll, D.O., be fined \$ 5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that Joel K. Carroll, D.O. immediately surrender his Certificates of Registration, Physician and Surgeon License No. 036-093329 and Controlled Substance License No. 336-054624, and all other indicia of licensure to the Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation. Upon failure to do so, the Department shall seize said Certificates of Registration.

DATED 29<sup>th</sup> day of January, 2010.

DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION of the State of  
Illinois

DIVISION OF PROFESSIONAL REGULATION



DANIEL E. BLUTHARDT  
Director of the Division of Professional  
Regulation

REF: License No. 036-093329/336-054624  
Case No. 2009-04854

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

<b>DEPARTMENT OF FINANCIAL</b>	)	
<b>AND PROFESSIONAL REGULATION</b>	)	
<b>Of the State of Illinois,</b>	)	
<b>Complainant</b>	)	
	)	
	)	<b>No. 2009-4854</b>
	)	
<b>JOEL K. CARROLL, D.O.,</b>	)	
<b>License No. 036.093329</b>	)	
<b>Controlled Substance</b>	)	
<b>License No. 336.54624</b>	)	
<b>Respondent.</b>	)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND RECOMMENDATION TO THE DIRECTOR**

Now comes the Medical Disciplinary Board of the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois and, after reviewing the record in this matter, a majority of its members hereby makes the following Findings of Fact, Conclusions of Law and Recommendation to the Director:

**FINDINGS OF FACT:**

The Board adopts the Findings of Fact contained in the Report and Recommendation of Administrative Law Judge John M. Lagattuta and incorporates them herein.

**CONCLUSIONS OF LAW:**

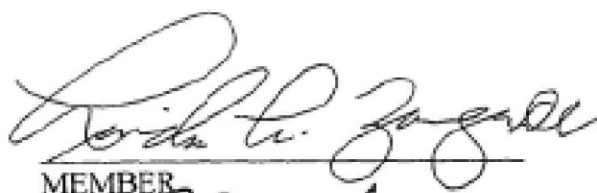
The Board adopts the Conclusions of Law contained in the Report and Recommendation of Administrative Law Judge John M. Lagattuta and incorporates them herein.

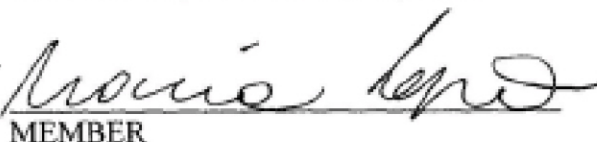
**RECOMMENDATION:**

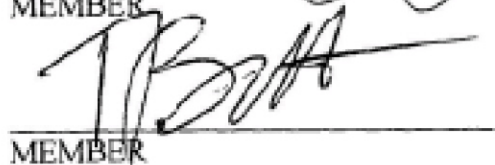
The Medical Disciplinary Board of the Department of Financial and Professional Regulation, Division of Professional Regulation of the State of Illinois, after making the above Findings of Fact and Conclusions of Law, recommends that the Certificate of Registration, License No. 036.093329 and License No. 336.054624 of Joel K. Carroll, D.O. be placed on INDEFINITE SUSPENSION. It is further recommended that the Respondent be fined \$5,000.00. Respondent is placed on notice that, should he violate any provision of the Medical Practice Act while his license is suspended, the Department may initiate additional action or use such information in objection to any Petition for Restoration.

DATED THIS 2 DAY OF December, 2009

  
\_\_\_\_\_  
CHAIRMAN, Edward P. Rose, M.D.

  
\_\_\_\_\_  
MEMBER

  
\_\_\_\_\_  
MEMBER

  
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MEMBER

  
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MEMBER

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,	)	
vs.	)	No. 2009-4854
Joel K. Carroll, D.O.	)	
License No. 036-093329,	)	
Controlled Substance	)	
License No. 336-054624, Respondent	)	

ADMINISTRATIVE LAW JUDGE'S REPORT AND RECOMMENDATION

This report is being filed with the Illinois State Medical Disciplinary Board (hereinafter "Board") by Administrative Law John M. Lagattuta pursuant to 225 Illinois Compiled Statutes, Chapter 60, Section 35.

BACKGROUND OF CASE

Respondent Joel K. Carroll, D.O. (hereinafter "Respondent") is the holder of a Certificate of Registration as a Physician and Surgeon in the State of Illinois, License No. 036-093329, and Controlled Substance License, No. 336-054624, issued by the Department of Financial and Professional Regulation of the State of Illinois (hereinafter "the Department"). Said license is currently summarily suspended. On July 31, 2009, the Director signed an order Summarily Suspending Respondent's Physician and Surgeon license based on the Department's



Petition and twelve Count Complaint alleging that Respondent violated the Illinois Medical Practice Act by;

1. Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;
2. Violating state or federal laws or regulations relating to controlled substances, legend drugs, or ephedra, as defined in the Ephedra Prohibition Act;
3. Committing immoral conduct in the commission of any act including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice;
4. Failing to establish and maintain records of patient care and treatment as required by law;
5. Failing to report to the Department any adverse final action taken against him by another licensing jurisdiction, by any peer review body, by any health care institution, by any professional society or association related to practice under the Medical Practice Act, by any government agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct which would constitute grounds

for action as defined in Section 60/22 (A) of the Medical Practice Act; and

6. Committing fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under the Medical Practice Act.

The Department alleged that starting in February 2008 through July 2009, Respondent employed Stacy Brady as his office assistant. Respondent pre-signed prescription pads and left them with the office assistant. Patients came to the office while Respondent was not present, and Ms. Brady wrote prescriptions for controlled substances to patients on the pre-signed scripts. Respondent was not present at the office at the time, and he did not personally evaluate or examine the patients that were given prescriptions. The Department alleged that Respondent's actions violated the Illinois Controlled Substance Act.

The Department next alleged that Respondent engaged in behavior with patient L. N., L. D., L. S. and D. G. that either constituted unprofessional conduct or immoral conduct, or both. The Department alleged in Count IX of the Complaint that Respondent's possession of guns, ammunition, smoke grenades and pornography in his medical office constituted dishonorable, unethical or unprofessional

conduct. Count X of the Complaint alleged that Respondent failed to establish and maintain records of patient care and treatment as required by law. Count XI of the Complaint alleged that Respondent failed to notify the Department about an adverse action after he was terminated from a position at Dwight Correctional facility and from Wexford Health Sources, Inc. The last Count of the Department's Complaint alleged that Respondent committed fraud or misrepresentation in applying for, or procuring, a license under the Medical Practice Act when he answered "No" to a question on the application as to whether he had his clinical, hospital or practice privileges relating to patient care involuntarily restricted, suspended or revoked.

Respondent filed an Answer to the Complaint on August 13, 2009. In that answer, Respondent admitted to some of the allegations, and denied others. The Department amended count X of the Complaint on September 28, 2009. The amendment changed the initials of the patient from L. S. to L. C.

The case proceeded to a formal evidentiary hearing on August 13, 2009. The Department rested on August 17, 2009. After the Department completed its case in chief, Respondent requested a continuance. The Respondent

presented his case in chief on September 28, 2009. Respondent completed his case in chief, and rested on September 28, 2009. John M. Lagattuta was the presiding Administrative Law Judge. The Department was represented by Attorneys Vladimir Lozovski and Lisa Stephens. The Respondent was represented by Attorney John Shea Coghlan. No member of the Medical Disciplinary appeared at the hearing.

The Administrative Law Judge received the complete record of this proceeding on October 15, 2009.

#### **SUMMARY OF EVIDENCE**

##### **Exhibits**

The following exhibits of the Department were admitted into evidence:

**Exhibit A:** Copy of Respondent's Physician and Surgeon renewal application filed with the Department;

**Exhibit B:** Illinois Department of Corrections Report;

**Exhibit D:** Department Investigative Report No. 17;

**Exhibit E:** Police Report, including Incident Report and Inventory Sheets from the Crestwood Police Department, dated April 14, 2009;

**Exhibit F:** A book titled: History of French Foreign Legion From 1831 to Present Day;

**Exhibit G:** A book titled: Afghanistan The Bear Trap;

**Exhibit H:** A book titled: Battleground Berlin;

**Exhibit I:** A book titled: The Secretary: Martin Bormann, the Man Who Manipulated Hitler;

**Exhibit J:** A book titled: Spare Parts: A Marine Reservist's Journey From Campus to Combat in 38 Days;

**Exhibit K:** A book titled: The Bourne Legacy;

**Exhibit L:** A book titled: Great Detectives;

**Exhibit M:** A book titled: Uncle John's Four-Ply Bathroom Reader;

**Exhibit N:** A book titled: Autobiography of the Top Ranked Marine Sniper Shooter;

**Exhibit O:** A book titled: Ghost Soldiers: The Epic Account of the World War II Greatest Rescue Mission;

**Exhibit P:** A book titled: Gotti, Rise and Fall;

**Exhibit Q:** Cellular telephone; and

**Exhibit R:** Curriculum Vita of Dr. Ashraf Helmy.

The following exhibits of Respondent were admitted into evidence:

**Exhibit 1:** Respondent's FOID card;

**Exhibit 2:** Medical records of L. N.;

**Exhibit 3:** Medical records of D. G.;



**Exhibit 4:** Medical records of L. D.; and

**Exhibit 5:** Medical records of L. C.

Witnesses

The following witnesses testified under oath in  
Department's Case in Chief:

Joel K. Carroll

Thomas K. Kaniewski

Patient L. D.

Cedilia DeRouin

Ashraf Helmy

Kenneth Bodenhagen

Corie Rizman

Patient S. B.

