

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN
AND FOR ORANGE COUNTY, FLORIDA

CASE NUMBER: CIO-00-7265(32)

LAWRENCE M. DESTEFANO,

Plaintiff,

vs.

ADVENTIST HEALTH SYSTEM SUNBELT
HEALTHCARE CORPORATION, ADVENTIST
HEALTH SYSTEMS/SUNBELT, INC., SUNBELT
HEALTH CARE CENTERS, INC., ORLANDO
REGIONAL HEALTHCARE SYSTEM, INC.

Defendants.

Orlando, Florida

May 1, 2002

11:17 a.m.

VIDEO DEPOSITION OF:
JOHN HUGH STEELY, M.D.

APPEARANCES:

JOSEPH A. GLICK, ESQUIRE
Joseph A. Glick, P.A.
9703 South Dixie Highway
Second Floor
Miami, Florida 33156

and

BRADLEY CONWAY, ESQUIRE
Post Office Box 536759
Orlando, Florida 32853-6759

Appearing on behalf of the Plaintiff.

MASON H. GROWER, III, ESQUIRE
Grower, Ketcham, Rutherford,
Bronson, Eide & Telan, P.A.
390 North Orange Avenue
Suite 1900
Orlando, Florida 32801

Appearing on behalf of the Defendants,
Adventist Health System Sunbelt
Healthcare Corporation, Sunbelt
Health Care Centers, Inc. and
John Hugh Steely, M.D.

LAWRENCE J. TOWNSEND, ESQUIRE
Mateer & Harbert, P.A.
Post Office Box 2854
Orlando, Florida 32802

Appearing on behalf of the Defendants,
Adventist Health System/Sunbelt, Inc.
and Orlando Regional Healthcare
System, Inc.

ALSO PRESENT: Mickey Cohen, Videographer
Lawrence M. Destefano

I N D E X

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1 The video deposition of JOHN HUGH
2 STEELY, M.D., was taken on behalf of the
3 Plaintiff on Wednesday, May 2, 2002,
4 beginning at 11:17 a.m., at the Orange
5 County Courthouse, 435 North Orange Avenue,
6 Room 102-A, Orlando, Florida, before Dawn
7 R. Matter, Electronic Reporter and Notary
8 Public, State of Florida at Large.

9

10 THE VIDEOGRAPHER: On the record. The time
11 is 11:17. Today is May 1st, 2002, and this is the
12 videotaped deposition of Dr. John Steely taken by
13 the Plaintiff in the matter of Larry M. Destefano
14 versus Adventist Health System Sunbelt Healthcare
15 Corporation, Adventist Health System/Sunbelt,
16 Incorporated, Sunbelt Health Care Centers,
17 Incorporated, Orlando Regional Healthcare Systems,
18 Incorporated, Case Number CIO-007265-32 in the
19 Ninth Judicial Circuit Court in and for Orange
20 County, Florida, being held at the Orange County
21 Courthouse, 435 North Orange Avenue, Room 102-A,

22 Orlando, Florida.

23 The court reporter's name is Dawn Matter from

24 the firm of Marge Raeder Court Reporters,

25 Incorporated, Altamonte Springs, Florida. The

1 videotape specialist is Mickey Cohen from the firm
2 of Visual Impact Communications, Longwood,
3 Florida.

4 Will counsel please introduce themselves?

5 MR. GROWER: My name is Mason Grower. I
6 represent Florida Hospital and Dr. John Steely.

7 MR. TOWNSEND: Larry Townsend. I represent
8 Orlando Regional Medical Center.

9 MR. GLICK: Joseph Glick. I represent the
10 Plaintiff.

11 MR. CONWAY: Brad Conway, Co-Counsel for
12 Plaintiff, Larry Destefano.

13 THE VIDEOGRAPHER: Will the court reporter
14 please swear in the witness?

15 Whereupon,

16 JOHN HUGH STEELY, M.D.,
17 having been first duly sworn by the reporter, testified
18 as follows:

19 DIRECT EXAMINATION

20 BY MR. GLICK:

21 Q All right. Doctor, could you please tell us

22 your name and your address for the record, please?

