

ENCINO-TARZANA REGIONAL MEDICAL CENTER

JUDICIAL REVIEW HEARING

**CONDENSED TRANSCRIPT**

In the Matter of )  
 )  
 GIL N. MILEIKOWSKY, M.D. ) VOLUME XII  
 )  
 \_\_\_\_\_ ) (Pages 1363 - 1527)

Encino-Tarzana Regional Medical Center  
 18321 Clark Street  
 Tarzana, California 91356

Monday, November 5, 2001

REPORTED BY:  
 Theresa A. Crowley  
 CSR No. 5513, RPR

File No. 11-2-010



**Crowley Reporting**

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ENCINO-TARZANA REGIONAL MEDICAL CENTER

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GIL N. MILEIKOWSKY, M.D. )

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VOLUME XII

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1 APPEARANCES:

2

3 THE HEARING OFFICER:

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17 FOR THE MEDICAL EXECUTIVE COMMITTEE:

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19 ENCINO-TARZANA REGIONAL MEDICAL CENTER

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22 (818) 990-1067

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1 APPEARANCES:

2 (Continued)

3

4 MEMBERS OF THE HEARING PANEL:

5 Lawrence Fleet, M.D.

6 Darryl Ballin, M.D.

7 Jean Miyashita, M.D.

8 Michael Persky, M.D.

9 Zahi Nassoura, M.D.

10 Arthur Fleisher, M.D.

11 Marlon Brooks, M.D.

12

13

14 Also Present:

15 Debra Miller, Director of Medical

16 Staff Services

17 Layne Hastings

18 Daniel Wiseman, M.D.

19

20

21

22

23

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## I N D E X

(Procedural Matters contained in  
separate Confidential Volume.)

	WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
5	FOR THE MEC				
7	Diane Jochen, R.N.	1369	1379	1412	1420
8		1390	1420		
9		1427	1429		
10	Examination by the Hearing Officer - pages	1388,			
11		1417			
12	Examination by Dr. Brooks - page	1428			
13					
14					
15	Glenn Irani, M.D.	1435	1450,	1466	
16		1447	1494,	1498	
17	Examination by the Hearing Officer - pages	1444,			
18		1462, 1492, 1497			
19	Examination by Dr. Miyashita - pages	1508, 1516			
20	Examination by Dr. Pleet - pages	1510, 1516, 1520			
21	Examination by Dr. Fleisher - pages	1512, 1515			
22	Examination by Dr. Brooks - page	1513			
23	Examination by Dr. Ballin - page	1517			
24	Examination by Dr. Persky - page	1519			
25					

1	I N D E X	1
2	(Continued)	2
3		3
4	MEC EXHIBITS REFERENCED	4
5	134 CQI typed summary re: 11-25-00 incident	5
6	129B Medical Record No. 492180T	6
7	142 Excerpts from Clinical Pediatric Urology -	7
8	2nd Edition re: Circumcision	8
9	143 12-27-00 Mileikowsky Declaration	9
10	135 11-28-00 MEC minutes	10
11	139 12-22-99 Kayne letter to Mileikowsky	11
12	re: Notice of Medical Staff Hearing and	12
13	Charges	13
14		14
15		15
16		16
17		17
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TARZANA, CALIFORNIA

Monday, November 5, 2001, 6:51 p.m.

\* \* \* \* \*

P R O C E E D I N G S

THE HEARING OFFICER: Let's go on the record.

Ms. Jochen, my name is Dan Willick. I'm the hearing officer in this proceeding.

This is a medical staff hearing concerning Dr. Mileikowsky, who is seated to my right. Next to Dr. Mileikowsky is Dr. Wiseman, who is acting as Dr. Mileikowsky's advisor. To Dr. Wiseman's left is Dr. Wulfsberg, who represents the Medical Executive Committee at the hospital. To Dr. Wulfsberg's left is Ms. Debbie Miller, who is from the medical staff office and is assisting Dr. Wulfsberg. And then to her left is Layne Hastings, who is also assisting Dr. Wulfsberg.

MS. JOCHEN: Hi.

THE HEARING OFFICER: The hearing committee starting with the doctor closest to you is Dr. Miyashita, Dr. Brooks, Dr. Ballin, Dr. Fleisher, Dr. Pleet, Dr. Persky, and Dr. Nassoura.

What's going to happen is you will be placed

1 under oath by the court reporter, who is to your left,  
2 and there will be some questions asked of you first by  
3 Dr. Wulfsberg, then by Dr. Mileikowsky, and possibly by  
4 members of the hearing committee.

5 So I'd like the hearing officer to place the  
6 witness under oath, please.

7 THE REPORTER: You mean me.

8 (A discussion was held off the record.)

9

10 DIANE JOCHEN, R.N.,  
11 called as a witness by and on behalf  
12 of the MEC, having been duly sworn,  
13 testified as follows:

14

15 THE HEARING OFFICER: Dr. Wulfsberg, first  
16 question.

17 DR. WULFSBERG: Before we start, is that going  
18 to require an interruption?

19 DR. BALLIN: No.

20 DR. FLEISHER: Coffee break.

21

22 DIRECT EXAMINATION

23 BY DR. WULFSBERG:

24 Q Ms. Jochen, thank you for coming tonight.

25 Are you presently -- this is some of the sound



168

Page 1370

1 effects we're going to be having for the evening, so I'  
2 sorry about it. Primarily it's Debbie fault.

3 (Simultaneous colloquy.)

4 BY DR. WULFSBERG:

5 Q Are you currently employed at this hospital?

6 A Yes.

7 Q How long have you been here?

8 A 28 years.

9 Q Pretty much since the hospital opened?

10 A Since the hospital opened.

11 Q What is your current position?

12 A I'm the administrative nursing supervisor in  
13 the daytime.

14 Q How long have you been in that position?

15 A Three years.

16 Q Have you worked in other positions previously?

17 A Yes.

18 Q What kind of work did you do?

19 A I was the charge nurse in ICU for 10 years. I  
20 was the assistant OR supervisor for six years. And I  
21 worked in ICU as a staff nurse prior to that.

22 Q Where did you receive your degree?

23 A My nursing degree? I went to a three-year  
24 diploma program in Detroit, Michigan.

25 Q When did you receive that degree?

1	A	Do I have to say?	1
2	Q	I withdraw the question.	2
3	A	1956.	3
4	Q	Great. Good for you. Good for us.	4
5		Do you know Dr. Mileikowsky?	5
6	A	Very fleetingly.	6
7	Q	And prior to a November incident, had you met	7
8		Dr. Mileikowsky?	8
9	A	No.	9
10	Q	Since that time have you met or talked to	10
11		Dr. Mileikowsky?	11
12	A	No.	12
13	Q	Do you recall an incident that occurred on	13
14		November 25 involving Dr. Mileikowsky?	14
15		THE HEARING OFFICER: November 25 of what year?	15
16		DR. WULFSBERG: 2000.	16
17	Q	If you would, there is a big book in front of	17
18		you. If you have it open already to 134, we'll look at	18
19		that report and see if that refreshes your memory about	19
20		this incident.	20
21	A	Uh-huh.	21
22	Q	Could you tell us what you recall of that	22
23		incident.	23
24	A	Yes. I was called by the admitting clerk, and	24
25		she told me Dr. Mileikowsky was in the hospital, in the	25

1 admitting office copying some papers. And she wanted to 1  
2 know what she should do. 2

3 At that time I told her she should call 3  
4 security and have him escorted out of the hospital. 4

5 Q Why did you do that? 5

6 A Because that was a directive that had been 6  
7 issued to the nursing office, to the nursing department 7  
8 that if he -- that he was summarily suspended from the 8  
9 staff; and that if he showed on the premises, that he 9  
10 was to be escorted off. 10

11 Q You had been called prior to his arrival on the 11  
12 premises? 12

13 A No. 13

14 Q He did not call you? 14

15 A No. 15

16 Q Did anything else happen that evening? 16

17 A Yes. Security told me that he had come back 17  
18 into the hospital, and that he was up in medical 18  
19 records. 19

20 I think I paged him to tell him that he was not 20  
21 supposed to be here in the hospital for any reason. And 21  
22 at that point he told me he had to sign off on his 22  
23 patients' charts. 23

24 And I told him he was to leave the hospital; 24  
25 that he could not have any access to any charts and 25

1 engage in any activity in the hospital.

2 Q Were you aware if any other doctor was taking  
3 that responsibility at the time?

4 A Yes.

5 Q Who was that?

6 A Dr. Barnes.

7 Q What happened then?

8 A Then he told me I couldn't stop him from  
9 signing off on his patients' charts.

10 And I told him yes. That he had no right to be  
11 signing on to have any activity in the hospital.

12 At which time he asked me to call the CEO or  
13 the AOC, whoever was on call. It happened to be the  
14 CEO.

15 Q What is the AOC? \*

16 A Administrator on call.

17 Q Okay.

18 A And I told him I would.

19 He then came to my office. I had put in a call  
20 for Dale Surowitz, who was the administrator on call  
21 that evening. And he came into the office with another  
22 person, a female, and I told him that he could wait in  
23 the office for Dale to respond.