Daniel Murphy

The following witness testified under oath in  
Respondent's Case in Chief:

Joel K. Carroll

**FINDINGS OF FACT**

The Administrative Law Judge makes the following  
Findings of Fact, based upon clear and convincing evidence  
presented at hearing:

Respondent Joel K. Carroll is the holder of a  
Certificate of Registration as a Physician and Surgeon in  
the State of Illinois, License No. 036-093329, issued by

the Department of Financial and Professional Regulation of the State of Illinois. Said license is currently summarily susperded.

The Department called Thomas K. Kaniewski, (hereinafter "Kaniewski"), to testify. Kaniewski testified that he is employed a Sergeant for the Crestwood Police Department. He stated that he was working the midnight shift on April 14, 2009. During a routine business check, he discovered an open door to a business located at 4711 Midlothian Turnpike, Crestwood, IL. Kaniewski immediately called in the open door and requested backup. Once his backup arrived, the two officers entered the building through the open door. After the officers secured the office, they turned on that light. After the office was illuminated, Kaniewski observed a 45-caliber pistol under a desk that was about five feet from the door. The officers also discovered 1,125 rounds of ammunition and several other guns, including a Colt AR15 rifle, a SP1 223 caliber rifle and a Ruger 45 caliber pistol, (Department's exhibit E). They also found five smoke grenades, a pre-signed prescription pad and pornographic DVDs.

Kaniewski was asked about the general condition of the office. He testified that it was a "pigsty," and that he

could not believe that Respondent could conduct business out of the office.

On cross examination, Kaniewski testified that the three other guns and five smoke grenades were discovered in an office that was used as a storage room. He also admitted that it was not illegal for Respondent to possess the guns, ammunition and smoke grenades. Respondent was not arrested for possession of the guns, smoke grenades and pornographic DVDs.

The next witness called by the Department was patient L. D. She testified that she was a psychiatric patient of Respondent. She first saw Respondent on July 24, 2008 at his office located at 4711 Midlothian Road, Crestwood, Illinois. Respondent prescribed Xanax, Seroquel and Lithium to her, but never gave her a blood test. L. D. was seen by Respondent at his office four or five times between April 2008 and approximately April or May 2009. During the office visits, Respondent discussed his personal life with her.

L. D. stated that Respondent first came to her house in November 2008. The visit was unannounced, and it lasted about two hours. During the visit, Respondent again talked about his personal matters, including his house in Wisconsin, his secretary's personal life and his financial problems. They also discussed some of her problems. She

told Respondent that she was not getting along with her father, Respondent joked that he could put some lithium on her father's food.

L. D. testified that when Respondent was leaving, he asked her for a hug and she agreed. As she was trying to pull away from him, he attempted to kiss her. When she showed her displeasure, Respondent let go of her and apologized. Respondent also made it clear to L. D. that she should let him know if she changed her mind. L. D. told her mother about the hug as soon as Respondent left the house.

L. D. stated that Respondent came to her house about 20 more times after November 2008. After the first visit, Respondent was not let back into the house. When Respondent came to the house on subsequent visits, he would ring the door bell and then knock on the door. When she did not answer the door, Respondent threw rocks at her window. L. D. did visit Respondent at his office after November 2008. On those occasions, her mother accompanied her.

L. D. went to breakfast with Respondent on one occasion. She called Respondent for a refill of Seroquel and she felt that the only way that she could get the refill was by going to breakfast with him. After breakfast, Respondent took L. D. to a cellular telephone store. Respondent purchased a telephone and gave it to her because

he could never get a hold of her. Respondent gave her other gifts. Between November 2008 and May 2009, Respondent left 11 books at her door step.

L. D. was asked about Respondent's office. She testified that it was "Very messy. Just piles of books everywhere. Lots of stuff in his office. All kinds of cats in his office. Just very untidy." (Transcript page no. 147). She was also asked about Respondent's personal appearance. She stated that he always wore jeans, and one time, his shoes were off and he had holes in his socks.

On cross examination, L. D. testified that the home telephone was hooked up through a computer on a magic jack. She admitted that when the telephone service was first hooked up, she did not know how to retrieve messages. Her father eventually figured out how to retrieve messages in January 2009. However, Respondent did not buy her the telephone until May 2009.

L. D. testified that part of Respondent's therapy was to get her out of the house. She admitted that going to breakfast with Respondent may have been part of her therapy. However, the only reason she went to breakfast with Respondent was to get her Seroquel prescription.

The next witness called by the Department was Celia DeRouin, (hereinafter "DeRouin"). DeRouin testified that



she was L. D.'s mother and that the first time that she met Respondent was sometime in November 2008, when Respondent was in her family room. Respondent told her that the home visit was part of L. D.'s therapy. After Respondent left the house, L. D. came to her crying because Respondent tried to kiss her.

Respondent made about 20 more visits to the house but was never let inside. When Respondent came to the house, he would, "Lay on the door bell. Bang on the door. He would throw rocks at my daughter's window and call out her name." (Transcript page no. 184). One time, he opened the outer door and was looking through the inner door. DeRouin caught him looking in the dining room window a couple of times.

