

Failure to protect

Flawed state oversight lets doctors accused of abuse continue to see patients



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Lisa Eller stands near the former Yorkville office of Dr. Haohua Yang, who was charged with criminal sexual abuse and criminal sexual assault after she and other patients went to police about his behavior. (Stacey Wescott/Chicago Tribune)

Editor's note: This story includes descriptions of sexual abuse.

Doctors and other health care providers accused by patients of sexual misconduct kept practicing – sometimes for years – because of gaps in Illinois laws and a licensing agency that can be slow to take disciplinary action, a Tribune investigation has found.

The providers went on to harm additional patients, in some cases, as their licenses remained in good standing with the Illinois Department of Financial and Professional Regulation.

Though Illinois law requires hospital officials who learn of abuse allegations to take action to protect patients, the Tribune found that some medical providers who work outside those settings were left to operate largely unchecked until they were charged with a crime.

In one case, an independent doctor continued seeing patients for two and a half years as several patients complained to police about his behavior. State law does not require police or prosecutors to notify the licensing agency of investigations into health care providers, only of certain criminal charges.

The Illinois Department of Financial and Professional Regulation, meanwhile, sometimes took years to discipline medical providers accused of sexual misconduct.

The agency did not take action against a nurse's license for more than two years after learning he had been fired from a hospital over allegations of sexually inappropriate behavior. The nurse went on to face criminal sexual abuse charges after a woman alleged he sexually assaulted her while providing in-home care.

The agency did not suspend the license of a chiropractor until more than two years after he was found guilty of battery stemming from sexual contact with a patient. When it did finally act, the agency blamed the delay in part on the practitioner for failing to notify the agency of the outcome of his criminal case.

Illinois law does not require medical providers to tell patients they are under police investigation or, in many cases, that they have faced discipline from the state, making it difficult for patients to make informed decisions about whom to entrust with their care. Although the agency maintains a website where patients can look up the status of a provider's license, it is often not clear why the person was disciplined.



The Illinois Department of Financial and Professional Regulation, the agency responsible for licensing and disciplining doctors and some other health care workers, operates out of this Springfield office building. (Stacey Wescott/Chicago Tribune)

The site sometimes fails to disclose the full extent of the allegations against doctors, using euphemistic phrases such as “inappropriate conduct” and “boundary violations” to describe their actions. The reasons for discipline are often described in a line or two. Some other states post full disciplinary reports online and require doctors who are on probation to inform patients, which is not the case in Illinois.

In California, a 2019 law requires doctors to notify patients if their license is on probation for sexual misconduct, a move fueled in part by the #MeToo movement and media coverage of Dr. George Tyndall's decades of alleged abuse at the University of Southern California. In Kentucky and Iowa, the medical licensing boards post disciplinary documents online that spell out accusations against health care professionals.

“I think that there needs to be more transparency,” said state Sen. Karina Villa, D-West Chicago, who chairs the Senate Public Health Committee. “It seems like there have been too many loopholes that really need to be tightened up to protect people.”

The Tribune reported last Sunday that several well-known [health care systems failed to remove providers](#) from patient care after learning of sexual misconduct allegations, and that those institutions faced few meaningful consequences from the state for their actions. One 2005 law that would help document and track abuse allegations and other problems at hospitals has yet to be implemented.

“When we fail to examine the full story arc of an issue, that’s how we end up with these holes,” said Illinois Rep. Kelly Cassidy, D-Chicago, who is now working with the Illinois Department of Public Health on legislation to require doctors offices and satellite clinics to report patient abuse allegations to the state under the same rules that apply to hospitals. “What you just described to me is a patchwork where the patchwork itself has holes in it.”



State Rep. Kelly Cassidy, right, chats with state Rep. Steve Reick before the start of a committee meeting in the state Capitol this month in Springfield. (Stacey Wescott/Chicago Tribune)

A spokesperson for the Illinois Department of Financial and Professional Regulation, Chris Slaby, said in a statement that actions in many of the cases identified by the Tribune took place under prior administrations and the agency is “committed to protecting the public from professionals who have sexually assaulted patients.”

