

**S U S A N J B U C H E R**

1629 S. Hamilton, Suite 200, Lockport, IL 60441 815 834-0987 Fax 815 328-0445

January 25, 2001

To: Dr. Getto  
Michelle Gentry-Wiseman  
And to the Governor's Task Force on Medical Errors:

I wish to be allowed to make public comments and suggestions to the Task Force about how our present IL health care system can be better improved to protect the health, safety, and rights of the citizens of IL. I would be making these comments and suggestions from my personal experience from having dealt with the present system that is currently in place.

The suggestions and changes that I would suggest include improvements which need to be made within the IL medical community, as well as suggestions on changes that need to be made on how complaints and investigations are handled by the DPR, and how complaints are handled by other State Departments.

My situation is that of having been misinformed and then injured by Dr. Paul Rosenberg at the time of a simple, routine surgery. The nature of my injuries is not relevant to my comments and suggestions here, and is of a personal manner. What are important are the events that took place and how the system can be improved to better protect others.

I was in excellent health before my routine surgery. Afterwards my health quickly deteriorated. I returned to Dr. Rosneberg many times with continuous failing health. Instead of acting to help me he began the process of cover-up to protect himself from being exposed to having had caused my condition. At that time Dr. Rosenberg had already been once sued and lost for having caused a similar injury to another person.

After repeatedly returning to Dr. Rosenberg for a period of over two years after the surgery, I was informed by his nurse that he had ran the wrong tests to diagnose my condition. After confronting Dr. Rosenberg, and after more cover-ups, I was diagnosed with a serious health condition that requires that I take medication for the rest of my life. The medicine (which has its own side effects) will not correct my condition, but is necessary so that I can function normally.

Dr. Rosenberg did not tell me how my condition was caused, just that I would need to take this medication for the rest of my life. He prescribed to me medicine to take to treat my condition.

Upon second opinions, I learned:

1. By Dr. Mary Ann Perozzo-chen, I was told that it was possible that the doctor had done something to cause my condition. Dr. Matviuw told me that he knew Dr. Rosenberg, and without a doubt, he knew that Rosenberg had caused my condition. I have documented proof that Matviuw stated this to me.
2. I was informed by Dr. Perozzo-chen and by Dr. Seubold that the drug that Dr. Rosenberg had prescribed to me was the wrong medicine to treat my condition. The medication that Rosenberg had prescribed to me was completely inappropriate and is never ordered for people with my diagnosed condition. I learned that there were/are safe drugs to treat my condition but that the medicine that Rosenberg had ordered from me was not one of them. The medicine that Rosenberg had ordered for me was not only the wrong drug, but it also put me at high risk of stroking out.

Both Perozzo-Chen and Seublod were very concerned that I had been prescribe this medication, and was told outright that Rosenberg ordering for me the medication he did to treat my condition was "very wrong" and that "he should not have done that."

Upon learning that Dr. Rosenberg had created this life long, un-reversible condition in me, that he withheld information from me, that he allowed my condition to progress and worsen, and that when he did prescribed to me medication he ordered to me the wrong medication which could have killed me prompted me to take action to protect the other citizens of this state from the actions of this doctor.

I became very concerned that Dr. Rosenberg was doing the same injurious acts to others. I felt it was and still is my civil duty to warn others, or to see it that those with the proper authorization warns others of this doctor.

I filed suit upon Dr. Rosenberg and I contacted the DPR.

During the course of this IL suit, and prior to allowing the DPR begin their investigation I under went a 2<sup>nd</sup> surgery in CA with Dr. Del Junco Jr. to obtain further information and documented proof of the cause of my condition to present to the IL courts and to the DPR. At the time of this 2<sup>nd</sup> surgery, I was not aware that Dr. Rosenberg had learned that I was going to have a 2<sup>nd</sup> surgery, and had been in communication with Dr. Del Junco Jr.