24 THE HEARING OFFICER: Which office was this?

25 THE WITNESS: The nursing administration

1 office.

2 BY DR. WULFSBERG:

3 Q That's where your office is?

4 A Yes.

5 Q When he came back to the hospital, apparently,  
6 a second time, did he call you and tell you he was  
7 coming back to the hospital?

8 A No.

9 DR. MILEIKOWSKY: Have we established what is  
10 the first, and what is the second time?

11 THE HEARING OFFICER: There were questions and  
12 answers.

13 But you might wish to reask those.

14 DR. WULFSBERG: Okay.

15 Q To the best of your knowledge, did  
16 Dr. Mileikowsky leave the hospital the first time that  
17 you were aware that he was there?

18 DR. MILEIKOWSKY: What is the first time? What  
19 date? What time?

20 DR. WULFSBERG: If we're going to do this  
21 procedural business, it's on the record. She  
22 indicated --

23 (Simultaneous colloquy.)

24 THE REPORTER: One at a time.

25 THE HEARING OFFICER: The objection, as I

1 understand it, is an objection as to ambiguity of the  
2 questions.

3 DR. MILEIKOWSKY: Exactly.

4 THE HEARING OFFICER: And I'll sustain the  
5 objection.

6 You should clearly elicit from Ms. Jochen the  
7 date and the time of the first appearance of  
8 Dr. Mileikowsky and the date and the time of the second  
9 appearance of Dr. Mileikowsky.

10 My understanding from her prior testimony was  
11 that both of these occurrences occurred on November 25,  
12 2000.

13 THE WITNESS: Yes.

14 DR. WULFSBERG: Okay.

15 DR. MILEIKOWSKY: What time was the first one?

16 DR. WULFSBERG: I'm going to ask the question,  
17 if you would just let me do so.

18 THE HEARING OFFICER: Fine.

19 BY DR. WULFSBERG:

20 Q You stated earlier that Dr. Mileikowsky arrived  
21 without notice at the hospital and went to the admitting  
22 department; is that correct?

23 A Yes.

24 Q About what time was that?

25 A It was in the evening. As near as I remember,

1 it was towards the end of my shift. I can't give you 1  
2 the exact time. 2

3 Q And to the best of your knowledge, was security 3  
4 called? 4

5 A Yes. 5

6 Q And did security escort him off the premises? 6

7 A Yes. 7

8 Q At a later time, some later time -- 8

9 THE HEARING OFFICER: That evening. 9

10 BY DR. WULFSBERG: 10

11 Q -- that evening, are you aware that he 11  
12 reappeared at the hospital without notice? 12

13 A Yes. 13

14 Q And at that time it's my understanding that you 14  
15 paged him and told him that he was not to be at the 15  
16 hospital; is that correct? 16

17 A Yes. 17

18 Q So both of these events, one earlier and one 18  
19 later, occurred, and at both times you were not called 19  
20 that he came to the hospital? 20

21 A Correct. 21

22 Q And after the first event in the admitting 22  
23 department, is it your opinion that he understood he was 23  
24 not to be on the premises? 24

25 A I don't know. He left with security. 25

1 Q He was told to leave?

2 A Yes.

3 Q So it would be your opinion that he understood  
4 he was not to be on the premises?

5 A Yes.

6 Q Okay. Yet he came back a subsequent time?

7 A Yes.

8 Q And did you have to tell him a second time that  
9 he was not to be on the premises?

10 A Yes.

11 Q Ultimately did Dale Surowitz call?

12 A Yes.

13 Q What happened then?

14 A He spoke with Dr. Mileikowsky.

15 Q And then what transpired?

16 DR. MILEIKOWSKY: Talking about the first time  
17 or the second time?

18 THE HEARING OFFICER: Objection for ambiguity  
19 sustained.

20 BY DR. WULFSBERG:

21 Q The second time that Dr. Mileikowsky reappeared  
22 at the hospital in the medical records office and you  
23 told him that he could not be there and you asked him to  
24 leave and he came down to the nursing office and he  
25 asked that you call Dale Surowitz and you did so, did



376

Page 1378

1 Mr. Surowitz call?

2 A Yes, he did call back.

3 Q Okay. Did he speak with Dr. Mileikowsky at  
4 that time?

5 A Yes.

6 Q And do you recall what happened after that?

7 A Dr. Mileikowsky left.

8 Q Forthwith?

9 A Yes.

10 Q Okay. Did anything happen during the second  
11 time when you were in the nursing office with  
12 Dr. Mileikowsky on the evening of November 22 the second  
13 time that you recall a conversation with  
14 Dr. Mileikowsky?

15 A Yes. He came into the nursing office. He  
16 introduced the female that was with him; I don't recall  
17 her name. He went over to my side desk, and he engaged  
18 in some sparse, light conversation asking just  
19 meaningless questions, kind of. I don't even remember  
20 what they were.

21 He did, however, ask for a copy of the memo  
22 describing why he couldn't come into the hospital and  
23 that he was summarily suspended.

24 Q This is a memo that had been passed out by  
25 administration?

1 A Yes.

2 Q And what transpired then?

3 A I gave him a copy. I asked him not to continue  
4 talking to me; that it interrupted my work.

5 Q That was the extent of your conversation?

6 A Yes.

7 Q Do you believe that he was trying to provoke  
8 you?

9 A I don't think he was trying to provoke me.  
10 Perhaps distract me.

11 DR. WULFSBERG: Okay. No further questions.

12 THE HEARING OFFICER: Dr. Mileikowsky.

13 DR. MILEIKOWSKY: Thank you.

14

15 CROSS-EXAMINATION

16 BY DR. MILEIKOWSKY:

17 Q Good evening.

18 A Evening.

19 Q How many times have we met, that you can  
20 recall, in our lifetime?

21 A Once.

22 Q On November 25?

23 A Yes.

24 Q So prior to me coming to your office, if you  
25 had seen me, you wouldn't have known who I was?

1 A Correct. 1

2 Q Did I express any surprise that I've never met 2  
3 you before? 3

4 A No. 4

5 Q Have I asked you which department you worked 5  
6 before and how long? 6

7 A I don't recall. 7

8 Q What evidence do you have that I did or did not 8  
9 call anyone in the hospital before coming? 9

10 A You didn't call me. 10

11 Q Oh. The question was if I called anyone. 11  
12 So I did not call you. 12

13 A Correct. 13

14 Q All right. 14

15 So you have no idea whether I called anyone 15  
16 else before coming? 16

17 A No. 17

18 Q Are you the only person I could have called 18  
19 before coming? 19

20 A I think, if memory serves, I believe I am the 20  
21 person you were supposed to call. 21

22 Q What kind of instructions have you received 22  
23 regarding how to proceed on November 25 if and when I 23  
24 would show up at the hospital? When was the first time 24  
25 you ever heard my name from anyone? 25

1 THE HEARING OFFICER: That's a compound  
2 question.

3 DR. MILEIKOWSKY: All right. Let me just ask  
4 one question.

5 THE HEARING OFFICER: Do you want me to --  
6 BY DR. MILEIKOWSKY:

7 Q When was the first time anyone advised you  
8 about the existence of a certain Dr. Mileikowsky?

9 A I've heard your name around the hospital for a  
10 number of years.

11 Q What have you heard about me?

12 A Just your name.

13 Q You mean because I'm paged or nurses talking --

14 A No. Just your name.

15 Q Because I had a patient on the floor or  
16 something like that?

17 A Because you had patients in OB.

18 Q Was it because there was an admitting or there  
19 was a problem?

20 A I don't recall.

21 Q Were you ever advised or heard from one nurse  
22 or another of any problems with me?

23 A Not specific.

24 Q How about not specific? When was the first  
25 time you heard nonspecifically that there was a problem

1 with me?

2 A Just your name mentioned.

3 Q But my name, does it automatically mean there's  
4 a problem?

5 A No.

6 Q Okay. So when was the first time anyone  
7 talking to you or talking between themselves that you  
8 may have heard a conversation that you were present,  
9 part of or not, that mentioned that there is some  
10 trouble associated with my name?

11 A I don't recall any specific trouble associated  
12 with your name. I do recall nurses mentioning your  
13 name; just mentioning your name with no specific thing  
14 attached to it.

