

ENCINO-TARZANA REGIONAL MEDICAL CENTER

JUDICIAL REVIEW HEARING

CERTIFIED COPY

In the Matter of)

GIL N. MILEIKOWSKY, M.D.)

VOLUME XI

(Pages 1215 - 1362)

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

Thursday, November 1, 2001

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

File No. 11-1-010



Crowley Reporting

Certified Shorthand Reporters
2420 West Carson Street • Suite 210
Torrance, California 90501
(310) 787-4096

I N D E X

(Procedural Matters contained in
separate Confidential Volume.)

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
-----------	--------	-------	----------	---------

FOR THE MEC				
-------------	--	--	--	--

Rebecca Perlow, M.D.	1221	1228	1261	1263
----------------------	------	------	------	------

			1280	1277
--	--	--	------	------

Examination by Dr. Pleet - page 1265

Examination by Dr. Brooks - page 1266

Examination by Dr. Persky - pages 1267, 1275, 1276

Examination by Dr. Miyashita - pages 1269, 1281

Examination by Dr. Nassoura - pages 1273, 1282

Examination by Dr. Fleisher - page 1274

Examination by Dr. Ballin - page 1275

Diane Levinson, R.N.	1284	1301	1352	1354
----------------------	------	------	------	------

Examination by Dr. Persky - pages 1341, 1350

Examination by Dr. Nassoura - page 1343

Examination by Dr. Brooks - pages 1345, 1359

Examination by Dr. Ballin - page 1347

Examination by Dr. Pleet - page 1349

1 THE HEARING OFFICER: -- and testify.

2 Let's take a 10-minute break.

3 (Recess from 8:03 p.m. to 8:29 p.m.)

4 (Dr. Perlow left the proceedings.)

5 (Ms. Levinson joined the proceedings.)

6 THE HEARING OFFICER: Good evening,

7 Ms. Levinson. My name is Dan Willick. I'm the hearing
8 officer. This is a hearing concerning Dr. Mileikowsky,
9 who is to my right.

10 Seated next to me are members of the hearing
11 committee; Dr. Brooks, Dr. Nassoura, Dr. Fleisher,
12 Dr. Pleet, Dr. Miyashita, Dr. Persky, and Dr. Ballin.
13 That's Dr. Wulfsberg in front of you, who represents the
14 Medical Executive Committee. To his left is Ms. Miller
15 and Mr. Hastings, who are assisting him. And
16 Dr. Wiseman, to Dr. Mileikowsky's immediate right, is
17 assisting him.

18 And I'm going to have the court reporter place
19 you under oath at this point, and you're going to be
20 asked some questions.

21

22

DIANE LEVINSON, R.N.,

23

called as a witness by and on behalf

24

of the MEC, having been duly sworn,

25

testified as follows:

1 THE HEARING OFFICER: Dr. Wulfsberg.

2

3 DIRECT EXAMINATION

4 BY DR. WULFSBERG:

5 Q Thank you for coming tonight.

6 Are you currently employed at this hospital?

7 A Yes.

8 Q How long?

9 A 28 years.

10 Q From the beginning?

11 A From the beginning.

12 DR. FLEISHER: How many years?

13 THE WITNESS: 28.

14 BY DR. WULFSBERG:

15 Q What is your current position?

16 A I'm a staff nurse in the newborn nursery.

17 Q How long have you been in the nursery?

18 A About 10 years.

19 Q Have you worked in any other areas of the
20 hospital?

21 A Yes.

22 Q What would they be?

23 A All maternal/child health.

24 Q All regarding maternal/child health?

25 A Right.

1 Q You don't recall one way or the other?

2 A No. The trays are standard, and on the
3 standard trays they have a Gomco clamp on each one of
4 them. Some use different clamps. That's the only
5 difference in the tray that they might ask for.