Some issues arose from the 2<sup>nd</sup> surgery such cover-up, obstruction of justice, and acts of surgical battery (unnecessarily surgery) to accomplish these crimes. Dr. Del Junco did not do what he had consented me for at the time of the surgery. Infact, he did nothing at all. Del Junco withheld my medical records and I was required to hire a private detective to retrieve them. Dr. Del Junco told me, with witnesses present, that I should never tell anyone about having surgery with him. When he saw my shock he stated that I could say that I had surgery with him, but that I should distroy the photographic evidence, that I should NEVER show the photos to anyone, and that he was NOT going to make any reference in his records that photos or tapes existed.

Dr. Hufnagel, the medical expert who was retained, had spoken with Dr. Del Junco before and after the 2<sup>nd</sup> surgery. Dr. Hufnagel also reviewed the information that Dr. Junco had composed (medical report) and she also reviewed the videotape and photographs when they were obtained. Dr. Hufnagel's findings were that Dr. Del Junco had written a false medical report and that the report he had written in no way corresponded with the visual evidence. Other doctors and experts share Dr. Hufnagel's opinion that the written report is false and does not correspond with the visual evidence.

Dr. Del Junco confirmed to Hufnagel that he had been in communications with Rosenberg, and then threatened Dr. Hufnagel with harm if she ever spoke to me again. Dr. Del Junco told Dr. Hufnagel that she should not disclose to me the cause of my condition, or the status of my organs that had been affected. One week after I filed suit upon Dr. Del Junco, Dr. Hufnagel's personal office was burnt to the ground. The fire was ruled as arson.

As I had evidence that Dr. Rosenberg had created my condition, I completed my complaint/interview with the IL DPR. I asked the DPR investigator if he wanted copies of my medical records, photos, or videotape and was told no. I was informed that they would have to gather the information on their own to make the investigation official. I made it very clear to the DPR investigator both in writing and verbally, as well as to the DPR director, Mr. L Sherman, (both in writing and verbally in person), that this information would be withheld from them by Dr. Del Junco, and that they must obtain the medical records and evidence direct from the private investigator who had gathered it. I also hand delivered to Mr. Sherman copies of photographs that were taken of the affected organs at the time of my 1<sup>st</sup> surgery and 2<sup>nd</sup> surgery (before and after) to be included in my DPR file.

Gathering and obtaining this information and presenting this information to the DPR Review Board was never an option as it is key and essential to the case review and complaint.

I informed the IL DPR and the CMB that they would need to work together as Dr. Del Junco is licensed in CA and abided Dr. Rosenberg in IL with cover-up and obstruction of justice. This was made very clear to both departments.

Sometime later, I learned that the DPR had closed my case with no action taken against Dr. Rosenberg.

I contacted the DPR and requested that I obtain the records that they had gathered and presented to their review board. Mr. Coghlin copied and gave me my file. This is what I found out:

1. Dr. Del Junco and Dr. Rosenberg withheld information from the DPR.
2. Dr. Del Junco had provided to the DPR false/incorrect medical records.
3. The DPR did not gather information from the private investigator as was clearly directed.
4. The photographs that I presented to Mr. Sherman were not included.
5. The DPR disregarded and did not include the statements and documents of record provided to them from Dr. Hufnagel, who was not only a doctor involved in the case, but was also a witness to the actions and crimes that I have been a victim to.
6. The DPR disregarded and did not include statements and records forwarded from Dr. Perozzo-chen, who had also reviewed the information from Del Junco's surgery and who had also reported that Del Junco wrote an incorrect (false) medical report, and did not correctly diagnose, and incorrectly reported upon my condition.
7. No witnesses were called upon, such as family and friends who heard doctor's statements made to me.
8. I was not able to make any statements to the board, but Doctors were able to communicate with the board misinformation about me.

I brought to Mr. Coghlin's attention (DPR director of enforcement), that the DPR had closed my case without gathering key medical records, that information had been withheld from the DPR, and false/incorrect information had been provided. I requested that case must be re-opened and properly addressed I was told, NO.