15 Q Well, was it something favorable or something  
16 unfavorable?

17 A Just generic.

18 Q Generic, neutral.

19 A Right.

20 Q Are you a member of the union --

21 A No.

22 Q -- of the nurses?

23 A No.

24 Q Are you a member of any union?

25 A No.

1	Q Any reason?	1
2	A My position is exempt.	2
3	Q Because you're a supervisor?	3
4	A Correct.	4
5	Q Educate me because I have no -- my knowledge in	5
6	the field is very limited. What percentage of the	6
7	nurses in the hospital are members of the union?	7
8	THE HEARING OFFICER: If you know.	8
9	BY DR. MILEIKOWSKY:	9
10	Q Roughly.	10
11	A Maybe 75 percent, 70 percent.	11
12	Q Are members or not members?	12
13	A Are members.	13
14	Q Are members.	14
15	Now, someone previously testified that only RNs	15
16	are members of the union, LVNs are not. Is that true?	16
17	A That's true.	17
18	Q What's the percentage of the nursing staff that	18
19	is RN?	19
20	A I don't know.	20
21	Q Roughly, is it half? Is it a quarter? Is	21
22	it --	22
23	A Oh, it's more than that. It's probably 80	23
24	percent.	24
25	Q 80 percent of the nursing staff are RNs?	25

1 A Uh-huh. 1

2 Q Is there any reason that you don't like the 2  
3 union, or it is a political statement on your part that 3  
4 you're not a member of the union? 4

5 A No. I'm in a management position. 5

6 DR. WULFSBERG: Is there some relevancy to 6  
7 these questions? 7

8 THE HEARING OFFICER: The objection is 8  
9 sustained. Not relevant. 9

10 BY DR. MILEIKOWSKY: 10

11 Q So then you're in the same position like the 11  
12 COO or CEO? 12

13 A No, I'm not. 13

14 Q But you're considered part of management? 14

15 A Correct. 15

16 Q Okay. Well, that's very important. 16

17 How long have you been part of management? 17

18 A For the past three years. 18

19 Q What does it mean for an RN to be part of 19  
20 management? So are you a vice nursing -- 20

21 A It depends on what you're doing in management. 21  
22 It depends upon your position in management. 22

23 Q Can you educate us and tell us what is your 23  
24 position in management. 24

25 A Uh-huh. 25

1 Q Please.

2 A I'm the house supervisor, which means that I'm  
3 responsible for activities throughout the house, whether  
4 they be nursing or paramedical activities, problems with  
5 doctors, scheduling surgeries, putting out fires, taking  
6 care of troublesome patients, responding to anxious  
7 families, assigning nurses to their daily assignments.

8 Q Now, as a member of the management, you have  
9 management meetings once a week, once a month with  
10 all --

11 A Yes.

12 Q -- management --

13 A Not with all management, just the supervisors.

14 Q How many supervisors -- are you personally a  
15 day supervisor or night supervisor?

16 A Day supervisor.

17 Q How many years have you been a day supervisor?

18 A Three.

19 Q And when you have meetings, it's only at the  
20 level of the supervisors; there is no --

21 A Correct.

22 Q There is no one from above, like --

23 A My immediate supervisor and the CNO.

24 Q And who is your immediate supervisor?

25 A Ron Stinnet.



384

Page 1386

1 Q Ron, R-O-N?

2 A Uh-huh.

3 Q How do you spell "Stinnet"?

4 A S-T-I-N-N-E-T.

5 Q And what's his title?

6 A What is his title?

7 Q Uh-huh.

8 A He is my director, the director of my

9 department.

10 Q So he is director of -- what is your department  
11 called?

12 A Nursing administration.

13 Q And above him you said is the CNO?

14 A Correct.

15 Q And who was the CNO on November 25, 2000?

16 A Colleen Collar, C-O-L-L-A-R.

17 Q Colleen, C-O-L-L-E-E-N?

18 A No. C-O-L-L-A-R.

19 Q No. That's the last name. The first name you  
20 said was Colleen.

21 A It's Colleen.

22 Q And that's C-O-L-L-E-E-N?

23 A Correct.

24 Q Thank you.

25 Is she still CNO?

1 A Yes. 1

2 Q Was Ron Stinnet the director of nursing 2  
3 administration on that day? 3

4 A I don't think he was. I think -- 4

5 DR. WULFSBERG: I'm going to ask if there's 5  
6 someplace we're going with all of this. 6

7 DR. MILEIKOWSKY: Yes. 7

8 DR. WULFSBERG: This is a very specific charge 8  
9 having to do with a specific event. 9

10 THE HEARING OFFICER: Yeah. Dr. Mileikowsky, 10  
11 the direct examination of this witness was 10 minutes. 11  
12 Under my prior ruling, you have 15 minutes to 12  
13 cross-examine; generous would be 20 minutes. So if you 13  
14 could pick up the pace, I would appreciate it, please. 14

15 DR. MILEIKOWSKY: My pleasure. If I wouldn't 15  
16 be interrupted -- 16

17 THE HEARING OFFICER: Before you got into this 17  
18 digression about questions of supervisors of the 18  
19 supervisor, I believe you were going to ask the witness 19  
20 whether on November 25, 2000, she was aware that there 20  
21 was any restriction on your access to the hospital. 21

22 DR. MILEIKOWSKY: No. I didn't ask that yet. 22

23 THE HEARING OFFICER: But you were starting -- 23

24 DR. MILEIKOWSKY: That's where I'm going to. I 24  
25 want to know is the chain of command and how she 25

1 received that information. 1

2 THE HEARING OFFICER: Well, please ask her. 2

3 DR. MILEIKOWSKY: That's my next question. 3

4 Q So to the best of your recollection, who was 4  
5 your supervisor on November 25 if it wasn't Ron Stinnet? 5

6 A Colleen Collar. 6

7 Q So there was nobody in between there? 7

8 A Correct. 8

9 Q So who advised you on what would be the 9  
10 procedure in case I showed up at the hospital? Was it 10  
11 Colleen Collar? 11

12 THE HEARING OFFICER: wait. There's a lack of 12  
13 foundation. 13

14 DR. MILEIKOWSKY: Okay. 14  
15 15

16 EXAMINATION 16

17 BY THE HEARING OFFICER: 17

18 Q On November 25 were you aware that there was 18  
19 some restriction on Dr. Mileikowsky's access to the 19  
20 hospital? 20

21 A Yes. 21

22 Q How did you become aware of that? 22

23 A Through a memo. 23

24 Q Do you recall how much before November 25 you 24  
25 first saw that memo? 25

1 A I can't remember. It had been present for many  
2 weeks.

3 Q All right.

4 And do you have a recollection as you sit here  
5 now what the memo said?

6 A Yes.

7 THE HEARING OFFICER: Interrupt me if you want  
8 me to stop.

9 DR. MILEIKOWSKY: No. No. Perfect.

10 BY THE HEARING OFFICER:

11 Q What did the memo say?

12 A That he was summarily suspended, was not to be  
13 in the hospital. And if he came into the hospital, we  
14 were to call security to escort him out.

15 Q Okay. Now, when he arrived at the hospital on  
16 November 25 for the first time, do you believe you were  
17 acting in compliance with the memo when you took action  
18 regarding his presence?

19 A Yes.

20 Q Yes. When he arrived at the hospital the  
21 second time that you recall, do you believe that you  
22 acted in compliance with the memo?

23 A Yes.

24 THE HEARING OFFICER: All right. Go ahead,  
25 Dr. Mileikowsky.

388

Page 1390

1 DR. MILEIKOWSKY: Thank you.

2

3 CROSS-EXAMINATION (Continued)

4 BY DR. MILEIKOWSKY:

? 5 Q On that memo, do you recall whose names were on  
6 it?

7 A The CEO's name.

8 Q That means Mr. Surowitz?

9 A Yes. I don't recall any other names.

10 Q Was Debbie Miller's name on the memo?

11 A Yes. Probably.

12 Q And who else?

13 A I don't recall any other names.

14 Q Now, how did that memo come to your board? It  
15 was on a billboard in your office; correct?

16 A Yes.

17 Q On the board on the wall where you have  
18 different memos and notes and so forth.

19 A Yes. In front of my desk.

20 Q Right. So it gets your attention and all the  
21 other supervisor nurses that shift through the office;  
22 correct?