He said the agency has expanded resources to investigate complaints in recent years, including by adding four attorneys to the health and medical prosecutions teams. Camile Lindsay, the new acting director of the department's Division of Professional Regulation, has expedited temporary suspensions in some cases by allowing rulings based on documented evidence instead of requiring a trial proceeding, he wrote.

Slaby said that although prosecutors are supposed to notify the department when medical providers are indicted on sexual assault charges, "they often fail to do so." Slaby acknowledged that the agency does not have to wait for criminal charges to take disciplinary action but noted that law enforcement often does not choose to notify the state about investigations still in progress. Lindsay is reaching out to law enforcement to encourage more reporting, Slaby said.

The agency is also pursuing legislation, Slaby said, that would require health care facilities to report allegations of sexual assault or misconduct to the agency within 24 hours, as well as requiring hospitals to report to the agency more quickly when they fire licensed health care workers or change their duties for certain reasons, such as when the person was found to have threatened patient care.

Under investigation, still providing care

One patient was so upset after her appointment with Dr. Haohua Yang that she vomited outside her car after talking about it with a Yorkville police officer.

She had made the October 2012 appointment because of lower back pain and brought along her 2-year-old son. As the little boy slept nearby, the doctor touched her vaginal area with an ungloved hand, she told police.

The woman wasn't the first patient to contact the police about Yang, an internist who ran his own practice out of an office in suburban Yorkville. Several months earlier, another patient experiencing back pain had told police the doctor touched her inappropriately during an appointment and had an erection she could feel and see.

If Yang worked at a hospital, officials there who learned of a patient's abuse allegation would be required by law to report it to the Illinois Department of Public Health, triggering an investigation. That requirement didn't apply, however, to Yang's independent practice.



The Illinois Department of Public Health is responsible for investigating how hospitals respond to patients' abuse allegations, but that requirement does not apply to other health care settings.
(Stacey Wescott/Chicago Tribune)

And although a report of abuse can lead to action by the licensing agency, Slaby said there were no records to indicate the Illinois Department of Financial and Professional Regulation knew at the time about the patients' allegations.

If the agency is notified of certain criminal charges against a provider, it is supposed to require the provider to use a chaperone while caring for patients until the case is resolved. Patients should also be notified that there are criminal charges and must acknowledge the chaperone requirement in writing.

But with no charges filed against Yang after the first two reports to police, the doctor continued to see patients alone in exam rooms, police records show.

In January 2014, a third patient complained about Yang. Police talked to the doctor in May of that year, but he kept seeing patients until he was arrested in mid-December, records show. One day before Kendall County prosecutors issued formal charges against Yang – eight counts of criminal sexual abuse and criminal sexual assault – Yorkville police notified the Illinois Department of Financial and Professional Regulation.

More charges would follow. In total, prosecutors brought charges of criminal sexual abuse and criminal sexual assault stemming from appointments with 17 patients, most of which occurred after the first patient reported the incident to law enforcement.

In January 2017, a judge acquitted Yang of sexually assaulting the woman who got sick after talking to police about her appointment. The judge ruled that he had not found beyond a reasonable doubt that sexual penetration occurred, which he said was required for a sexual assault conviction.

That November, Yang pleaded guilty to three counts of felony aggravated battery involving three other patients, and prosecutors dismissed the remaining charges against him. He was sentenced to 180 days in jail and a year of probation.

The Illinois Department of Financial and Professional Regulation temporarily suspended Yang's license on Dec. 17, 2014, a day after formal charges were filed. Yorkville police had notified the agency of the imminent charges two days earlier, on Dec. 15, according to a police report.

It was a short delay, but swifter action on Yang's license might have made a difference for at least one patient.

During the two days before Yang turned himself in to police on Dec. 17 to face the criminal charges, a grandmother took a minor patient to see him for a required school sports physical, she later told police.

The grandmother, who was present for the exam, told police that Yang had her granddaughter lie on a table, placed his hands under the girl's underwear to feel for an artery and blocked the grandmother's view partway through the examination, records show.

Among the many criminal charges filed against Yang was one count of predatory criminal sexual assault related to the allegation involving this girl, according to police records. The charge was one of those dismissed after Yang's guilty plea.