During our private meeting of March 10, 2000 Mr. Coghlin requested that I provide to him direct a copy of this information that the DPR had filed to collect. I requested that Mr. Coghlin to personally, or to have other investigators from the DPR to officially obtain this document direct from the private investigator. He told me no, and gave me the excuse that it was too costly to collect.

This record was key to the investigation. The only persons the records would be costly to would be to Dr. Rosenberg who injured me and caused my condition, and to Dr. Del Junco who performed the 2<sup>nd</sup> surgery and then proceeded to create false medical records in order to cover up the cause of my conditions, and who committed the crimes of obstruction of justice, medical fraud, and surgical battery in doing so.

I did supply to Mr. Coghlin the information direct myself and again requested my case to be re-opened, (it should have never been closed) and was told no. He did tell me that he would forward the information on to the review board for consideration. To date I have not received notice that this information has been forwarded, included in my files, or that the review board has obtained the information for reconsideration.

During my meeting with Mr. Coghlin of March 10, 2000, disclosed to me that Dr. Matviuw told the DPR that I had threatened him. This is not true. I considered this statement by Dr. Matviuw to be slander. It was deliberately said to maliciously discredit me. Slander to discredit the victim is commonly done. It is called victimizing. It is done to make the victim out to be a harassing criminal and to make the criminal(s) appear to be the victim(s).

Dr. Matviuw had told me that Dr. Rosenberg had created my condition, but when interviewed by the DPR he stated that I that threatened him, and that Dr. Rosenberg did not created my condition.

After this meeting with Mr. Coghlin I forwarded to him and to the DPR a document which proves that Dr. Matviuw had misstated facts and information to the DPR about my condition and me. I supplied to Mr. Coghlin an inter office memo from a legal firm which states that Dr. Mativeiw believed I did have a valid cases.

The DPR closed my case with out collecting essential records. The DPR was well informed before closing my case that these records existed and were obtainable. My statements to the events that took place, Dr. Hufnagels medical review and statements to the events that took place, and Dr. Perozzo-chens medical records and statements have been completely disregarded.

Even with the proof I supplied to the DPR that doctors Matviuw, Rosenberg, and Del Junco had provided false information, slandered me, and withheld information from the DPR, my cause is still not re-opened.

Mr. Coghlin stated to me that the DPR found no indication of gross negligence.

I have been a victim to: Dr. Rosenberg not informing me of the risks of a surgical procedure, creating in me a for life condition that requires that I remain on drug therapy for the rest of my life. Dr. Rosenberg lied to me and then tried to cover-up that he created this condition in me. In doing so he caused my condition worsen affecting seriously affecting my health. I became very ill.

Is this not gross negligence?

Dr. Rosenberg then prescribed me the wrong medication to treat my condition. The medicine he prescribed for me to treat my condition put me at great risk to stroke out and was completely inappropriate medication to prescribe for me to treat my condition.

Is this not gross negligence?

I believe that the DPRs definition of gross negligence and is open for debate.

Dr. Rosenberg has been sued and lost many times now in IL. At least one suit was because he caused a similar injury. I question the DPRs outcomes of those reviews.

I reported to the DPR the doctors' actions of conspiracy to obstruct justice, obstruction of justice, fraud, cover-up, battery, misrepresentation, and falsifying of records. I am a victim of this.

Is this not gross negligence? What exactly is this called?

I requested copies of my medical records that the DPR had complied and collected so I could confirm that the medical records were complete and had not been altered or changed. When provided the information it did not include the copies of the still photos that I had delivered direct to the Director of the DPR, Mr. Sherman, to be included with my files prior to the review. These still photos were equally essential in the review and were not provided to the DPR by Dr. Del Junco and by Dr. Rosenberg.