23 A Uh-huh.

24 Q How many nursing supervisors were there in that  
25 time? How many supervisors were there on each shift?

1	A One.	1
2	Q And how many rotated? You probably have to	2
3	take a few days off.	3
4	A Yes. There are a total of four or five.	4
5	Q Okay. That was my question.	5
6	So other than those four or five supervisors,	6
7	who else comes through that office? How many nurses go	7
8	through that office?	8
9	A Many of them.	9
10	Q Many. And the reasons they come is because	10
11	they do the scheduling with you and so forth?	11
12	A Yes.	12
13	Q Any doctors going through that office?	13
14	A On occasion.	14
15	Q On occasion.	15
16	Administrators?	16
17	A Yes.	17
18	Q Who else on a routine basis?	18
19	A Just medical personnel in the hospital.	19
20	Q And has anyone asked you about that memo when	20
21	they saw it?	21
22	A No.	22
23	Q Have you advised anyone about that memo?	23
24	A No.	24
25	Q Have you ever spoken with security regarding	25

1 that memo prior to November 25? 1

2 A No. 2

3 Q Did anyone tell you why I was suspended -- 3  
4 summarily suspended? Sorry. 4

5 A No. 5

6 Q Was the word imminent danger on the memo? 6  
7 Summarily suspended for imminent danger? 7

8 A I don't recall. 8

9 Q Was there any suggestion that I was a danger? 9

10 A I don't recall that. 10

11 Q Has anyone ever suggested that I could be a 11  
12 threat to anyone? 12

13 A No. 13

14 Q Did I ever threaten you? 14

15 A No. 15

16 Q Did I ever raise my voice at you? 16

17 A No. 17

18 Q Do you recall how surprised I was that I 18  
19 couldn't take care of my discharged patients' charts in 19  
20 medical records? 20

21 A I don't recall that you were surprised. You 21  
22 sounded matter of fact. You said, in the tone of voice 22  
23 that you're using now, "How am I supposed to sign off on 23  
24 my patients? You can't stop me from doing that." 24

25 Q So it's a way of being surprised. Is that the 25

1 reason --

2 DR. WULFSBERG: That's argument, and I object.

3 THE HEARING OFFICER: It's stricken.

4 BY DR. MILEIKOWSKY:

5 Q Why did I ask you to page Mr. Surowitz that  
6 day?

7 A I don't know.

8 Q Do you recall my conversation -- when  
9 Mr. Surowitz called, you picked up the phone; correct?

10 A Yes.

11 Q He called the nursing supervisor's office. And  
12 I was waiting, sitting there with my nurse; correct?

13 A Yes.

14 Q So once Mr. Surowitz called -- it was about 20  
15 to 30 minutes before he called back? \*

16 A It took a while, yes.

17 Q You had to page him several times, didn't you?  
18 Was it about three, four, five times?

19 A No. Maybe twice I put in a page in for him.

20 Q Do you recall anything from what you overheard  
21 from my conversation?

22 A Not a thing.

23 Q November 25 was Thanksgiving; correct? It was  
24 Thanksgiving weekend.

25 A Probably.



1 Q It was a Saturday, wasn't it?

2 A Yes.

3 Q Does it surprise you that doctors come  
4 sometimes on weekends to do their charts in medical  
5 records?

6 A No.

7 Q Do you have any idea how many years I have  
8 been on the staff?

9 A No.

10 Q Was there anybody else in medical records when  
11 I came?

12 A I don't know.

13 Q When I came -- why did I come to your office  
14 the first time?

15 A I believe I asked you to come down.

16 Q Correct. And who escorted me from the elevator  
17 to your office on the first floor?

18 A One of the security guards.

19 Q Was it one or was it five or was it three?

20 A I don't recall. You were with security.

21 Q Could it have been three?

22 A Probably not because I don't think we have  
23 three security guards on duty at that time in the  
24 hospital.

25 Q Would it surprise you to hear that it was

1 three?

2 A Yes.

3 Q Okay.

4 DR. WULFSBERG: Object. Not in evidence.

5 BY DR. MILEIKOWSKY:

6 Q How many security guards --

7 THE HEARING OFFICER: Wait. It isn't in  
8 evidence; I think that's apparent.

9 Go ahead.

10 DR. MILEIKOWSKY: That's not the issue. We're  
11 trying to figure out from her what she knows.

12 Q How many security guards were at the door when  
13 I was with my nurse sitting inside your office calmly  
14 and peacefully?

15 A I don't recall. I don't recall if you stayed.

16 Q How many were in the corridor waiting for me  
17 until I would be coming out of your office?

18 A I don't know.

19 Q Are you aware of whether or not I signed a  
20 sign-in sheet when I came into the hospital that day?

21 A No.

22 Q Are you aware of whether or not I signed out on  
23 a sign-in sheet?

24 A No.

25 Q Are you at all aware of what I photocopied in

1 the admitting office that day? 1

2 A No. 2

3 Q Are you aware of whether or not I did it with 3  
4 the permission of George in admitting? 4

5 A No. 5

6 Q Are you aware of whether or not security was 6  
7 approving my photocopying of that document? 7

8 A No. 8

9 Q Why were you disturbed that I was photocopying 9  
10 something? 10

11 A The memo -- 11

12 THE HEARING OFFICER: Wait a minute. There is 12  
13 a lack of foundation. 13

14 Were you disturbed -- first of all, were you 14  
15 aware he was photocopying anything on November 25? 15

16 THE WITNESS: The admitting clerk called me and 16  
17 told me he was. 17

18 THE HEARING OFFICER: Were you disturbed 18  
19 because of that? 19

20 THE WITNESS: Not disturbed. I knew he 20  
21 shouldn't be in the hospital, so I followed the memo's 21  
22 directions and called security. 22

23 THE HEARING OFFICER: Okay. Go ahead, 23  
24 Dr. Mileikowsky. 24

25 DR. MILEIKOWSKY: Thank you. 25

1 Q Was the admitting clerk a man or a woman that  
2 called you?

3 A I believe it was a woman.

4 Q Okay. Would it be Janice?

5 A I don't know.

6 Q Now do you have any evidence that I left the  
7 hospital between the two times I saw you?

8 A I was told that the security guard escorted you  
9 out of the hospital.

10 Q But you don't have any personal --

11 A I did not see that.

12 Q Okay. That's my question.

13 How much time you believe, to the best of your  
14 recollection, was there between the time I left your  
15 office and came back to your office? Was it a minute,  
16 an hour, two hours?

17 A You didn't leave my office and come back. You  
18 came to my office, you waited for Mr. Surowitz's call,  
19 and then you left.

20 Q So when was it that you gave me a copy of the  
21 memo?

22 A When you came to my office.

23 Q The first time?

24 A The only time.

25 Q The only time.

96

Page 1398

1 So then to the best of your personal knowledge  
2 and from your own personal observation, you've only seen  
3 me come once into your office and leave once from your  
4 office --

5 A Yeah.

6 Q -- correct?

7 You have no television monitors or screens that  
8 you watch in your office?

9 A No.

10 Q So you don't have anything that you could watch  
11 to see me leave the premises --

12 A No.

13 Q -- and then come back?

14 Where did the suggestion that I left the  
15 hospital and come back come from?

16 A Security guard.

17 Q Do you know which one?

18 A No.

19 Q Have you ever been told that the nurses union  
20 had any problems with me?

21 A No.

22 Q Have you ever heard -- in your meetings among  
23 management, do you ever meet -- or do members like the  
24 COO or CEO ever attend your meetings?

25 A No.

1	Q	Would the head of quality improvement, Sharon	1
2		Gross or Roberta Wright --	2
3	A	If she was invited.	3
4	Q	So in cases of a specific case or a patient or	4
5		a doctor or something, that's when you would be calling	5
6		her?	6
7	A	Uh-huh.	7
8	Q	How about Roberta Wright from quality	8
9		assurance? She usually does not attend?	9
10	A	No.	10
11	Q	How often does Debbie Miller attend?	11
12	A	Only when she would be invited.	12
13	Q	And invitations are issued by whom? The CNO?	13
14	A	Any one of the nursing supervisors.	14
15	Q	Any one. Okay.	15
16		That meeting is once a week?	16
17	A	Once a month.	17
18	Q	What was your understanding was Dr. Barnes'	18
19		responsibility regarding my charts?	19
20	A	Dr. --	20
21	Q	Barnes.	21
22	A	-- Barnes?	22
23	Q	B-A-R-N-E-S.	23
24	A	I had no idea.	24
25	Q	So what was your understanding when	25

- 1 Dr. Wulfsberg asked you who would be signing for me? 1
- 2 A I believe I was told that Dr. Barnes would be 2
- 3 covering your patients. 3
- 4 Q All right. 4
- 5 A I don't recall any conversation regarding 5
- 6 signing off your charts or doing any of your required 6
- 7 paperwork. 7
- 8 Q What time is the end of your shift? 8
- 9 A 7:00. 9
- 10 Q Did you write any incident report? 10
- 11 A No. I wrote a fact report. 11
- 12 Q Okay. What's the difference? 12
- 13 A The difference is an incident report goes to 13
- 14 quality assurance, and a fact report is a fact report 14
- 15 that we keep in the nursing office. 15
- 16 Q What is Exhibit 134, a fact report? 16
- 17 A Probably. 17
- 18 Q Is that part of minutes of some meeting -- 18
- 19 A No. 19
- 20 Q -- that you have? 20
- 21 What is the usual -- I'm asking that simply 21
- 22 because the only time I ever see this kind of structured 22
- 23 document is when we have OB/GYN minutes. Is this the 23
- 24 kind of way you keep minutes from your meetings? 24
- 25 A Yes. 25

1 Q So then it was discussed amongst supervisor  
2 nurses?

3 A No.

4 Q Who wrote this document, 134?

5 A I don't know who wrote this particular  
6 document. I wrote something.

7 Q Is there anything you wrote that you recognize  
8 in either one of those boxes' language?

9 A It sounds like me.

10 Q Which one, the first one or the second one?  
11 Because there are two boxes.

12 A Well, the second one, for sure, sounds like me.

13 Q Would the first one -- originally I see  
14 location "Main Admitting," so that would be a report  
15 written by someone from admitting?