Slaby said the Illinois Department of Financial and Professional Regulation is required to have sufficient evidence to prove an allegation before it can summarily suspend a medical provider's license, and achieving that "isn't feasible" in a two-day period. A chaperone order – which requires a provider to be monitored during patient care – is one of the department's "strongest tools," Slaby said, but it can be issued only after a license holder is criminally charged.

Yang's license was revoked after his conviction. "I'm completely innocent," Yang said when contacted by the Tribune. He declined to comment further.

One of Yang's former patients, 59-year-old Lisa Eller, said the doctor's actions left a lasting mark on her life. The Tribune is using her name with her consent.

Eller said she received what she considered to be great care from Yang – at first. But over time, she noticed some odd things about the way the doctor behaved. Yang was fond of giving hugs, she said. He'd tell her she was beautiful. Sometimes, he'd rest a hand on her thigh while he listened to her breathe during checkups, Eller said. She let it go because she trusted him, she said.



Lisa Eller, shown in January at a park near her Yorkville home, said she now has trouble trusting doctors, interfering with her care for advanced emphysema. (Stacey Wescott/Chicago Tribune)

After seeing that Yang had been arrested, Eller decided to go to police. Among her allegations was that Yang put his mouth on her nipples during a 2013 breast exam, a police report shows. Three of the charges against Yang, including criminal sexual assault and abuse, were related to his treatment of Eller, according to police records. Those charges were ultimately dismissed as a result of his plea agreement.

Now Eller has advanced emphysema, she said. Every breath she takes hurts. But what she experienced with Yang has made her suspicious of doctors, interfering with her medical care.

"Now that I really need them, with my health being so bad, I can't trust them," Eller said. "I can't stand for any doctor to touch me."

Delays in action

Unlike Yang, registered nurse Thomas Trunk was working for a hospital when a patient complained that he had talked to her about sex toys and begun to expose himself to her, according to a police report.

Rush University Medical Center fired Trunk in August 2016 and reported the firing to the Illinois Department of Financial and Professional Regulation on Sept. 13, according to Rush spokesperson Charlie Jolie.

But the agency took no public action at that point against Trunk's license, and within about three months of his termination he began working at a new job with Advocate Health Care's home care division.

Trunk told Advocate he left Rush because of a family emergency, according to court records. Advocate said in a court document that it checked the status of Trunk's license before hiring him and did not find any discipline on his record, and that it used a background check company to verify Trunk's prior employment at Rush.



Rush University Medical Center reported in 2016 that it fired nurse Thomas Trunk over a patient's allegations of inappropriate conduct. The Illinois Department of Financial and Professional Regulation did not file a complaint related to those allegations until 2018. (Stacey Wescott/Chicago Tribune)

Trouble followed the nurse at his new job. In early 2018, Trunk propositioned a patient over a text message, according to a lawsuit she later filed. She rebuffed the request, sending a message stating: "NO that would not be appropriate. I'm really a very happily married woman." Trunk apologized, later adding that he had crossed a line and it would not happen again, according to court records.

Not long afterward, Trunk came to the patient's home for an appointment in April 2018, according to the lawsuit. The patient later said in a deposition that the nurse forcibly stuck his tongue in her mouth, exposed his penis and made her touch him after administering medicine that made her begin to slip out of consciousness.

"I actually was scared," the woman said in a 2021 deposition. "After he administered the Benadryl, and he knew that I would not be able to scream out or shout out for my husband, he approached the bed. ... I couldn't push him off. I couldn't fight him off."

According to court records, the patient's husband told Advocate there had been "some serious issues," without describing what happened, and Trunk was not to return to their home. Police records obtained by the Tribune also show that a different patient told Advocate that Trunk had made romantic advances while providing in-home care. Advocate was not required to report these allegations to the state health department because the alleged incidents did not occur within hospital walls.

In a statement sent to the Tribune, Advocate said it suspended Trunk immediately after being notified of the patient's lawsuit in August 2018 and learning details of her allegations; it fired him the following month. The lawsuit, which alleges Advocate should have known Trunk was being untruthful about his reasons for leaving Rush, is still pending.

"Patient safety is our top priority, and our providers and teammates must adhere to a code of conduct that guides ethical and professional behavior," Advocate said in a statement. "When we're made aware of an accusation of misconduct, we act quickly to investigate and take appropriate action, including suspending or firing a teammate when appropriate."