These photos were missing from the information that Mr. Coghlin had provided to me. This shows proof that the DPR withholds information they collect when forwarding it on for review. IL FAIR has information that this has happened in other complaints when files have been sent to the States Attorney for prosecution. Information was with held by the DPR and not forwarded to the States Attorney. This is all documented.

The DPR closed my case with out collecting essential information. It still has not been explained to me as to why this information was not collected, or why the cause will not be re-opened.

I have questions for the Task Force and the DPR.

1. Doctors lying to the DPR such as Dr. Matiuw did. I consider this as if he were lying under oath. Does this not send a red flag up for DPR?
2. Doctors withholding records and information from the DPR. Doctors supplying falsified records to the DPR. Is this not obstruction of justice?

One would think that after being presented the information that I have to the DPR that they would immediately re-open my case and a complete investigation would be done. If criminal aspects appear in any medical case presented to them one would believe that the DPR would directly notify the States Attorney and ask for their participation.

Instead, nothing.

I am not the only one who has been a victim of this gross negligence that the DPR commits.

I question who is on the DPR Review board: The backgrounds of these doctors. How many times have they been sued or sited by the DPR?

I question why the DPRs investigators are not licensed.

I question the DPR's motive to close my case and the many other cases they are presented. I question if it is the DPR's goal to protect the citizens of this state or to protect the doctors of this state.

To quote Senator Chris Lauzen, "this has the makings of another licienceing scandal".

Mr. Coghlin, told me prior to the hearings on May 25<sup>th</sup>, 2000 that I should get in contact with the states attorneys regarding these matters. As the DPR Director of Enforcement, I question why he did not on his own refer this matter to the States Attorneys.

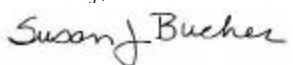
I did as Mr. Coghlan directed and contacted the States Attorney, in the attached letter dated Oct, 27<sup>th</sup>, 2000. The States Attorney replied to me that I should contact the DPR regarding this matter:

My recommendations and suggestions for the Task force begin with:

1. When a victim of cover-up presents facts to the DPR, the DPR should investigate and collect all information known of instead of turning a blind eye.
2. When doctors from two different states are involved in cover-up, obstruction of justice, battery, medical fraud, etc..... The two state departments should work in tandem to investigate
3. When the States Attorney is contacted with information about mis-dealings within the DPR, or any other state department, the States Attorney should investigate, and not return the victim back to the DPR for help and assistance.

I have many more suggestions, would like to meet with the Task Force in person to discuss.

Sincerely,



Susan J Bucher

Attached: Letter sent to IL States Attorney and others:

Sent 10-27-2000

IL States Attorney - Jim Ryan  
CA States Attorney - Bill Lockyer  
CA Medical Board - Dave Thorton  
NICB - Gene Glenn  
FAIR - Ruth Wyman  
Chicago Consumer Coalition  
Department of Consumer Affairs (CA) Kathleen Hamilton

To: All parties

Mr. Coghlan, the Illinois Department of Professional Regulations Director of Enforcement told me prior to the hearings on May 25<sup>th</sup>, 2000 that I should get in contact with the states attorneys regarding these matters. As the DPR Director of Enforcement, I question why he did not on his own refer this matter to the States Attorneys.

I am not only exposing the criminal activity of Dr. Rosenberg of IL and of Dr. del Junco Jr. of CA, but I am also exposing the criminal activity that has become standard within the IL DPR.

I am requesting that the Illinois States Attorney and the California States Attorney to work together to investigate all these matters presented here.

I am also requesting that the IL and CA States Attorney to order a stay in both the IL suit and the CA suit which have been filed until these matters investigated and resolved.

I thank everyone for their cooperation in these matters.

Open letter to Mr. Coghlan:

Dear Mr. Coghlan,

I have not received written notice that you received my last fax or that the information in my case that was supplied to you since my case was closed is being officially considered. You verbally told me that this information was passed on to the doctors for review but the last written notice that I have received from the DPR is that my case is closed.