DeRouin testified that Respondent sent a female employee to the house to pick up his personal belongings. She did not answer the door because she did not know who the person was. The person persisted for about eight minutes and then retreated to her car. The person then called and left a threatening message. The person, who turned out to be one of Respondent's employees, filed a police report about the incident. After the report was made, DeRouin made a report against the employee.

The Department called S. B. as a witness. S. B. testified that she is a patient of Respondent since 2006, a

recovering drug addict and an employee of Respondent from February 2008 through May 2009. She was incarcerated for a felony controlled substance conviction. Respondent visited her in county jail and later in state prison. When she was released from prison, Respondent took her to dinner and offered her a job as a secretary. S. B. accepted the job offer. On her first day of work, she could not find her desk in the office because it was covered with garbage which included discarded syringes and food. There was also rotten food in the refrigerator. Some of the food was expired for years. She was embarrassed by the appearance of the office.

S. B. testified that when she was released from prison, she was not taking any medication. After she started working for Respondent, he prescribed medication to her. S. B. denied that she wrote prescriptions for herself, but admitted filling out pre-signed prescriptions for patients. If a prescription was less than three months old, then Respondent authorized her to fill it. If the prescription was older than three months, then she had to check with Respondent before she could fill it. She filled the prescriptions with pre-signed prescription pads that Respondent left for her use.

S. B. was next asked about Respondent's use of medical records. She stated that Respondent did not have patient charts until she started making them.

S. B. testified that she travelled to New Mexico with Respondent. She stated that he gave her medication for the flights and that they shared a room. During the trip, Respondent walked around in his underwear and he made an advance toward her. She rejected the advance.

Respondent offered S. B. gifts from his deceased mother's houses. She thought it was bizarre that he offered her his deceased mother's undergarments. She also stated that Respondent discussed other patients with her.

S. B. decided to leave Respondent's employment because of the pressure of the job and the terrible working conditions. In an attempt to keep her, Respondent agreed to clean out the office. While they were cleaning out the office, S. B. found sex toys and videos, alcohol, smoke grenades and a gun.

The Department called Kenneth Bodenhagen, (hereinafter "Bodenhagen"), as a witness. Bodenhagen testified that he was a licensed pharmacist employed at Midwest Benefit pharmacy. Bodenhagen first spoke with Respondent when he had concern about a prescription that Respondent had written. His concern was that Respondent requested that the

prescription be sent to Respondent's office, rather than the patient's house. Respondent explained to him that packages were stolen from the patient's home in the past and it was safer to send the drugs to Respondent's office. Bodenhausen met Respondent one evening when Respondent came to the pharmacy to fill a prescription for a patient. Respondent was wearing a dirty wrinkled t-shirt and he appeared messy. It was very unusual for a physician to pick up a patient's prescription and it only happened to Bodenhausen two other times in his 12 years as a pharmacist.

Bodenhausen had suspicions about Respondent's prescribing because some of the scripts were for controlled substances that are not common to the practice of psychiatry. He went on to say, "I had some issues with the fact that every prescription or refill was initiated by the physician and they were all going to the physician's office. I started to wonder if the patient was even aware that these prescriptions were even being filled in her name." (Transcript page no. 79).

The next witness called by the Department was Cori Rizman, (hereinafter "Rizman"). She testified that she was a Diversion Investigator for the Drug Enforcement Administration, (hereinafter "DEA"), for six years. Rizman started investigating Respondent in April 2009. She

interviewed Respondent at his office on July 9, 2009. Respondent's office was messy and cluttered, the blinds were busted and one of the doors was missing a doorknob. In about 100 other doctor's offices that Rizman visited, she never saw one as messy and dirty as Respondent's office.

Rizman interviewed Respondent. During the conversation, Respondent was asked if he had charts on the patients that he was seeing that day. Respondent pointed to his head and stated that he updated in his mind. Rizman requested certain patient records but, Respondent did not have them.

Rizman was asked about federal laws regarding Schedule II Controlled Substances. She stated that she was familiar with the laws and that in order for a prescription for a Schedule II Controlled Substance to be valid, it needed to be issued by an individual who is licensed and registered to do so. Further, the script needs to be signed and dated on the date that it is issued, (Transcript page no. 101).

The Department called Dan Murphy, (hereinafter "Murphy"), to testify. Murphy testified that he has been employed as a Medical Investigator by the Department for 20 years and that he was assigned a case to investigate Respondent. Murphy and Rizman interviewed Respondent together on July 9, 2009. During the interview, Respondent



relayed that he was employed at Dwight Prison. He admitted that he was fired by the prison, but stated that it was a misunderstanding.

Murphy next asked Respondent about specific medical charts. Respondent stated that all of the charts were somewhere in the office. Respondent admitted that patient L. D.'s chart was not updated; that patient L. N.'s chart was "somewhere" in the office, (Transcript page no. 14). For patient L. C., Respondent stated that he did not have a chart.