Meanwhile, the Illinois Department of Financial and Professional Regulation did not file a complaint against Trunk related to his conduct at Rush until October 2018, more than two years after Rush reported firing him. The agency didn't take disciplinary action against Trunk's nursing license until August 2019 when it issued a reprimand "due to unprofessional conduct."

During this period, Trunk began working at Northwestern Medicine, spokesperson Christopher King confirmed in a statement. When it hired Trunk in November 2018, Northwestern was “unaware of any previous allegations,” the statement said. King said no allegations of wrongdoing were associated with Trunk’s employment at Northwestern, which ended in December 2019 for reasons King would not discuss.

Trunk was charged in November 2019 with criminal sexual abuse. The state agency issued a chaperone order, and it went on to permanently revoke his nursing license after he was convicted in late 2020 of misdemeanor battery. Trunk received a sentence of probation.

Trunk did not respond to requests for comment made through his attorneys.

In a statement, Slaby said the case was delayed at the agency “due to being mishandled by a staff member who resigned before disciplinary action could be taken” against the staff member.

The agency was also slow to discipline Arlington Heights chiropractor Michael Davenport, who was charged with misdemeanor battery in June 2018 after a patient – who also worked for Davenport’s practice – complained that Davenport had touched and put his mouth on the patient’s genitals during chiropractic treatment, according to state disciplinary records.

The chiropractor was found guilty and sentenced in December 2018 under conditions that allowed him to avoid a conviction if he completed a term of court supervision.

But Davenport, who had continued to operate his practice and treat patients, was not disciplined by the licensing agency until May 2021, when it temporarily suspended his license. The agency, which acknowledged receiving a complaint against Davenport in 2018, said it didn’t learn until later about the outcome of his criminal case.

Davenport requested that the agency drop the temporary suspension, noting that the decision was based on allegations the Illinois Department of Financial and Professional Regulation became aware of three years prior and that no action was taken in the interim.

“Three years after the incident they say I’m an immediate threat,” Davenport said in a Tribune interview. “How can you do that when nothing has happened?”



Running Iron Performance in Arlington Heights is owned by chiropractor Michael Davenport. His chiropractic physician license is currently suspended. (Stacey Wescott/Chicago Tribune)

In response to Davenport’s request, the agency noted that he had failed to notify the state of the outcome of his criminal case and ultimately denied his appeal. State laws require doctors and nurses to report any adverse action taken against them by any health care institution or law enforcement agency.

Davenport “should not be rewarded for failing to notify the Department of the criminal finding of guilt against him especially since the victim was a patient and his crime was directly related to his practice,” the department wrote.

Records show the state agency referred Davenport’s case to its investigations unit after learning of a civil settlement involving Davenport in 2019. Slaby would not discuss details of the case but said civil settlements can complicate investigations in part because they sometimes include confidentiality clauses. Slaby said the department “moved quickly” after learning what happened in the criminal case.

The agency suspended Davenport’s license for a minimum of 18 months “due to a sexual boundary violation with a patient of his practice.”

Davenport told the Tribune the incident with the patient was “not sexual misconduct” and that he has paid his dues and wants to move on. In an email to the Tribune, an attorney for Davenport stated the case was “exceptionally complicated” and “would be difficult to describe fairly in a newspaper article.”

Davenport’s license remains suspended.

Transparency failings

Patients can, in theory, look up any medical provider on the [Illinois Department of Financial and Professional Regulation’s website](#) to see if the agency has taken disciplinary action on their license, and why.

But the brief reasons provided for the state’s disciplinary actions often fail to paint a clear picture of the allegations against health care providers. To obtain additional information about allegations that led to discipline, reporters had to file public records requests with the state agency and various police departments.

Take Dr. Pavan Bejgum, a physician from downstate Metropolis whose license shows up as being suspended for a minimum of four years based on “inappropriate conduct with a patient of his practice.”

That’s the only description on the Illinois agency’s website. But according to documents posted online by the [Board of Medical Licensure in Kentucky](#), where Bejgum was also licensed to practice, the Illinois agency disciplined him in November 2021 after hearing testimony from a former patient who alleged he kissed her neck and put an ungloved finger on her vagina during an appointment three years earlier. The Illinois agency also learned that Bejgum had agreed to a two-year civil no-contact order the patient sought in court.