The DPR and its investigators failed to collect medical records that are essential evidence and necessary to my complaint. I made this very clear to the DPR investigators who interviewed me that information may be withheld from the DPR, and where they were to gather this information.

I also made this very clear to Mr. Sherman both in person verbally and written the importance of gathering this information. The DPR was clearly informed that this information must be collected in order to do a review of my case and the DPR was clearly instructed whom to contact to gather this information. Gathering and obtaining this information was never an option as it is key and essential to the case review and complaint.

This information has since been supplied to you by myself after my case was closed. I requested of you that my case be re-opened (it should have never been closed) and you told me no. I requested that you or other

investigators from the DPR to officially obtain this document direct from the private investigator that obtained it. You told me no.

I question why you refused to obtain the document through the proper channels with the DPR. Is it because in doing so, this document would then be on the official record and then the case would have to be reopened?

During our private meeting of March 10, 2000 the excuse you gave me in having me provide you with the document direct was because it was costly to gather the records. This record was key to the investigation. Costly to who? You? The DPR? The citizens of this state who pay taxes? Or the Doctor(s) who injured me, and then proceed to cover up the injury and crimes? During the public hearing of May 25, Mr. Sherman stated that the DPR was well funded and did not need more funding so I do not believe it is an issue of cost.

Dr. del Junco withheld information from you and the DPR. He did not supply the DPR with the full documents of record, and he did not even mention in the records that these documents or information even existed.

After my meeting with you of March 10, 2000, I forwarded to you and to the DPR documents which prove that Dr. Matviuw misstated facts and information to you and the DPR about my case and the cause of my condition. He told you that Dr. Rosenberg did not create my condition. I have documented proof that he told me otherwise, and he clearly told Barry Chafetz of Corboy that I had a valid case. I attach here again the inter office memo from Mr. Chafetz.

You informed me that Dr. Matviuw told the DPR that I had threatened him. This is not true. I considered this statement by Dr. Matviuw to be slander. It was deliberately said to maliciously discredit me. Slander to discredit the victim is commonly done. It is called victimizing. It is done to make the victim out to be a harassing criminal and to make the criminal(s) appear to be the victim(s). How often do doctors make statements like this? When statements such as this are made to the DPR does the DPR ever ask the patient to comment or to reply?

The DPR closed my case with out collecting essential records. The DPR was well informed before closing my case that these records existed and were obtainable. My statements to the events that took place, Dr. Hufnagels medical review and statements to the events that took place, and Dr. Perozzo-chens medical records and statements have been completely disregarded.

You told me that the review found no indication of gross negligence.

I have been a victim to: Dr. Rosenberg not informing me of the risks of a surgical procedure, creating a for life condition that requires that I remain on drug therapy for the rest of my life. Dr. Rosenberg lied to me and then tried to cover-up that he created this condition in me. In doing so he caused my condition worsen affecting me physically. I became very ill.

Is this not gross negligence?

What about Dr. Rosenberg then prescribing me the wrong medication to treat my condition? The medicine he prescribed for me to treat my condition put me at great risk to stroke out and was completely inappropriate medication to prescribe for me to treat my condition.

Is this not gross negligence?

Please again explain the DPRs definition of gross negligence and is this definition open for debate?

I have documentation that Dr. Rosenberg has been sued many times now in IL. At least one suit was caused during the same type of surgery. What were the DPR's outcomes of those reviews?

What about doctors who commit conspiracy to obstruct justice, obstruction of justice, fraud, cover-up, battery, misrepresentation, and falsifying of records. I am a victim of this.

Is this not gross negligence? What exactly is this called?

Please explain/respond to the following:

The DPR closed my case with out collecting key information. It still has not been explained to me as to why this information was not collected and presented to your hired doctors for review. Even without this information, it is questioned why your doctors closed the case with the documentation on file unless somehow information or the photos were removed from the files.

I have information that this has happened in other complaints when sent to the States Attorney for prosecution. This is all documented.