16 A That may or may not have been issued by them.  
17 It may have been issued by security.

18 Q So there's nothing in the language of the box  
19 under description of the first upper box that is next to  
20 "Main Admitting" that would have any language  
21 originating from what you wrote?

22 A I don't believe so. I believe this is what the  
23 security guard told me and what he put in his report.

24 Q Can you tell us specifically what the security  
25 guard told you that you recognize here in the language



400

Page 1402

ne? 1 of the box, the upper box?

2 A Just the general statement.

3 Q Well, there's four sentences. Which general  
4 statement are you referring to?

5 A The whole thing. The security guards told me  
6 that you wanted their badge numbers; and that you  
7 threatened to call the police if they got too close to  
8 you. I don't recall putting that in my report.

9 Q Was there anyone in medical records to call  
10 security? I thought you told us you called security.

11 A The security guards said that they saw you go  
12 into medical records.

13 Q Where were they when I went into medical  
14 records?

15 A I don't know. They were probably making  
16 rounds.

17 Q Okay. But who -- it states in the upper box  
18 that security guards had been called by medical records  
19 to escort him out.

20 Your testimony was that you called security; is  
21 that right? Or did I misunderstand you?

ed 22 A No. My testimony was that I paged you.

the 23 Q Okay. And so that was on the loudspeaker --

24 A Yes.

25 Q -- basically the general system?

1 A Yes.

2 Q And so I picked up the phone and responded?

3 A Right.

4 Q And where was I when I picked up the phone, to  
5 the best of your knowledge?

6 A I don't know. I would assume medical records.

7 Q Okay. So you probably asked me where I was,  
8 and I must have told you where I was. And so you told  
9 me to leave.

10 A Yes.

11 Q To the best of your knowledge, there was no  
12 security guard around me when I was in medical records.

13 A The security guard saw you go into medical  
14 records, so there must have been one up there.

15 Q Yes. But they did not escort me into and stay  
16 close by to me.

17 A I don't know. I wasn't there.

18 Q Okay. So please read to us in the lower box  
19 what you believe is the language that would be as close  
20 as possible to what you actually wrote.

21 A Unauthorized M.D. in hospital. M.D. summarily  
22 suspended. M.D. presented in main admitting to use  
23 copy machine. Admitting clerk asked him to leave,  
24 and he apparently did. Notified of his presence and  
25 called security.

1 Q Who notified, you or admitting? 1

2 A Security. 2

3 Q No. No. "Notify"; doesn't say who notified. 3

4 A That's correct, it doesn't. 4

5 Q So who notified security, you or someone else 5  
6 or admitting? 6

7 A I don't recall. 7

8 Q Okay. Did you ever call security -- 8

9 A No. 9

10 Q -- that day? 10

11 A No. I just gave directions to security. 11

12 Q Well -- 12

13 A They called me -- 13

14 Q They called you. 14

15 A -- asking me what to do. 15

16 Q But who called them? 16

17 A I believe, Dr. Mileikowsky, they saw you going 17  
18 into medical records and called me at that point. 18

19 Q To ask you what to do? 19

20 A Right. 20

21 Q So to the best of your recollection, nobody 21  
22 called them? 22

23 A No. I said they saw you going into medical 23  
24 records. 24

25 Q Right. So nobody called them; just 25

1 coincidental they saw me?

2 A Yes.

3 Q That's the best of your recollection.

4 THE HEARING OFFICER: wait. Wait. Wait.

5 Wait. Wait. Wait. There's a lack of foundation

6 there. We don't know.

7 Do you know what it was that caused the

8 security guards to call you?

9 THE WITNESS: His presence in the hospital a  
10 second time.

11 THE HEARING OFFICER: Okay. The second time.

12 Do you know whether they became aware of his presence  
13 from personally observing it? Or did someone make them  
14 aware of it before they personally --

15 THE WITNESS: I believe they saw him.

16 THE HEARING OFFICER: Okay. Go ahead.

17 DR. MILEIKOWSKY: Thank you.

18 Q So I still am baffled. I don't know who  
19 notified who in this text. It says: Notified of his  
20 presence and called security.

21 If you didn't call security and security called  
22 you, who called security?

23 A I don't know. That may be an error.

24 Q All right. It may be incorrect, you say?

25 A Uh-huh.

25 A Uh-huh.

404

Page 1406

1 Q The court reporter needs the words. Is it  
2 "yes" or "no"?

3 A Yes, it may be incorrect.

4 Q Thank you.

5 Then please continue reading for us, please.

6 What does "WP unit" mean?

7 A Women's Pavilion.

8 Called each Women's Pavilion unit to see if he  
9 had presented on any of their unit.

10 I don't recall doing that.

11 Soon thereafter, received a call from M.D.  
12 stating that he was in medical records to complete  
13 his charts. At that point told him that he was  
14 summarily suspended and had no reason to be in the  
15 hospital engaging in any activities.

16 The general description of what I said.

17 After a brief argumentative conversation --

18 Q Did you write argumentative, or was that  
19 somebody else that --

20 A I may have. I may have.

21 Q What was the nature of the argument?

22 A It was argumentative only in the aspect that  
23 you told me I could not tell you that you couldn't sign  
24 off on your charts.

25 And I said you were not to be in the hospital

1 for any activity, and you said, "I have to sign off on  
2 my charts."

3 And I said, "No, Doctor. You're not to be here  
4 for any activity."

5 Q Okay. Then once you --

6 A That was argumentative.

7 Q Once you told me to come over to you and  
8 leave, did I follow your orders?

9 A Asked him to come to the office. Security was  
10 present with him. Explained the situation of his  
11 suspension. M.D. --

12 Q Wait. Wait. Hold one second. You explained  
13 the situation to whom?

14 A To you.

15 Q To me.

16 A Yes.

17 Q What was the situation? What you just  
18 mentioned just now, you mean, the fact that I was not --

19 A No -- yes. That you were suspended and you  
20 were not to be in the hospital.

21 Q Okay. And that sounded like something new for  
22 me when you told it to me?

23 A No. I don't believe it was new to you. I was  
24 just reiterating what you already knew.

25 Q How do you know what I knew?

1	A I believe you had been told that.	1
2	Q That I couldn't be in the hospital?	2
3	A Correct.	3
4	Q Or that I could not be escorted in the	4
5	hospital?	5
6	A No. That you couldn't be in the hospital.	6
7	Q All right. Let's continue.	7
8	A M.D. asked to speak to AOC, CEO. M.D. refused	8
9	to leave until he could speak to CEO. CEO responded	9
10	to the call and spoke with M.D., who left with	10
11	security in attendance. M.D. asked for this nurse's	11
12	name and asked for her name.	12
13	Q Who's the nurse you're referring to?	13
14	A I believe it was me.	14
15	Q Okay.	15
16	A M.D. had a female present with him --	16
17	That probably should be --	17
18	-- who remained nonverbal but was obviously	18
19	there to witness his presence and interaction with	19
20	hospital staff.	20
21	Q Did security ever mention to you -- in the	21
22	upper box where it says that I threatened security to	22
23	call police, is that something you heard --	23
24	A Yes.	24
25	Q -- from them?	25

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## Encino-Tarzana vs. Mileikowsky

Page 1409

1 A Yes.

2 Q Did they also tell you that I showed them a  
3 court order that did not allow them to escort me that I  
4 was carrying with me?

5 A I don't recall that.

6 Q Did I ever show you a court order --

7 DR. WULFSBERG: I'm going to object.

8 DR. MILEIKOWSKY: This is in evidence.

9 DR. WULFSBERG: -- because he's addressing this  
10 issue again before the hearing panel yet one more time  
11 implying something that we have discussed many times.