Murphy stated that while he did not do an official inspection of Respondent's office, he did walk around with an employee to view the office. He observed that the office was cluttered, the carpet was dirty and there were cats roaming around. Murphy testified that he's been in hundreds of doctors' offices during his career and that Respondent's office was unlike what he is used to.

During his investigation of Respondent, Murphy learned that Respondent was under investigation by the Illinois Department of Corrections for alleged inappropriate contact with an inmate. It was alleged that Respondent promised to take the patient/inmate to Mexico upon her release. It was also alleged that Respondent hugged and kissed her. Finally, it was alleged that respondent made a personal

visit to the same inmate at Lincoln Correctional Center, (hereinafter "Lincoln"), after her transfer there.

Respondent was called as an adverse witness by the Department. Respondent testified that he attended Kirksville College of Osteopathic Medicine between 1988 and 1992. He stated that he never had a class on boundary issues for doctors. Respondent attended Loyola University Medical School for a psychiatry residency between 1993 and 1997. He again stated that he never had a class on boundary issues for psychiatrist, and during his training, he learned not to have sex with patients.

Respondent testified that he was in private practice in Crestwood, Illinois, and that he served low income patients. Between September 2006 and February 2007, Respondent worked for a private agency named Wexford. His duties included work at Dwight Correctional Facility, (hereinafter "Dwight"). Respondent was "Locked out" of Dwight in February 2007 and is still not allowed in the facility. He feels that he is "in limbo" and that the matter is not resolved. Respondent believes that he was locked out because of allegations made by an inmate. He told the inmate about his friends in New Mexico to put her at ease. At the end of the meeting the inmate said, "Aren't you feeling my vibes?" Respondent said yes. When questioned

further, Respondent admitted that he was aware of an allegation of an inappropriate relationship with a patient. However, he denied the allegation.

Respondent was next asked about his 2008 renewal application. He admitted that he submitted an application and marked the box that indicated that he answered "No" to the following question: "Since July 31, 2005, have your clinical, hospital or practice privileges related to patient care been involuntarily restricted, suspended or revoked, other than for non-completion of medical records?" Respondent stated that his practice was not restricted; rather he was just locked out.

Respondent opened his practice in Crestwood, Illinois in September 2005. When the practice first opened, Respondent spent three days a week at the practice. In December of 2007, Respondent worked for Wexford and saw patients at his office about two days a month. Respondent hired an office secretary in April 2008 to run the office in his absence. The office secretary was his patient. She will be referred to as S. B. At first, S. B. performed secretarial duties. However, in April of 2009, she started to write prescriptions for controlled substances for pre-existing patients on pre-signed prescription pads. Respondent put serial numbers on the pre-signed

prescriptions and kept a log book of the scripts. S. B. had his cell phone number and checked in with him before she wrote any prescriptions.

Respondent first met S. B. in 2006 when he treated her as a patient for depression. Respondent prescribed Prozac and Zoloft to S. B. At some point, S. B. was arrested and he visited her at Cook County Jail. S. B. was convicted of the crime that she was charged with and was eventually sentenced to serve prison time at Lincoln. Respondent visited S. B. at Lincoln. After she was released, Respondent offered her the job and she accepted it. Respondent was still treating S. B. during the time that he hired her. Respondent admitted that S. B. had an addiction problem, yet he still left pre-signed prescriptions at the office. It should be noted that there was no evidence that S. B. ever wrote a prescription for herself. Respondent thought that it was legal to leave pre-signed prescriptions for S. B. to fill out and issue.

Respondent testified that toward the end of 2008, he took S. B. on a vacation to New Mexico where they shared a hotel room. S. B. stopped taking medication at that point and Respondent believed that she was a former patient. He stated that they had separate beds, and denied walking around in his underwear. Respondent also denied making

sexual advances toward her. Respondent admitted that he took S. B. to dinner on several occasions, lent her money and gave her gifts. One of the gifts was his deceased mother's pajamas.

Respondent hired a second patient named H. E. She was hired as a part time secretary. Respondent admitted that he discussed other patients with S. B. and H. E. One of the patients that they talked about was L. D.

Respondent was next asked about the clutter in his office. He stated that there was a complaint from an adjacent business, and upon inspection, he was ordered to clean out his office. As a result of the incident, his business license was not renewed. At the present time, Respondent does not have a valid business license from the Village of Crestwood.

Respondent was asked whether he had any guns at the office. Respondent admitted that he had several guns at his office. He also admitted that he had several hundred rounds of ammunition and five smoke grenades in the office. Respondent was asked whether he had pornography and sex toys in the office. He testified that he did have pornographic DVDs and some sex toys in the office. He did state though, that none of the pornography was in the office where he saw patients. Finally, Respondent admitted



that he had wine in the office. The wine was a gift from a patient.

Respondent was asked about his treatment of L. D. He treated L. D. as a patient between July 24, 2008 and April 10, 2009. Respondent visited L. D. at her home in November 2008. Respondent testified that they were alone in the house on that date. He denied that he ever tried to hug or kiss L. D.