Bejgum did not respond to a request for comment the Tribune sent to his attorney.

In the case of Dr. Ala Albazzaz, the public can see on the agency's website that he was fined \$30,000 and suspended from practicing medicine between December 1997 and June 2008 for "fondling female patients during examinations" and that his license remains on probationary status.

What the website doesn't say is that the suspension of his license came after the agency heard testimony from six patients who said he engaged in sexual behavior during their pelvic, rectal or vaginal exams, leaving them "embarrassed, shocked, stunned, degraded and/or humiliated as a result," according to state records obtained by the Tribune through a public records request.

Cook County prosecutors filed dozens of charges accusing Albazzaz of touching 38 women inappropriately during exams from the late 1980s into the early 1990s, according to Tribune reporting at the time. The doctor was acquitted in 1990 after a bench trial related to one patient's complaint and acquitted again in 1995 after a jury trial based on four women's allegations. Prosecutors then dismissed the remaining charges, the Tribune reported.

In 1997, the Illinois Department of Financial and Professional Regulation suspended Albazzaz's license. Although a criminal conviction requires a finding of guilt beyond a reasonable doubt, the agency needs to prove at a disciplinary hearing only that there was "clear and convincing evidence" that a violation occurred, Slaby said.

Before the department agreed to end the suspension in 2008, a psychiatrist recommended that the agency bar Albazzaz from doing OB-GYN examinations as he found that Albazzaz, "while remorseful, did minimize his role as a misunderstanding despite the magnitude of evidence against him," according to state records. Another psychiatrist opined that Albazzaz could return to practicing medicine with "no danger or threat to society." When Albazzaz's license was restored, the department did not restrict him from doing OB-GYN exams.

His license remains on probation, and the agency requires that a female attendant monitor his exams with female patients, state records show.

Albazzaz is now facing a new lawsuit alleging sexual misconduct. The plaintiff, Pamela Harris, contends in her 2022 suit that the doctor fondled her breast during an in-home appointment two years earlier.

Harris, who agreed to be identified by name in this story, said in an interview that she doesn't understand why the state didn't revoke the doctor's license.

"He shouldn't have been allowed to practice," said Harris, who told the Tribune she has multiple health conditions, including congestive heart failure. She said she believes "he shouldn't be allowed to have any female patients at all."

Harris went to Wheeling police with her allegation in January 2020. Police closed the case that September, records show; Albazzaz was not criminally charged.



Pamela Harris, left, receives a lymph drainage massage from a trusted physical therapist, Amy Miller of Northwest Community Hospital Physical Rehabilitation Services in Rolling Meadows. Harris has filed suit against a doctor not connected with Endeavor Health Northwest Community Hospital, alleging that he touched her inappropriately. (Stacey Wescott/Chicago Tribune)

Albazzaz did not respond directly to requests for comment for this story. In a letter to a Tribune attorney, a lawyer for Albazzaz did not address the disciplinary action taken on Albazzaz's medical license but said Albazzaz had been cleared of criminal conduct and described allegations by patients against Albazzaz as "false."

In a statement sent to the Tribune, Slaby said the Illinois Department of Financial and Professional Regulation can permanently revoke a doctor's license only after certain types of criminal convictions, and Albazzaz was never convicted of a crime.

What the agency's website says now about Albazzaz's probationary status is hard to parse. It states that Albazzaz is currently on probation "due to allegations that an Integrity Agreement Respondent entered into with the Department of Healthcare and Family Services constitutes an adverse action by a State Agency."

Left unsaid is that the Illinois Department of Healthcare and Family Services, which provides health care coverage to residents who qualify for Medicaid, had reached an agreement with Albazzaz in 2012 that allowed him to resume caring for patients in the Illinois Medical Assistance Program as long as he did not treat any women for two years. Albazzaz's license remained on probation partly because he did not notify the licensing agency of the terms of that agreement, state records show.

The lack of detailed information on the department's license lookup seems to protect providers who were disciplined more than the patients who allege they were abused, said Carrie Ward, CEO of the Illinois Coalition Against Sexual Assault.

