

Desnick clinics named in lawsuit

■ **Eye care specialists:** Unspecified damages are sought for claims of fraudulent ads and unneeded cataract operations.

By LISA GREEN

The Register Star

ROCKFORD — A well-known Chicago-area physician who once had a Rockford office faces a class-action lawsuit accusing him of unnecessary cataract surgeries and fraudulent advertising.

The suit names Dr. James H. Desnick and more than 30 other Illinois ophthalmologists who worked at Desnick's clinics. It seeks unspecified damages, but is expected to represent plaintiffs in Chicago, Rockford and several other cities nationwide where Desnick has operated.

Percy Long, a Chicago resident, filed the lawsuit this week in Cook County Circuit Court. Cataract surgeries are relatively common procedures, performed in just minutes, to improve faulty vision caused by an opaqued lens.

"The common practice was that they would perform surgery on people with 20/40 or better vision, and that's just contrary to what the standards are," said Kenneth B. Moll, the attorney representing Long and other plaintiffs.

Desnick could not be reached for comment Thursday. Mike Trucco, a Chicago lawyer who has represented him in the past, said Desnick had not been served with a copy of the suit. It was filed Monday. Trucco also said he did not know whether he would be involved in the case, so he could not comment.

The complaints in the lawsuit are similar to allegations that Desnick of Highland Park has faced before. The Illinois Department of Professional Regulations placed him on a five-year probation in April 1995 and fined him \$100,000 because of similar patient allegations. At the time, Desnick agreed not to practice for two years, ending in April 1997. Many of his clinics continue to operate.

Long, the lead plaintiff, went to a Desnick clinic because he was having problems reading and thought he needed glasses. Instead, Moll said, Long was unnecessarily told he needed cataract surgery. His vision became worse after the surgery.

Moll said ophthalmologists at Desnick clinics were expected to perform a minimum number of procedures each month. They were paid an "incentive fee of \$100 for each cataract procedure they performed or for each patient that they scheduled for surgery," and some medical records were altered to

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justify surgery, the suit claims.

One ophthalmologist, the suit said, performed up to 35 cataract surgeries a day, or about 700 a month, generating monthly revenue of nearly \$1.7 million.

Along with setting surgery quotas for doctors, the suit said, Desnick engaged in advertising that was deceptive and fraudulent, containing misrepresentations and testimonials to entice the public and claims of "superior quality of care."

Desnick's main office is 3101 N. Harlem Ave. in Chicago, but Moll said Desnick has operated up to 23 offices nationwide. It's unclear, though, how many offices actually performed surgical operations.

The Rockford location where Desnick ran a clinic, the suit said, was at 810 E. State St.

Desnick also has used several business names for his operations, including The Retina Institute, The Glaucoma Institute and Senior Vision Network.

What it means

A lawsuit against Dr. James H. Desnick, the clinics he operated and physicians who worked with him is expected to become a class-action case representing plaintiffs from Chicago, Cook County, Rockford, Waukegan, Aurora, Kankakee, Carpentersville, Harvey and Joliet, Ill., and from Wisconsin, Indiana, Michigan, California, Florida and various other cities and states. Kenneth B. Moll, the attorney representing Chicago resident Percy Long, said he has at least 50 other clients who could be named as plaintiffs. For information, contact Moll's office at (312) 558-6444.