Respondent returned to her home another 13 times. He was let back into the house several times, but he was never home alone with L. D. after the first visit. Respondent returned to the house several other times when no one would answer the door. He admitted that he threw a rock at her bedroom window one time. Respondent also left books and medication at the front door several times.

Respondent invited L. D. to breakfast on one occasion. On the way back to L. D.'s home, he admitted that he bought her a cell phone. Respondent bought her the cell phone because it was difficult to get a hold of her. Once the investigation was initiated against him, Respondent sent H. E. to L. D.'s house to recover the cell phone.

Respondent was next asked about patient L. N. He treated her in 2007 and 2008. He stated that their friendship ended in 2007 when she moved in with her current

boyfriend. Respondent admitted that he stayed overnight at L. N.'s home over 20 times between June 2006 and July 2007. He also made her dinners and gave her some of his deceased mother's pajamas.

Respondent was next asked about patient D. G. He testified that she was an exotic dancer and that he treated her for chemical dependency. Respondent took her to lunch and gave her a prescription at the lunch. Respondent denied asking D. G. to come to her office visits dressed in shorts and a tank top.

The Department called Dr. Ashraf Helmy, (hereinafter "Helmy"), as an expert witness. Helmy testified about his qualifications, and then was subject to Voir Dire by Respondent's attorney. After the Voir Dire, Respondent's attorney had no objection to Helmy testifying as an expert. Helmy testified that there are set guidelines for psychiatrists in regard to patient treatment and boundaries. The guidelines are taught in residency programs, readily available in textbooks, and apply to current and past patients.

The first guideline is that there is a professional relationship between the physician and patient with the patient as the center of the relationship. Following the guideline ensures the patient's well-being. It also

guarantees that there is no destruction to the patient's self determination and dignity. Set boundaries ensure that there is no exploitation of the patient based upon the power that is an inherent part of the physician/patient relationship. There are risks when boundaries are breached. The risks include loss of patient autonomy, exploitation of the patient by the physician and the possibility of undue influence over the patient.

Helmy was asked about Respondent's office practice. He stated that it was improper to employ a patient, as he did with S. B. Further, delegating prescription writing authority to an employee without proper training or licensure was inappropriate because mistakes may be made that may not be caught and can cause actual harm to patients. Pre-signed prescription forms were improper because of the possibility of diversion and patient misuse.

Helmy was asked his opinion about Respondent's treatment of L. D. He testified that he reviewed Department, Crestwood Police, and Drug Enforcement Administration reports in coming up with his opinion. Helmy opined to a degree of medical and psychiatric certainty that Respondent breached his responsibility to L. D. Respondent had a responsibility to maintain a professional relationship with his patient. The breaches included the 20

visits to the patient's home, the refusal of Respondent to leave when asked, the purchase of a cell phone for a patient, and Respondent's attempt to hug and kiss the patient.

Helmy testified that Respondent also violated treatment boundaries in his care of L. D. He opined that Respondent violated Section 1 by exploiting L. D. and putting his own needs ahead of the patient when he hugged L. D. and attempted to kiss her. Respondent also violated Section 2 by not conducting himself properly when he threw rocks at L. D.'s window.

Helmy was next asked about patient L. N. He stated that he reviewed the investigative reports and recalled that Respondent offered L. N. wine and allowed her to spend the night at his office, where he took nude pictures of her. Respondent had a personal relationship with her and he lived with her on and off for about a year. Helmy opined that Respondent's behavior was dishonorable because the conduct was unbecoming of the principles of medical ethics. Respondent's actions also exploited and violated L. N.

Helmy was then asked his opinion to a degree of medical and psychiatric certainty whether Respondent breached his professional responsibility to Patient L. N. He opined that Respondent did breach his responsibility to

patient L. N. based on the fact that there was a breach of confidentiality when he discussed other patients with her. Respondent had an undue power over L. N., and it was improper for him to send emails to her husband. Finally, converting a professional relationship to a personal relationship with the patient was a breach of responsibility.

Helmy was asked his opinion to a degree of medical and psychiatric certainty whether Respondent's actions and treatment of L. N. were unethical and immoral. Helmy opined that Respondent's behavior and actions were unethical and immoral. He based his opinion on the fact that Respondent lived with the patient and masturbated in front of her. Further, Respondent's threat of committing the patient and writing prescriptions for her in her husband's name was unethical.

The Department next inquired about Respondent's treatment of D. G. Helmy recalled from his review of the material, that D. G. was an exotic dancer, and that Respondent requested D. G. to come to an office appointment in "shorts and tank tops." Respondent went to the strip club where D. G. worked to watch her, and refused to give her a prescription unless they went to lunch together. Helmy testified to degree of medical and psychiatric



certainty that Respondent's behavior toward D. G. was unethical.

Helmy was asked whether it was appropriate for a psychiatrist to have pornography, guns and ammunition in his office. He stated that it was improper to have pornography in the office because it may cause pain to the patient and undue self-disclosure about the physician's life. It was unsafe to have guns and ammunition in a psychiatric office because some patients have suicidal and homicidal thoughts and that the accessibility to such items was dangerous.