12 THE HEARING OFFICER: That is correct.

13 DR. WULFSBERG: And I also ask --

14 DR. MILEIKOWSKY: Let me finish. I didn't  
15 finish. May I finish? \*

16 DR. WULFSBERG: I also asked that if this  
17 happens that the hearing be promptly stopped; that  
18 instructions be given to the hearing panel; that the  
19 witness be excused because this is precisely the path  
20 that he has gone down numerous times before without  
21 sanctions. I think it is high time such sanctions  
22 occurred tonight.

23 THE HEARING OFFICER: As of November 25 --

24 DR. MILEIKOWSKY: May I respond, please?

25 THE HEARING OFFICER: No.



1408

Page 1410

1 DR. MILEIKOWSKY: May I respond?

2 THE HEARING OFFICER: No.

3 DR. MILEIKOWSKY: What do you mean?

4 THE HEARING OFFICER: No. Because we have  
5 prior rulings in this regard.

6 DR. MILEIKOWSKY: Excuse me. I will respond  
7 after you've finished.

8 THE HEARING OFFICER: As of November 25, 2000,  
9 there was no valid court order in effect regarding this  
10 matter.

11 DR. MILEIKOWSKY: But that wasn't the question.  
12 The question was specific facts.

13 THE HEARING OFFICER: I have previously ordered  
14 you on numerous occasions that there should be no  
15 reference to any court proceedings or alleged court  
16 orders in the course of examining witnesses. I have  
17 under submission proposals from both sides as to how to  
18 handle this issue, and I will deal with that in due  
19 course.

20 Your question is out of order. Next question,  
21 please.

22 DR. MILEIKOWSKY: Okay. Am I to understand  
23 that I'm not in the United States of America and I  
24 cannot respond to your comments or to Dr. Wulfsberg's  
25 comments?

## JRC Hearing (Volume XII) 11-5-01

Condense

Page 1411

1	THE HEARING OFFICER: Dr. Mileikowsky --	1
2	DR. MILEIKOWSKY: I just would like to respond.	2
3	THE HEARING OFFICER: -- we're in a hearing	3
4	where I'm the hearing officer, and I have made my order.	4
5	Next question, please.	5
6	DR. MILEIKOWSKY: Please, answer "yes" or	6
7	"no."	7
8	THE HEARING OFFICER: Dr. Mileikowsky --	8
9	DR. MILEIKOWSKY: I have the right to respond	9
10	to your comments.	10
11	THE HEARING OFFICER: No, Dr. Mileikowsky. You	11
12	have the right to ask questions at this point, and you	12
13	will do so or I will excuse the witness.	13
14	Your time for examining this witness is past	14
15	being expired. I'm going to give you an opportunity to	15
16	complete the questioning pursuant to my orders.	16
17	Now, if you have another question, ask the	17
18	question.	18
19	DR. MILEIKOWSKY: I would like at this point	19
20	the hearing committee to ask questions.	20
21	THE HEARING OFFICER: Any Redirect,	21
22	Dr. Wulfsberg?	22
23	DR. WULFSBERG: I do.	23
24	///	24
25	///	25

Page 1412

25 / / /

25

Page 1412

1 REDIRECT EXAMINATION 1

2 BY DR. WULFSBERG: 2

3 Q Were you aware of security measures that were 3  
4 instituted by Dale Surowitz regarding Dr. Mileikowsky? 4

5 A Yes. 5

6 Q Roughly what did that mean to you? 6

7 A It meant that if he appeared in the hospital, 7  
8 that we were to call security, and security was to 8  
9 escort him off the hospital premises -- out of the 9  
10 hospital. 10

11 Q But prior to that time there were security 11  
12 measures -- if I may refresh your memory -- that Dale 12  
13 Surowitz had instituted prior to the summary suspension. 13

14 A Yes. 14

15 Q Are you familiar with that? 15

16 A Yes. 16

17 Q And do you recall generally what the security 17  
18 measures said? 18

19 A Something to the effect that Dr. Mileikowsky 19  
20 was to notify the nursing supervisor when he came into 20  
21 the house; and that security was to escort him to 21  
22 wherever he wanted to go. 22

23 Q Do you know if part of that security measure 23  
24 had anything to do with signing in to the hospital? 24

25 A No. 25

1 Q Do you know if it only dealt with calling you  
2 or the administrator on call?

3 A Yeah.

4 Q And was the administrator on call in the  
5 hospital on November 25 in the evening when  
6 Dr. Mileikowsky arrived without notifying you?

7 A No.

8 Q So you were the only one in the hospital that  
9 he could have called to notify that he was coming to the  
10 hospital?

11 A Yes.

12 Q The only person of responsibility?

13 A Yes.

14 Q Okay. And did he call you?

15 A No.

16 Q And did you believe, based on what the security  
17 told you, that he had left the hospital after he had  
18 been -- initially when you thought he was in medical  
19 records, that he had left the hospital?

20 A Yes.

21 Q Were you surprised to find out that he was back  
22 in the hospital?

23 A Yes.

24 Q And did he call you the second time?

25 A Yes.

25 A Yes.

1412

Page 1414

1 Q Did he call you before he came back in the  
2 hospital the second time?

3 A No.

4 Q And you stated that you believe that he  
5 understood that he was not to be at the hospital?

6 A Yes.

7 DR. MILEIKOWSKY: Excuse me. How does she know  
8 what I understand? She can't read my mind. She's never  
9 seen me in her life until November 25.

10 I ask to strike the question and answer.

11 THE HEARING OFFICER: I will sustain the  
12 objection.

13 You can ask her if she believes she knew and  
14 what the basis of it was.

15 BY DR. WULFSBERG:

16 Q Putting it differently, are you aware that  
17 Dr. Mileikowsky was made aware of his summary  
18 suspension?

19 A Yes.

20 DR. MILEIKOWSKY: How would she know? There is  
21 no foundation again.

22 THE HEARING OFFICER: He's asking her belief,  
23 and he'll either elicit why, or you will get it on  
24 recross.

25 DR. MILEIKOWSKY: All right.

1 BY DR. WULFSBERG: 1

2 Q Did he tell you that he was not summarily 2  
3 suspended when you told him that he couldn't be at the 3  
4 hospital? 4

5 A I don't remember if he did. 5

6 Q Did he say to you, "Gee, I can be here. I'm 6  
7 not summarily suspended"? 7

8 A No. 8

9 Q So he never objected to your sending him out of 9  
10 the hospital telling him that he was summarily 10  
11 suspended? 11

12 A No. 12

13 Q Did you believe based on that that he knew he 13  
14 was summarily suspended? 14

15 A Yes. 15

16 Q If he knew he was summarily suspended -- 16

17 DR. MILEIKOWSKY: Are we having an issue that I 17  
18 was summarily suspended? I thought it was quite 18  
19 obvious; otherwise, we wouldn't be here today. 19

20 THE HEARING OFFICER: The question is what she 20  
21 knew and what she communicated. 21

22 (Simultaneous colloquy.) 22

23 THE REPORTER: One at a time. 23

24 DR. MILEIKOWSKY: There's no evidence that she 24  
25 ever communicated anything to me regarding my summary 25

1 suspension. We never even discussed it. There's no  
2 foundation for that either.

3 If you want, he needs to establish that as a  
4 foundation first. The whole line of questioning is just  
5 trying to feed the witness with text to say "yes" or  
6 "no" so the attorneys get what they want while the  
7 witness is not even aware she's saying things she didn't  
8 say.

9 THE HEARING OFFICER: Response?

10 DR. WULFSBERG: The reason I asked this is  
11 because there's been some discussion that  
12 Dr. Mileikowsky was surprised. He had raised the issue  
13 that he was surprised about the information that he  
14 shouldn't be at the hospital, he was surprised about a  
15 whole series of events.

16 And I'm just laying a foundation that at no  
17 time did he describe to this witness that he wasn't  
18 summarily suspended, that he couldn't be at the  
19 hospital. That's what I'm saying. So it's her belief.

20 I'm not getting into his mind. God knows I  
21 don't want to be there. So all I'm trying to do in this  
22 line of questioning is simply find out if this witness  
23 felt at any time Dr. Mileikowsky expressed to her any  
24 doubt in his mind that he should or should not be there.

25 DR. MILEIKOWSKY: She already testified about

1 it, since I asked for the CEO to confirm something I  
2 never heard of. Otherwise, why was I sitting there for  
3 25 minutes to wait for the CEO to talk to?

4 THE HEARING OFFICER: wait. Wait. Let's try  
5 to parse through this.

6

7 FURTHER EXAMINATION

8 BY THE HEARING OFFICER:

9 Q The first time that Dr. Mileikowsky came on  
10 the campus on the evening of November 25, you spoke with  
11 him, did you not, by telephone?