6 Q Okay. If they wanted something different, they
7 could just ask for it.

8 A Right.

9 Q And you would supply it for them from central
10 supply?

11 A Right.

12 Q Would Kim be familiar with the instruments on
13 that tray?

14 A I think she would be familiar with them.

15 Q Not so as to use them, but she would be
16 familiar with what would be on the tray?

17 A Right.

18 Q When you noticed the problem with the foreskin,
19 did you call Dr. Mileikowsky?

20 A I hadn't. He had already left the department.
21 It is our routine that we will call the obstetrician if
22 there was bleeding.

23 Q But you didn't see any bleeding --

24 A In this case, no. When I saw the circumcision
25 and that, there was no bleeding.

1 Q Generally speaking, after delivery,
2 circumcision, does the care then follow to the
3 pediatrician?

4 A For the circumcision itself?

5 Q For the baby.

6 A For the baby, yes.

7 Q For the care of the baby.

8 A Yes.

9 Q So it would be appropriate to call the
10 pediatrician?

11 A Yes.

12 Q Did you?

13 A Yes, I did.

14 Q Why did you do that?

15 A I called him because this baby was pending
16 discharge. And this was an unusual circumstance; the
17 circumcision was not normal. I did not want the baby to
18 go home without the pediatrician seeing it and examining
19 it in case he needed to have a consult with a urologist,
20 possibly.

21 Q Do you recall who the pediatrician was who saw
22 the baby?

23 A Yes. Dr. Irani, Glenn Irani.

24 Q Did he respond to your call?

25 A Oh, yes.

1 THE WITNESS: After the circumcision?

2 THE HEARING OFFICER: Yes.

3 THE WITNESS: Like I said, the skin on the
4 penis was gone down to the shaft to the bottom, to the
5 base.

6 DR. MILEIKOWSKY: I think it will go faster if
7 we just let the picture go in, rather than do what
8 Dr. Wulfsberg --

9 THE HEARING OFFICER: All right. If you have
10 no objection, then --

11 DR. MILEIKOWSKY: I have no objection, provided
12 that it is clear and understood that all the pictures
13 that were filed in court and provided to you and
14 Dr. Wulfsberg --

15 THE HEARING OFFICER: Wait. Wait. Wait.

16 DR. MILEIKOWSKY: -- taken by me are not
17 objected to by Dr. Wulfsberg.

18 THE HEARING OFFICER: These are pictures of the
19 same infant?

20 DR. MILEIKOWSKY: Only a few weeks later when
21 it was in my office.

22 DR. WULFSBERG: I have no objection.

23 DR. MILEIKOWSKY: No problem then.

24 THE HEARING OFFICER: Then his pictures will
25 also be admitted.

1 DR. MILEIKOWSKY: There will also be some
2 other pages, nurses' notes from the chart, that I will
3 ask to be entered into evidence.

4 THE HEARING OFFICER: Okay. Since the chart is
5 going around --

6 DR. MILEIKOWSKY: Sure.

7 THE HEARING OFFICER: -- I think that will be
8 permitted.

9
10 CROSS-EXAMINATION

11 BY DR. MILEIKOWSKY:

12 Q Ms. Levinson, how long do we know each other?

13 A You've been an obstetrician at the hospital.
14 How long? I don't know how many years. I've only met
15 you briefly a few times.

16 Q So would you estimate there have been 15 years,
17 10 years?

18 A I have been here for 28. When you were here
19 and when I -- you know, I don't know.

20 Q Was that evening the nursery was understaffed
21 or overstaffed or the staff normal compared to the load
22 of the patients?

23 A I don't recall what the census was and what the
24 ratio and how many nurses. It was me and Marylou, and
25 Kim was there to help.

1 Q How many nurses do you usually have?

2 A It depends on the census on how many babies.

3 Q So you basically have the flexibility to
4 increase the number of nurses or reduce the number of
5 nurses according to the number of babies?

6 A We notify the supervisor if we need another
7 nurse if our census increases.

8 Q Was there any reason to call a nurse from labor
9 and delivery to assist me for the circumcision?

10 A It was right before change of shift. If I
11 recall, I was involved in transferring a baby to NICU.
12 And so we had asked, and that, to have somebody to
13 come. I don't recall the specific circumstances that
14 night on Kim coming down to help.

