

Doctor sued in Rockford had trouble in Colorado, too

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ROCKFORD — A former Rockford neurosurgeon named in four pending lawsuits in Winnebago County is now on the state's radar, according to a complaint that says she didn't report the denial of her medical license in a different state.

Dr. Denise Crute worked at OSF Saint Anthony Medical Center from 2006 to 2010, but before that, she worked in Pueblo, Colo. Colorado regulators reviewed more than 3,000 of her surgeries, 17 of which raised questions. Crute admitted mistakes in four of those cases.

Crute, in a deal with state officials, let her license expire in Colorado and moved to Illinois, where she had previously completed a residency at Northwestern Memorial Hospital. OSF officials have said they were aware of the legal issues in Colorado when they hired her, and they prepared a media plan in 2006 in the event Crute's background became the subject of reporters' questions.

Mary Friday of Poplar Grove is one of the patients suing Crute, who performed back surgery on Friday in 2007. Friday said complications from the left-side back surgery unexpectedly worsened problems in her right foot, but Crute's attorneys say Friday had a history of complex medical problems and that the surgery did fix problems on her left side.

In her lawsuit, Friday claims she questioned both Crute and OSF officials about Crute's record in Colorado before the procedure but was not told the full extent of her history.

"I had problems on my right side, but not this," Friday said. "I knew where my parameters were. I had a very good life."

A credentialing committee composed of OSF medical staff members investigated Crute's background before recommending her hiring to hospital officials. The exact nature of the credentialing group's deliberations is secret because the credentialing process is confidential under state law.

Dan Boho, a senior partner with Hinshaw & Culbertson, the law firm representing both Crute and OSF, said OSF never suspended or disciplined Crute while she was at OSF. Boho said Crute resigned toward the end of her contract to pursue other job offers and accepted a fellowship at Mount Sinai Medical Center in New York, where she currently works.

Crute completed a yearlong neurointensive care training fellowship at Mount Sinai that ended in July, according to a statement from the hospital.

"Following this focused training, she now provides care for patients with neurological disorders in an (intensive care unit) setting and has performed well under supervision of senior physicians," the statement reads. "She does not perform neurosurgical procedures in the ICU nor in the operating room."

Boho said Crute agreed to let her license go inactive in Colorado in part because she already had job offers from outside of the state, she wanted to move away from the bad publicity about her there and she couldn't move on with action from the state pending.

Crute's attorneys also note that neurosurgery is an especially litigious medical specialty, a point also made in a 2011 article about physician malpractice risk in The New England Journal of Medicine that noted neurosurgeons are sued more often than other specialists.

While investigating Crute, Colorado officials required that her surgeries be observed by other neurosurgeons, and those doctors praised her work in letters to regulators. Thirty other doctors who worked with her, as well as patients treated by her, wrote letters of support to the medical board.

"She has learned from all of those (cases in Colorado)," Boho said. "She has put changes into place."

Defense attorneys also take issue with the neurosurgeon who supported the allegations against Crute during the state investigation.

"If you look at a balance, one critical person whose comments were found in many cases to be without merit are balanced with three neurosurgeons observing hundreds of cases, two medical credentialing committees on great hospitals, two state medical committees, 30 physicians who wrote detailed letters in support of her to the Colorado licensing board. And national organizations that looked at her past."

The Colorado State Board of Medical Examiners wouldn't say anything more about Crute's case, instead pointing to public documents about the investigation posted to her license online, said Cory Everett-Lozano, interim public information officer for the Colorado Department of Regulatory Agencies Division of Professions and Occupations.

But because of Crute's case and a story about her situation broadcast by a Denver TV station, the board changed a procedure to consider stipulations and final orders in which physicians permanently surrender their licenses to be a form of discipline. It was more of a clarification because "it was apparently not that clear to other state licensing agencies," Everett-Lozano said.

After OSF credentialed Crute in 2006, the hospital received a letter from Dr. Todd Alexander, a longtime Rockford neurosurgeon, expressing his concerns about Crute's hiring. The letter was also copied to what is known today as the Illinois Department of Financial & Professional Regulation, the agency investigating Crute.

Contacted Thursday, Alexander said the letter still speaks for itself.

"I am shocked that (Saint Anthony) would credential this person in light of such a public record and am also surprised that she was able to obtain licensure in the state of Illinois," the letter reads, in reference to the public record in Colorado. "I wish to raise my strong objection to the licensure and credentialing of Dr. Crute on the basis of her public record of unprofessional behavior."

OSF officials were prepared to carefully discuss her background, according to the 2006 media plan.

"Communications will strive to diffuse what may be highly flammable rhetoric, rather than attempt to explain or excuse the public record," the plan reads.

The plan talks about not using the "shortage" or "scarcity" argument for fear of being criticized for "settling" for a low-quality physician.

"We may want to avoid the 'complex specialty' argument because wrong-site surgery is considered a basic mistake by the public," the plan reads, in reference to cases in Colorado. "We cannot use a 'no harm' argument because one of the four patients died."

Boho called the plan "very straightforward and proactive" on OSF's part. Mike Robinson, OSF's director of marketing and communications, said action plans are common, though he hasn't developed an action plan for a physician in his nearly five years with the hospital.

"Nothing about the media plan was disingenuous," Boho said. "It acknowledges things that should be acknowledged."

Crute actually has been licensed in Illinois since 1996, and her existing license expires in 2014, according to state records. Records on the Illinois Department of Financial & Professional Regulation's website say that she never has been disciplined.

In 2008 and 2011, Crute tried to renew her Illinois medical license but, according to the state's complaint, she failed to disclose that the South Dakota Board of Medical and Osteopathic Examiners in 2006 and 2008 denied Crute's request for a license.

Crute's attorneys have produced a letter from 2009 that shows Illinois officials were notified of the South Dakota denial.

Crute was scheduled to appear Oct. 22 before an administrative law judge in Chicago on the state charges, but that appearance was postponed because of Hurricane Sandy. Her case is due for a status hearing on Jan. 28, said Sue Hofer, a spokeswoman for the Illinois Department of Financial & Professional Regulation..

Mary Friday's case is the furthest along in Winnebago County court. Attorneys have estimated it's still likely six to 12 months from trial. And like any lawsuit, it could be settled before a trial.

The Physician Insurers Association of America reported this year that 71 percent of medical professional liability claims closed with no indemnity payment. And among claims that resulted in jury verdicts, 83 percent favored the defendant.

The three other cases against Crute locally are set to return to court this month and January for status updates.

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