12 A Not the first time.

13 Q Not the first time. Okay.

14 At that time were you aware of whether or not  
15 Dr. Mileikowsky knew that he was summarily suspended?

16 A I believed he knew he was.

17 Q Based on what?

18 A Based on the fact that the memo was presented  
19 in my office, and I asked if he was made aware of that.

20 Q You asked whom?

21 A I believe it was Debbie who brought me --  
22 Debbie Miller who brought me the memo.

23 Q All right.

24 But you didn't have -- as of the first time

25 Dr. Mileikowsky came in the house on November 25, you



416

Page 1418

1 had no information, other than what Debbie Miller told  
2 you and seeing the memo, to indicate that  
3 Dr. Mileikowsky knew he was summarily suspended?

4 A Right.

5 Q In other words, Dr. Mileikowsky at that  
6 point -- that point being when he first came on the  
7 campus on November 25 -- didn't indicate directly to you  
8 that he knew he was summarily suspended?

9 A No.

10 Q He didn't?

11 A No. When he first presented, he didn't call  
12 me. I didn't know he was there.

13 Q All right.

14 What you believe was the second time he came in  
15 house on November 25, you had direct communications with  
16 him, did you not?

17 A Yes.

18 Q In the course of those direct communications,  
19 was there any communication with him as to whether or  
20 not he was summarily suspended?

21 A Yes. I told him that he was.

22 Q And what did he respond, if you can recall?

23 A He wanted a copy of the communication.

24 Q "The communication" being what, the notice of  
25 the summary suspension?

1	DR. MILEIKOWSKY: No. No.	1
2	THE WITNESS: No. The memo.	2
3	BY THE HEARING OFFICER:	3
4	Q The memo that was posted?	4
5	A The memo to the department that he was	5
6	summarily suspended and what we were to do if he	6
7	arrived.	7
8	Q All right.	8
9	Was he provided with a copy of that memo at	9
10	that time?	10
11	A Yes.	11
12	Q Was there any other conversation or	12
13	communication with Dr. Mileikowsky at that time about	13
14	his summary suspension?	14
15	A No.	15
16	THE HEARING OFFICER: All right. Where were	16
17	we? Were we in Redirect or recross?	17
18	DR. MILEIKOWSKY: He was asking	18
19	questions.	19
20	THE HEARING OFFICER: Redirect. Any other	20
21	questions?	21
22	DR. WULFSBERG: Perhaps you want to ask the	22
23	question --	23
24	///	24
25	///	25

1 REDIRECT EXAMINATION (Continued) 1

2 BY DR. WULFSBERG: 2

3 Q But the real issue is: When you handed him 3  
4 this memo, did he say to you, "This comes as a complete 4  
5 surprise to me"? 5

6 A No. 6

7 Q Did he express any surprise to you? 7

8 A No. 8

9 Q Did he tell you, "This is untrue. This memo is 9  
10 not true"? 10

11 A No. I think he just took the memo from me. I 11  
12 handed it to him; he took it. 12

13 Q Did he do or say anything to you that led you 13  
14 to believe he had any doubt in his mind that he was 14  
15 summarily suspended? 15

16 A No. 16

17 Q Thank you. 17

18 THE HEARING OFFICER: Dr. Mileikowsky? 18

19 DR. MILEIKOWSKY: Yes. Thank you. 19  
20 20

21 RECROSS-EXAMINATION 21

22 BY DR. MILEIKOWSKY: 22

23 Q Do you realize there is a difference between 23  
24 being summarily suspended and walking into a hospital? 24  
25 I could come and see a relative who is sick; I could 25

1 come and visit a patient who's a friend. I could come  
2 with Dr. Barnes, walk with her without having a patient  
3 or some other doctor. I could go, for instance, to the  
4 educational program.

5 A It is my understanding that you were summarily  
6 suspended from the staff; meaning, that you had no  
7 privileges to engage in any staff activity at this  
8 hospital.

9 Q In other words, I did not have privileges to  
10 admit patients; is that correct?

11 A To admit patients, to document on patients, to  
12 inquire about patients; anything to do with practicing  
13 in this hospital.

14 Q Right. But that does not prevent me from  
15 walking in the hospital for other reasons that may not  
16 be medical. The summary suspension of my privileges is  
17 a purely professional act; correct?

18 A If you were to come to the hospital as a  
19 private citizen --

20 Q Correct.

21 A -- to see somebody, I would assume not.

22 Q You would assume what?

23 A Not.

24 Q You would assume not what?

25 A That it didn't apply to your suspension.

1 Q Thank you very much.

2 So what might have been my surprise is not that  
3 you had a memo stating that I was summarily suspended,  
4 but my surprise was that I couldn't come to the hospital  
5 to sign my charts. It's two different things.

6 THE HEARING OFFICER: If that's a question,  
7 there's a lack of foundation.

8 THE WITNESS: I don't know --

9 DR. MILEIKOWSKY: She knows because --

10 THE WITNESS: I don't know what you mean.

11 DR. MILEIKOWSKY: Okay.

12 Q When you paged me, I called you; correct? And  
13 you asked me what I was doing; correct?

14 A Yes.

15 Q And I told you I was taking care of signing  
16 orders or whatever medical records asked me to do to  
17 complete whatever needed to be done on my charts of my  
18 patients that were not in the hospital, that were  
19 discharged previously.

20 A Correct.

21 Q Thank you.

22 So the mere fact that I cannot admit new  
23 patients to the hospital is a result of my summarily  
24 suspended privileges; correct?

25 A I don't understand what you're -- what is your

1 question? 1

2 Q All right. Okay. Let's go to something 2  
3 completely different, much more simple. 3

4 In 20 years of your career, have you ever 4  
5 worked in another hospital before coming here? Or was 5  
6 this the first hospital you worked in? 6

7 A No. I have worked in other hospitals. 7

8 Q How many hospitals? 8

9 A I don't know. Many. 9

10 Q In your whole career, without going into the 10  
11 age so we won't ask the number of years, with all due 11  
12 respect -- in your whole career in as many hospitals as 12  
13 you worked, have you ever seen a physician escorted by 13  
14 security? 14

15 A No. 15

16 Q In your whole career in any hospital you were 16  
17 at, whether it was in training in the County or at any 17  
18 point in time, who are the type of individuals that you 18  
19 have seen escorted by security? 19

20 THE HEARING OFFICER: There's a lack of 20  
21 foundation. 21

22 Have you ever seen anybody escorted by security 22  
23 in a hospital at any time? 23

24 THE WITNESS: Yes. 24

25 THE HEARING OFFICER: All right. Now you can 25

1 answer his question-

2 DR. MILEIKOWSKY: Thank you.

3 THE HEARING OFFICER: What were the  
4 circumstances?

5 THE WITNESS: Visitors that were out of  
6 control. Someone who posed a threat to the nursing  
7 staff or to a patient.

8 BY DR. MILEIKOWSKY:

9 Q Could it have been a prisoner in the County  
10 that was taken care of in the County when you trained as  
11 a student? 1

12 A I didn't train at the County. 1

13 Q Okay. In any hospital. 1

14 A I have never seen anybody -- any prisoner  
15 escorted by security. They are usually with the police. 1

16 Q Different kind of security. Okay. 1

17 When, to the best of your recollection, Debbie  
18 Miller brought you that memo? 1

19 THE HEARING OFFICER: That's been asked and  
20 answered. 2

21 DR. MILEIKOWSKY: No. No. 2

22 THE HEARING OFFICER: I think it was. The  
23 answer was prior to November 25. She wasn't sure  
24 exactly when. 2

25 THE WITNESS: That's right. 2

1 THE HEARING OFFICER: She gave a rough  
2 approximation.

3 THE WITNESS: Weeks, yes.

4 BY DR. MILEIKOWSKY:

5 Q But this was the second memo; correct? You had  
6 a different memo in June, July, and August.

7 A I did not see that memo.

8 Q Okay. Now, when Debbie came to bring it to  
9 you --

10 THE HEARING OFFICER: Which memo are we talking  
11 about?

12 DR. MILEIKOWSKY: Apparently she had only --  
13 the one that was on the 25th that was on the board.

14 THE HEARING OFFICER: All right. You're  
15 talking about the memo --

16 DR. MILEIKOWSKY: The one that was a few weeks  
17 before I came.

18 THE HEARING OFFICER: You're talking about the  
19 memo which dealt with summary suspension.

20 DR. MILEIKOWSKY: Well, yes.

21 THE HEARING OFFICER: All right. Go ahead.

22 DR. MILEIKOWSKY: There's only one of those.  
23 That's true.

24 Q The one that was on your board on November 25  
25 was presented to you by Debbie a few weeks before;



1 correct?

2 A Sometime before, yes.

3 Q Sometime before.

4 What did Debbie tell you when she gave it to  
5 you?

6 A She just told me to post it.

7 I said, "Is he aware of this?"

8 The answer was "Yes."

9 Q Did Debbie review with you any details of the  
10 procedures of how to follow, and did you ask her any  
11 questions?