The Department asked Helmy about Respondent's treatment of and interactions with S. B. Helmy recalled from his review of the material, that S. B. was a patient of Respondent who was a recovering cocaine addict. Respondent hired S. B. to manage his office. The material indicated that S. B. was writing prescriptions for patients when Respondent was not in the office. It was further revealed that Respondent visited S. B. while she was in prison, and took her to New Mexico where they shared a room. Helmy testified to degree of medical and psychiatric certainty that Respondent's behavior toward S. B. was unprofessional.

Finally, Helmy testified to degree of medical and psychiatric certainty that Respondent's action of sending one patient to another patient's home to retrieve personal items was unprofessional.

Respondent testified on his own behalf that he was issued valid Firearm Owner Identification card by the State of Illinois. The card was entered into evidence (Respondent exhibit no. 1). Respondent was shown the medical charts of patients L. N., D. G., L. D. and L. C. (Respondent's exhibits nos. 2-5). He testified that the exhibits were the actual medical records of the patients and that they were current.

#### DISCUSSION

The Rules for Administrative Hearings for the Department provide that the Department must prove its allegations by clear and convincing evidence. (Illinois Administrative Code, Title 68, Section 1110.190). This standard has been defined to be more stringent than that required by a preponderance of the evidence, but less stringent than demanded in criminal cases. The "clear and convincing" standard is elucidated in The Estate of Ragen, 79 Ill. App. 3d. 8, 398 N.E. 2d. 198 (1979) (i.e., "evidence which leaves the mind well satisfied of the truth of a proposition").

The predominant purpose of the State in licensing a trade or profession is the prevention of injury to the public by assuring that the occupation will be practiced with honesty and integrity, excluding from the profession those who are incompetent or unworthy. Ranquist v. Stackler, 55 Ill.App.3d 545, 370 N.E.2d 1198 (1<sup>st</sup> Dist. 1977), quoting People ex rel. State Board of Health v. Apfelbaum, 251 Ill. 18, 95 N.E. 995 (1911); Kaplan v. Department of Registration and Education, 46 Ill.App.3d 968, 361 N.E.2d 626 (1<sup>st</sup> Dist. 1977).

Most of the facts in this case are not contested. Respondent admits to most of the boundary violations and dishonorable, unethical and unprofessional conduct. Psychiatrists are held to a higher standard than other physicians and surgeons because of the vulnerability of their patients. Respondent claims that he never learned about boundary issues in his training. That fact is hard to believe.

Respondent was very active and engaged in his defense. He took notes and fed his attorney with questions to ask on cross examination of witnesses. He also gave his attorney notes during closing argument. It is apparent that Respondent is oblivious about his professional responsibility toward his patients. Respondent is a danger

to his patients and currently is unworthy of his profession.

#### CONCLUSIONS OF LAW

Eased on the above Findings of Fact, the Administrative Law Judge concludes as a matter of law the following:

1. The Illinois State Medical Disciplinary Board has jurisdiction over the subject matter and the parties in this case.
2. Count I of the Complaint alleged that Respondent acted dishonorable, unethical or unprofessional by delegating responsibility of patient care to a person who was not properly supervised and/or trained in violation of 225 ILCS 60/22(A)(5). The Department proved this count by clear and convincing evidence.
3. Count II of the Complaint alleged that Respondent used his Illinois Controlled Substance License in order to prescribe, authorize, issue and/or provide prescriptions for controlled substances for patients without personally evaluating, seeing and/or examining patients in violation of 225 ILCS 60/22(A)(33). The Department proved this count by clear and convincing evidence.

4. Counts III and IV of the Complaint alleged that Respondent's conduct was immoral and he acted dishonorably, unethically or unprofessionally in his treatment of patient L. N. in violation of 225 ILCS 60/22(A)(5) and (20). The Department proved this count by clear and convincing evidence.
5. Counts V and VI of the Complaint alleged that Respondent's conduct was immoral and he acted dishonorably, unethically or unprofessionally in his treatment of patient L. D. in violation of 225 ILCS 60/22(A)(5) and (20). The Department proved this count by clear and convincing evidence.
6. Counts VII and VIII of the Complaint alleged that Respondent's conduct was immoral and he acted dishonorably, unethically or unprofessionally in his treatment of patient D. G. in violation of 225 ILCS 60/22(A)(5) and (20). The Department proved this count by clear and convincing evidence.
7. Count IX of the Complaint alleged that Respondent possession four guns, several hundred rounds of ammunition, five smoke grenades and pornographic DVD's constituted dishonorable, unethical or unprofessional behavior in violation of 225 ILCS