Members of the public might not take the extra step of filing a public records request for a disciplinary report, or even know they can, she said.

"More information is always better, and more easily accessible information, so folks can make informed decisions about who they might want to interact with," Ward said.

Slaby said that the short summaries available on the website are based on the law or rule that was violated or are sometimes negotiated if a medical professional enters into an agreed order, and that the department "readily provides" disciplinary reports upon request.

"Unfortunately, due to technology system constraints IDFP does not currently have the capability of linking a disciplinary order to an entry on its License Lookup tool," he wrote.

DePaul University student Samantha Moilanen contributed to this report.

Help the Chicago Tribune report on medical misconduct

The Tribune hopes to continue reporting on how hospitals and other medical institutions respond when patients report instances of sexual misconduct by health care providers.

*If you have information to share, please fill out this form.
Responses will not be published without your permission.*

Name (required)

Email (required)

Are you reaching out as a patient or a provider? (required)

Patient 

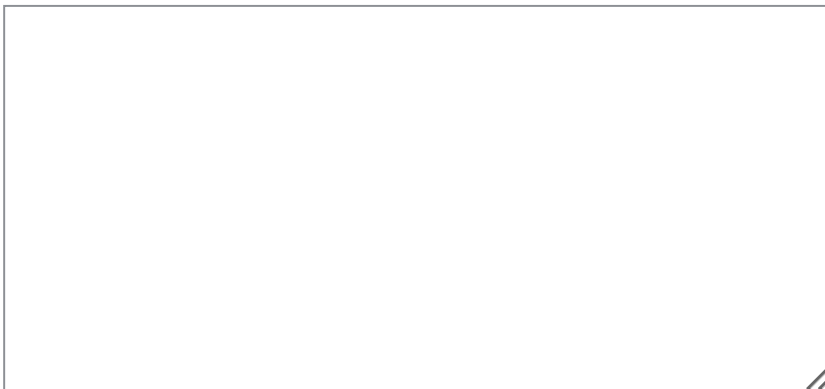
Please summarize the incident that was reported, including the hospital system or medical office where it occurred. Be as detailed or as general as you are comfortable. (required)



To whom did you report the incident? Please describe the response you received. (required)



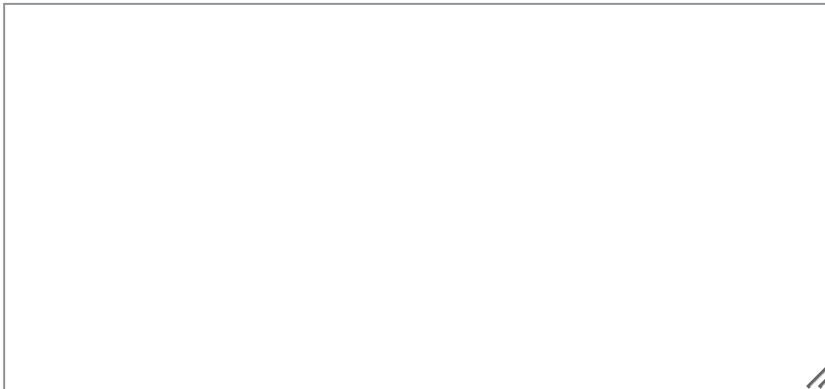
Have you kept any records related to the incident, such as a written complaint, medical records or emails with hospital officials? (required)



Are you comfortable with a Tribune reporter reaching out to you? (required)

Yes 

Is there anything else you think we should know?



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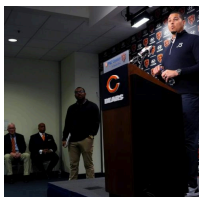
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New York's highest appeals court declines to

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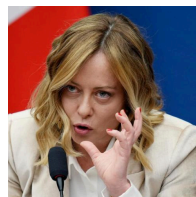
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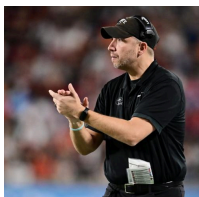
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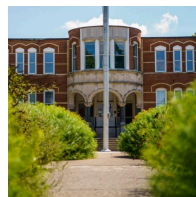
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