12 A It was pretty clear.

13 Q And you were not surprised when you saw such  
14 memo?

15 A No.

16 Q Yet you have never seen in your whole career  
17 ever a doctor being escorted by security?

18 A No.

19 Q It didn't trigger your curiosity?

20 A No.

21 DR. MILEIKOWSKY: I will let the hearing  
22 committee ask questions.

23 THE HEARING OFFICER: Any further questions,  
24 Dr. Wulfsberg?

25 DR. WULFSBERG: I do.

1	FURTHER REDIRECT EXAMINATION	1
2	BY DR. WULFSBERG:	2
3	Q Had you received a memo that the security	3
4	measures that were instituted by Dale Surowitz had been	4
5	rescinded or relieved?	5
6	A No.	6
7	Q So if Dr. Mileikowsky had come in the hospital	7
8	on nonstaff business, in your opinion at that time,	8
9	would he still have been subjected to those security	9
10	measures?	10
11	A Do you mean if he came to see a patient?	11
12	Q If he came to the hospital.	12
13	A I mean to see a person.	13
14	Q If he came to the hospital.	14
15	A Yes.	15
16	Q So whether or not he was suspended, he would	16
17	still be subject to those security measures?	17
18	A Yes.	18
19	Q It would still be his duty to call you.	19
20	A Yes.	20
21	Q Okay. Thank you.	21
22	THE HEARING OFFICER: Anything else?	22
23	DR. MILEIKOWSKY: Let the hearing committee	23
24	asks questions.	24
25	THE HEARING OFFICER: Any members of the	25

1 hearing committee have any questions? 1

2 Seeing none -- 2

3 DR. BROOKS: I have one. 3

4 THE HEARING OFFICER: Yes, Dr. Brooks. 4

5 5

6 EXAMINATION 6

7 BY DR. BROOKS: 7

8 Q Since this copying incident in the admitting 8  
9 office, subsequently have you found out what was copied? 9

10 A No. 10

11 Q Or did you inquire? 11

12 A No. 12

13 Q And the medical record incident, as I 13  
14 understand it, you did not go to medical records. 14

15 A Right. 15

16 Q You paged him; he answered. 16

17 A Correct. 17

18 Q He came down; is that correct? 18

19 A Correct. 19

20 Q Subsequent to the call to -- who's the call 20  
21 to? 21

22 DR. MIYASHITA: Dale Surowitz. 22

23 BY DR. BROOKS: 23

24 Q -- the CEO, Dale Surowitz, were you privy to 24  
25 what that conversation was about? 25

1 A No.

2 Q You don't know.

3 THE HEARING OFFICER: Any other questions by  
4 the hearing committee?

5 Any questions by Dr. Wulfsberg or  
6 Dr. Mileikowsky?

7 DR. MILEIKOWSKY: One, yes.

8 Do you have one? I thought you were going to  
9 ask one.

10 THE HEARING OFFICER: No. Go ahead.

11

12 FURTHER RECROSS-EXAMINATION

13 BY DR. MILEIKOWSKY:

14 Q Do you know if anyone discussed with me what I  
15 copied? \*

16 A No.

17 Q Did you discuss anything with security after I  
18 left?

19 A No.

20 Q Did you discuss anything with admitting  
21 personnel after I left?

22 A No.

23 Q Did you discuss anything with Mr. Surowitz  
24 after I left?

25 A No.

1 Q Who did you discuss it with?

2 A Nobody.

3 Q Just in your supervisors group?

4 A I gave a report to the supervisor that came on.

5 Q You mean that night?

6 A Correct.

7 Q Okay. And that's the only person you  
8 communicated anything regarding that interaction between  
9 us?

10 A Yes. Until I was asked -- until I talked to  
11 Dr. Wulfsberg at a later date, much later date.

12 Q Can you tell us on or about when was the first  
13 time you spoke with Dr. Wulfsberg regarding --

14 A I don't remember.

15 Q A year ago?

16 A Well, it had to have been less than a year ago  
17 because this incident took place about a year ago.

18 Q Right. So six months ago?

19 A I don't recall.

20 Q Try to do an approximation; it doesn't have to  
21 be precise. Between three months and six months?  
22 Between six months and --

23 A I don't recall.

24 Q How many times did you meet with Dr. Wulfsberg?

25 A Once.

1	Q	Who else was with Dr. Wulfsberg when you met	1
2		him?	2
3	A	An attorney.	3
4	Q	Was it Anna Suda?	4
5	A	I don't know what her name is.	5
6	Q	A woman? A man?	6
7	A	Woman.	7
8	Q	Short, blond?	8
9	A	Yes.	9
10	Q	Short hair, nickname Annie?	10
11	A	I don't know.	11
12	Q	Was Debbie Miller with you?	12
13	A	I don't remember. She may have been. I don't	13
14		know.	14
15	Q	Have you ever met with Dr. Wulfsberg and	15
16		Ms. Anna Suda again?	16
17	A	Have I ever meet with Dr. Wulfsberg --	17
18	Q	And Anna Suda today that attorney again?	18
19	A	Yes.	19
20	Q	How many times since then? From the first time	20
21		to today, how many times have you met with Dr. Wulfsberg	21
22		regarding this incident?	22
23	A	Once.	23
24	Q	You have not met with Dr. Wulfsberg more than	24
25		once regarding --	25

1 A I met with him today.

2 Q This was the first time you met with  
3 Dr. Wulfsberg?

4 A No. This was the second time.

5 Q Okay. So that was the second time.

6 And you met on the second time with the same  
7 attorney present as the first time? Or was it a  
8 different attorney?

9 A Yes. Yes, same attorney.

10 Q Same attorney. And what was discussed?

11 A We just went over the exhibit.

12 Q 134?

13 A Yes.

14 Q Did you mention to them that there were some  
15 things that may not be accurate in that exhibit?

16 A No. Because the gist of the description is  
17 accurate.

18 Q To the best of your knowledge; correct?

19 A Correct.

20 Q You don't know if it's accurate if you don't  
21 know about it personally.

22 A Well, I know about the second part of this  
23 personally because this is my interaction with you.

24 Q Okay. But the only thing you know is what was  
25 your interactions and observations with me and nothing

1 else; correct?

2 A Correct.

3 THE HEARING OFFICER: Well, I'm going to object  
4 to that if Dr. Wulfsberg doesn't. Her testimony is  
5 clear as to what she knows or she doesn't know. It's  
6 clear that as to the first part of the exhibit, she  
7 wasn't present, but she has hearsay information about  
8 it, which she's testified to.

9 Any other questions?

10 DR. MILEIKOWSKY: No. She also testified in  
11 the second portion that certain things were not  
12 accurate.

13 THE HEARING OFFICER: Her testimony is what it  
14 is.

15 DR. MILEIKOWSKY: Right. Thank\*you very much.

16 THE HEARING OFFICER: Any other questions?

17 DR. WULFSBERG: No questions.

18 THE HEARING OFFICER: Thank you very much.  
19 You're excused.

20 DR. MILEIKOWSKY: Have a good night.

21 THE WITNESS: Thank you.

22 THE HEARING OFFICER: Let's go off the record,  
23 please.

24 (Recess from 7:57 p.m. to 8:12 p.m.)

25 (Ms. Jochen left the proceedings.)



1 Dr. Irani joined the proceedings.)

2 THE HEARING OFFICER: Let's go on the record,  
3 please.

4 Good evening, Dr. Irani.

5 DR. IRANI: Hi.

6 THE HEARING OFFICER: My name is Dan Willick.  
7 I'm the hearing officer. This is a hearing regarding  
8 Dr. Mileikowsky, who is to my right. Next to  
9 Dr. Mileikowsky is his advisor, Dr. Wiseman. To  
10 Dr. Wiseman's right is Dr. Wulfsberg, who represents the  
11 Medical Executive Committee. To the right of  
12 Dr. Wulfsberg is Ms. Debbie Miller, who's assisting him,  
13 and Layne Hastings, who is assisting him.

14 Seated around me are members of the hearing  
15 committee who are hearing this matter. Starting from my  
16 extreme left is Dr. Miyashita, Dr. Brooks, Dr. Ballin,  
17 Dr. Fleisher, Dr. Pleet, Dr. Persky, and Dr. Nassoura,

18 You are going to be placed under oath, and you  
19 will be questioned initially by Dr. Wulfsberg, then by  
20 Dr. Mileikowsky. And then after that there may be  
21 questioning by members of the hearing committee. On  
22 occasion I may interject questions as well.

23 I'd like the hearing -- I'd like the court  
24 reporter -- I almost got it right. I'd like the court  
25 reporter to place Dr. Irani under oath, please.