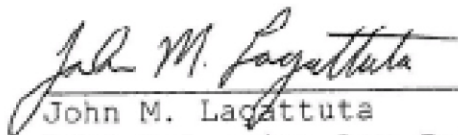
- 60/22(A)(5). The Department proved this count by clear and convincing evidence.
8. Count X alleged that Respondent failed to establish and maintain records for patients L. N., L. D., D. G. and L. C. in violation of 225 ILCS 60/22 (A)(41). The Department failed to prove this count by clear and convincing evidence.
9. Count XI of the Complaint alleges that Respondent failed to report an adverse action or loss of privileges to the Department after he was terminated from Dwight Correction Facility in violation of ILCS 60/22(A)(34). The Department proved this count by clear and convincing evidence.
10. Count XII of the Complaint alleged that Respondent committed fraud and misrepresentation when renewing his physician and surgeon license by failing to disclose his dismissal from Dwight Correctional Center in violation of ILCS 60/22(A)(9). The Department proved this count by clear and convincing evidence.

#### **RECOMMENDATION**

Based on the above Findings of Fact and Conclusions of Law, the Administrative Law Judge recommends to the Illinois State Medical Disciplinary Board that Respondent's

Certificate of Registration as a Physician and Surgeon,  
License No. 036-093329, and Controlled Substance License,  
No. 336-054624, be **INDEFINITELY SUSPENDED**. It is further  
recommended that Respondent be fined \$5,000.00.

Respectfully submitted:  
Dated: October 27, 2009

  
\_\_\_\_\_  
John M. Lagattuta  
Administrative Law Judge

**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. 2009-08715
Joel K. Carroll, D.O.,	)	
License No. 036-093329,	)	
Controlled Substances License	)	
No. 336-054624	Respondent, )	

**CONSENT ORDER**

THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois by and through Vladimir Lozovski, its attorneys, and Respondent, Joel K. Carroll, D.O., by and through John S. Coghlan, Esq., his attorneys, hereby agree to the following:

**STIPULATIONS**

Respondent, Joel K. Carroll, D.O. (hereinafter referred to as "Respondent"), holds a certificate of registration as a Physician and Surgeon in the State of Illinois, License No. 036-093329 and Controlled Substance License No. 336-054624, issued by the Division of Professional Regulation of the Department of Financial and Professional Regulation of the State of Illinois (hereinafter referred to as the "Department"). Said licenses are presently in Indefinitely Suspended status and have been in Suspended status since July 31, 2009. At all times material to the matter set forth in this Consent Order, the Department had jurisdiction over the subject matter and parties herein.

Information has come to the Department that alleges Respondent pre-dated prescriptions for various Controlled Substances issued to several patients of his practice.

The allegations 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 and Controlled Substance license, on the authority 225 Illinois Compiled Statutes, Paragraph 60/22(A)(5) and (33).

As a result of the foregoing allegations, the Department and Respondent, through his attorney, John S. Coghlan, Esq., have entered into negotiations in an effort to amicably resolve this matter.

For purposes of this Consent Order only, Respondent acknowledges that should this matter proceed to a contested hearing, the Illinois Medical Disciplinary Board (the "Board") could find a violation of the Medical Practice Act. The Department and Respondent stipulate that the above acknowledgement is made only for the purposes of this Consent Order. In the event that this Consent Order is not approved by the Board or is not approved by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation ("Director"), this acknowledgement shall not be admissible in any proceeding and the matter will be set for an evidentiary hearing on the merits as if this Consent Order had not been submitted. In addition, upon approval of this Consent Order, neither this acknowledgement nor this Consent Order may be utilized in any other proceeding, except one to enforce this Agreement.

Respondent has been advised of the right to have the pending allegations reduced to written charges, 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 Medical Disciplinary 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, Joel K. Carroll, D.O., 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, one of its attorneys and Respondent, Joel K. Carroll, D.O., through John S. Coghlan, Esq, his attorney, agree:

- A. Upon the effective date of this Consent Order, Respondent's Physician and Surgeon License No. 036-093329 shall be suspended for an indefinite period of time;
- B. Upon the effective date of this Consent Order, Respondent's Controlled Substance License No. 336-054624 shall be suspended for an indefinite period of time;
- C. This Consent Order shall become effective upon signing and approval by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

**Department of Financial and Professional  
Regulation of the State of Illinois,  
Division of Professional Regulation**



9-16-2010  
Date

Vladimir Lozovskiy  
Vladimir Lozovskiy, Attorney for the Department

9-16-10  
Date

Joel R. Carroll  
Joel R. Carroll, D.O., Respondent

9/14/10  
Date

John S. Coghlan  
John S. Coghlan, Attorney for Respondent

10/6/10  
Date

P.V.  
Member, Illinois Medical Disciplinary Board

THIS CONSENT ORDER IS APPROVED IN FULL:

Dated this 15th day of October, 2010.

**DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION of the State of  
Illinois;  
DIVISION OF PROFESSIONAL REGULATION**

Donald W. Seasock  
DONALD W. SEASOCK  
Acting Director of the Division of Professional Regulation

REF: License No. 036-093329/336-054624/ Case No. 2009-08715