When I requested copies of my medical records which you had collected from the doctors so that I could review it did not include copies of the still photos which had been delivered direct to the Director of the DPR, Mr. Sherman prior to the review. These still photos were equally essential in the review and were not provided to the DPR by Dr. del Junco and by Dr. Rosenberg.

Since I was not given a copy of these photos I question if this information was presented to the hired DPR doctors for review? I can only assume that these still photos were not presented or included with the review.

I also question if the videotape, which I recently supplied to you, was truly submitted to the doctors for further review as you verbally stated.

Please tell me which doctors have to date have reviewed the video?  
Who did you directly supply the videotape to?

Furthermore, I am requesting that you provide me with signed statements from each DPR hired doctor who reviewed my case attesting to

1. what records and photos were presented to them for review, and
2. which doctors have seen the video tape to date, and on which date did they view this tape?

Please also comment on the following:

1. Doctors lying to the DPR such as Dr. Matiuw did. I consider this as if he were lying under oath. Does this not send a red flag up for the you and DPR?
2. Doctors withholding records and information from the DPR. Doctors supplying falsified records to the DPR. Is this not obstruction of justice?

One would think that after being presented the information that I have to the DPR that they would immediately re-open my case and a complete investigation would be done. If criminal aspects appear in any medical case presented to them one would believe that the DPR would directly notify the States Attorney and ask for their participation.

Instead, I have heard nothing.

I question if any of my records were indeed reviewed and what the DPR exactly has on file as my complaint.

I am not the only one who has been a victim of this gross negligence that the DPR commits.

Please tell us the backgrounds of your hired doctors. How many times have they been sued? How many times have they been cited by the DPR?

I question the DPR's motive to close my case and the many other cases they are presented. Is it your goal to protect the citizens of this state or to protect the doctors of this state?

To quote Senator Chris Lauzen, "this has the makings of another licenseing scandal".

Mr. Sherman - a hypothetical question. If a trucker would pay \$800 to the Secretary of State to "obtain" a licensee how much would a doctor pay the DPR in order to "retain" his licensee?

Please forward signed notarized statements from each doctor who reviewed and closed my case attesting to that they saw still photos from my 8-24-95 and 7-21-98 surgeries. Have them indicate what date they did this review and what their understanding of the complaint was.

I do not believe that the reviewing doctors saw this information. I believe that this information was withheld from them.

Have the reviewing doctors indicate what medical records and documents they reviewed. I do not believe that they were given copies of Dr. Preozzo-chens notes or records, Dr. Hufnagels notes or records, and it already has been exposed that Dr. Matviuw slandered me and misstated facts.

I know that key information was with held from the reviewing doctors because the videotape was never obtained. I believe that the still photos that were provided to the DPR and other information, possibly whole sets of records, were withheld from the reviewing doctors.

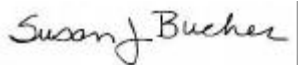
Also send me notarized statements from each doctor who has see the videotape of my 7-21-98 surgery and have them indicate the date that they viewed this video.

I believe that this information has not been forwarded for review as you have verbally stated to me.

Mr. Coghlan and Mr. Sherman, What exacly is the DPR's motive in protecting Dr. Rosenberg and Dr. del Jucno Jr.? Do you profit or gain in some way by doing so? Is it your job to protect the women and men of this state or to protect the doctors?

Mr. Coghlan, I have written to both the IL DPR and the CMB and asked that the two agencies work directly on these matters. To date has there been any communication between these two state offices?

I await your reply and answers,



Susan J Bucher

I am requesting the IL FAIR forward this letter to all IL Senators and Representatives, and to whom ever else they feel may help in resolving these matters.

IL States Attorney - Jim Ryan  
CA States Attorney - Bill Lockyer  
CA Medical Board - Dave Thorton  
NICB - Gene Glenn  
FAIR - Ruth Wyman  
Chicago Consumer Coalition  
Department of Consumer Affairs (CA) Kathleen Hamilton