15 Q Kim is the nurse from labor and delivery who
16 came down?

17 A She's a nursery nurse. And she occasionally
18 would float to labor and delivery.

19 Q She is a tall black lady?

20 A Yes.

21 Q Are you a member of the union of the nurses?

22 A Yes.

23 Q Is Kim a member of the union of the nurses?

24 A No.

25 Q You're sure?

1 A She's an LVN.

2 Q So?

3 A LVNs do not have a union here.

4 Q Now, do you know what rapport Kim and myself
5 have had over the years or interaction? Professionally,
6 I mean.

7 A No.

8 Q You wouldn't know if I would be kidding with
9 Ms. McCullough or not?

10 A No.

11 Q You wouldn't know if she would be teasing me,
12 for instance?

13 A No.

14 Q Going to Exhibit 128, is it in front of you?

15 A Is that what was open before?

16 MS. MILLER: Yes.

17 THE WITNESS: Yes.

18 BY DR. MILEIKOWSKY:

19 Q Who wrote it?

20 A This, I believe, was written by Leanne
21 Dickeson, the house supervisor. Or it could have been
22 Kim --

23 Q How would we know?

24 A -- McCullough.

25 Q Is there anything on that document that

1 Q Did you --

2 A I know I did.

3 Q I'm sorry.

4 But it's not anywhere in this exhibit; right?

5 A Incident reports are not part of the chart.

6 Q No. Of course. I'm not talking about the
7 chart. I'm talking about the exhibits that are
8 presented here, 128 and 129.

9 A This one.

10 Q So other than that -- correct me,
11 Dr. Wulfsberg -- there is no other report here;
12 correct? Not that we can see.

13 Did you attend any meeting of the union of the
14 nurses regarding their thoughts and feelings about me?

15 A No.

16 Q Did you participate in any vote regarding the
17 union of the nurses of Tarzana regarding any -- about
18 their feelings or thoughts about me?

19 A No.

20 Q Did you see any memo from the union that was
21 circulated to the members of the union, the nurses, at
22 Tarzana Hospital regarding myself?

23 A No.

24 Q Did you hear of any such positions taken by the
25 union nurses at this hospital regarding myself?

1 A No.

2 DR. WULFSBERG: I'd like to just object only on
3 the grounds there's no evidence that anything was
4 circulated to anybody, and there's no grounds for that
5 question; nor is there any possible way of determining
6 who that was, unless there's some evidence --

7 THE HEARING OFFICER: You mean is there
8 anything from the union?

9 DR. WULFSBERG: Circulated to the nursing
10 staff.

11 THE HEARING OFFICER: Well, there's no evidence
12 to that effect --

13 DR. MILEIKOWSKY: There was not a suggestion
14 there was anything.

15 THE HEARING OFFICER: I know. I'm -- continue
16 with your questions.

17 DR. MILEIKOWSKY: Thank you very much.

18 Q You said something that I'd like to
19 understand. If a pediatrician or anyone -- a surgeon or
20 an obstetrician -- after delivery has a patient that,
21 according to the nurse -- and that's why we have a
22 feedback between nurses and physicians so that we can
23 help each other in making sure we provide the top
24 possible quality of care.

25 Wouldn't it be more natural to call me, because

1 know.

2 Q And we have known each other for at least 10
3 years.

4 A I don't know you personally.

5 Q No.

6 A Acquaintance in the hallway, passing; that's
7 all.

8 Q I meant professionally.

9 Have you ever felt threatened by me over the
10 last 10 or so years?

11 A I have had very little contact with you --

12 Q So you didn't.

13 A -- in the hospital professionally. Yes.

14 Q So the answer is you have never felt threatened
15 by me.

16 A No.

17 Q Did you feel that you needed security to be
18 there to protect you from me?

19 A I was just going by what was instructed by the
20 supervisor.

21 Q Did you see the notice that was placed on
22 multiple bulletin boards in labor and delivery and
23 surgery and elsewhere written by Mr. Surowitz and,
24 actually, Ms. Miller on November 3? It was actually
25 Ms. Miller and Surowitz.