

**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. 2007-02685
Nicholas Caro, M.D.	)	
License No. 36-061321,	Respondent.	)

**CONSENT ORDER**

The Department of Financial and Professional Regulation, Division of Professional Regulation, State of Illinois (the "Department"), by Lisa S. Stephens, Chief of Medical Prosecutions, and Nicholas Caro, M.D., Respondent ("Respondent"), agree to the following:

**STIPULATIONS**

Respondent is licensed as a Physician and Surgeon in the State of Illinois, holding License No. 36-061321. Said license is presently in Active status. At all times material to the matters set forth in this Consent Order, the Department had jurisdiction over the subject matter and parties herein.

The Department alleges that Respondent engaged in unprofessional conduct and negligently treated patients with refractive surgery. As a result of these allegations, the Department held an Informal Conference at the offices of the Department, 100 West Randolph Street, Suite 9-300, Chicago, Illinois, on December 17, 2008. Respondent attended and was represented by counsel, Helaine W. Heydemann. Dr. Rose represented the Medical Disciplinary Board, and Lisa S. Stephens, Chief of Medical Prosecutions, represented the Department. Subsequent to the conference, respondent retained and is now represented by James Goldberg.

These allegations, if proven to be true, would constitute grounds for disciplining or revoking

Respondent's Physician and Surgeon license on the authority of 225 Ill. Comp. Stat. 60/22(A)(5) (2006).

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 any Order resulting from a hearing. Respondent knowingly waives each of these rights, as well as any rights to administrative review of this Order. Respondent acknowledges that he has freely and willfully entered into this Consent Order without any threat or coercion by any person. Respondent has not relied upon any representation by or on behalf of the Department other than those set forth herein.

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

### **CONDITIONS**

WHEREFORE, the Department, through Lisa S. Stephens, Chief of Medical Prosecutions, and Nicholas Caro, M.D., Respondent, agree to the following:

- A. The Physician and Surgeon license of Nicholas Caro, M.D., License No.036-061321, shall be Suspended for a definite period of 30 (thirty) days and immediately thereafter shall be placed on Indefinite Probation for a minimum period of 3 (three) years.
- B. Respondent shall pay a Fine in the amount of Ten-Thousand Dollars (\$10,000.00), due within ten (10) days of the effective date of this Consent Order. Said fine shall be mailed to:

Illinois Department of Financial and Professional Regulation  
CMU/Accounts Receivable – Fine Payments

320 West Washington Street, 3<sup>rd</sup> Floor  
P.O. Box 7086  
Springfield, Illinois 62791-7086.

In the event that Respondent shall fail to pay the fine within ten (10) days of this order taking effect, the Respondent's license shall remain suspended until the fine is paid in full.

C. During the period of Probation and so long as Respondent continues to possess an active Illinois Physician and Surgeon License, Respondent agrees to stop performing and/or engaging in the practice of refractive surgery or procedures in Illinois. Refractive surgery or procedures, for the purpose of this consent order, shall include any procedures performed with the primary goal of changing the curvature of the cornea, including, but not limited to:

1. Phototherapeutic keratectomy (PTK);
2. Photorefractive Keratectomy (PRK);
3. Laser assisted in situ keratectomy or keratomileusis (LASIK);
4. Keratomileusis;
5. Radial keratotomy (RK);
6. Limbal relaxing incisions (LRI)
7. Automated Lamellar Keratoplasty (ALK).

D. During the period of Probation and so long as Respondent continues to possess an active Illinois and Physician and Surgeon License, Respondent shall not perform or practice intraocular surgery or procedures in his medical office and shall only perform intraocular surgery or procedures at a hospital or surgical center at which he is credentialed. Intraocular surgery or procedures include, but are not limited to:

1. Refractive lens exchange or clear lens extraction;
2. Cataract surgery;
3. Corneal transplantation.

- E. During the period of Probation, Respondent shall provide the Department with quarterly reports which include: (i) Current residential address and contact telephone number; (ii) If working as a physician, Respondent shall provide a copy of any performance evaluation completed by his employer within the prior quarter. Respondent, shall at the beginning of the period of Probation, provide the Department with objective documentation as to the frequency of employee performance evaluations; (iii) A description of job duties, responsibilities and name of immediate supervisor, if employed in a medical related environment; (iv) A copy of all incident reports within the prior quarter; and (v) Information, regarding any arrests, criminal, or civil actions filed, including DUI and/or other similar offenses against the Respondent;
- F. Respondent shall notify the Department's Chief of Probation Investigations in writing of any change in employment and/or home address and/or telephone number five (5) business days prior to any such change.
- G. If working in his own practice, Respondent shall obtain a practice monitor, who is a licensed Physician and Surgeon in the State of Illinois. The practice monitor shall be hired at the Respondent's expense and shall be subject to the prior approval of the Chief Medical Coordinator of the Department. Respondent shall request that his practice monitor submit quarterly reports about scope and performance appraisals. On a quarterly basis the practice monitor shall meet with Respondent and randomly select and review

ten (10) charts of patients who have been seen by Respondent during the quarter. The practice monitor shall review the charts of those patients and submit independent quarterly reports to the Department evaluating the scope, appropriateness, and quality of medical care rendered by Respondent.

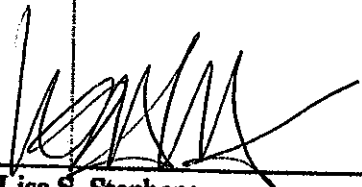
- H. The practice monitor shall agree to inform the Department immediately if there is evidence of inappropriate behavior, professional misconduct, a violation of Respondent's probation or any violation of the laws and rules governing the practice of medicine.
- I. Respondent shall immediately notify the Department should his relationship with his practice monitor cease and immediately take actions to select a new monitor and obtain the approval of the Chief Medical Coordinator.
- J. Respondent stipulates and agrees that any violation of Paragraph C, D, E, G, H or I of this Consent Order permits the Director of the Division of Professional Regulation to issue an Order forthwith mandating the automatic, indefinite, and immediate suspension of Respondent's license as a Physician and Surgeon for a minimum period of twelve (12) months. The suspension shall not preclude the Department from taking any other disciplinary or other action it deems appropriate. In the event Respondent contests in writing (by the filing of an appropriate petition with the Department) the factual basis underlying said suspension within thirty (30) days of the imposition thereof, Respondent shall be afforded a hearing on the merits within thirty (30) days from filing of said petition.
- K. This Consent Order includes the agreed disciplinary measures for all complaints received by the Department as of the approval date of the Order.

the Probation. Any reports required of Respondent hereunder shall be mailed to: Probations Investigations Unit, Illinois Dept. of Financial and Professional Regulation, Division of Professional Regulation, 100 W. Randolph Street, Suite 9-300, Chicago, IL 60601;

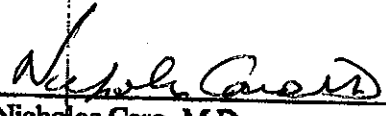
L This Consent Order shall become effective immediately after it is approved by the Director of the Division of Professional Regulation, Illinois Department of Financial and Professional Regulation.

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Professional Regulation

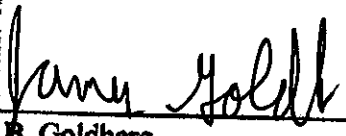
1/19/10  
DATE

  
Lisa S. Stephens  
Chief of Medical Prosecutions


1/19/10  
DATE

  
Nicholas Caro, M.D.  
Respondent

1/19/10  
DATE

  
James B. Goldberg  
Attorney for Respondent

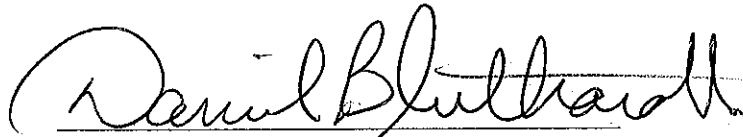
1/20/11  
DATE

  
Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 19<sup>th</sup> day of February, 20 10.

ILLINOIS DEPARTMENT OF FINANCIAL AND  
PROFESSION REGULATION



DANIEL E. BLUTHARDT  
DIRECTOR, Division of Professional Regulation

REF: License No. 36-061321  
Case No. 2007-02685