23 A My name is John Hugh Steely. At the time

24 with my wife being pregnant, I'd just like to refer

25 that I live locally in Orlando.

1 Q Okay. And are you currently employed, sir?

2 A Yes, sir. With --

3 Q And --

4 A I'm at the -- I'm a third-year resident in
5 the final two months of my training at Florida Hospital
6 in Orlando.

7 Q And what are you specializing in?

8 A Family practice.

9 Q Where did you go to medical school?

10 A University of Louisville, or Louisville.

11 MR. GLICK: Off the record. Oh, we can do it
12 on. There was a t-shirt in Louisville I saw that
13 has about the 12 different ways --

14 THE WITNESS: The 12 different ways --

15 MR. GLICK: -- to pronounce Louisville.

16 BY MR. GLICK:

17 Q Where did you go to college?

18 A Cumberland College.

19 Q Where is that, Alabama?

20 A It's in Kentucky.

21 Q Kentucky.

22 A It's a small private Baptist college in my

23 hometown.

24 Q What's your date of birth?

25 A 3/28/71.

1 Q And your Social Security Number?

2 A 401-29-4789.

3 Q All right. And I assume -- have you been at
4 Florida Hospital for three years?

5 A Yes, sir.

6 Q Prior to coming here today, have you had an
7 opportunity to review any medical records?

8 A Regarding the case or --

9 Q Regarding this -- regarding this case.

10 A Not visually. I've had a couple of pieces of
11 paper that I've had some personal notes had been put
12 into our record regarding a phone call. But other than
13 that --

14 Q Okay. Do you have those personal notes with
15 you here today?

16 A Yes.

17 Q Okay. And have you used them to refresh your
18 recollection?

19 A Not really. It wasn't -- it was about an
20 incident after that, that didn't really need to refresh
21 with the current medical.

22 MR. GROWER: It deals with a conversation he
23 had with Plaintiff. I'm delighted to have him
24 share those with you.
25 .

1 BY MR. GLICK:

2 Q Okay. All right. Well, let me take a look
3 at those right now then.

4 A Okay. This -- we have an electronic medical
5 record so I just printed that out before. [Handing]

6 Q Okay. [Examining]

7 MR. GROWER: Here's another copy, Dr. Steely,
8 if you want to review that if he asks you
9 questions about it. [Handing]

10 THE WITNESS: Okay.

11 BY MR. GLICK:

12 Q Okay. Well, let me ask you, first of all,
13 when was this telephone call?

14 A It was -- I think the evening prior.

15 Q So it would be January 4th, 2000?

16 A Correct. Uh-huh.

17 Q All right.

18 A I wasn't in the office at the time when I
19 made the phone call so --

20 Q Okay. What I'm trying to understand is, it
21 says the reason for the call, 1/4/00 at 4:15.

22 A Um-hum.

23 Q Returned phone call. So, I mean, I'm trying

24 to understand it. Did Mr. Destefano call you and then

25 you returned his call?

1 A Yes. I'd actually -- he -- the hospital had
2 been contacted and Frances Wiegand had actually called
3 me asking me to give him a call regarding things and so
4 I made a call. I wasn't in the office at that time, so
5 I made the call roughly around that time and then the
6 next day when I was able to get the clinic, I just --
7 since we have an electronic medical record, I just
8 typed it into the record and I'm not an, obviously, a
9 very good typist, so there are a few mistakes, but that
10 was --

11 Q Okay.

12 A -- just --

13 Q Now, what would -- okay. It says -- who is
14 Charles Powell?

15 A He is the attending physician.

16 Q Okay.

17 A If I -- because I'm a resident, any records
18 that I input, notes, office visits, whatever, they have
19 to be co-signed by an attending physician and so he was
20 the attending physician that just put that in so --

21 Q Okay. And it says:

22 Comment: Noted, recommended that Dr. Steely
23 speak with John Amick, head of security here at
24 Florida Hospital, re this and where to proceed
25 next.

1 That's what Powell put in?

2 A Yes, sir.

3 Q Okay. Did you discuss this with Powell? I
4 assume you did.

5 A Uh-huh.

6 Q Okay. And what was -- I mean, do you
7 remember what Powell said when you -- when you told him
8 the nature of the conversation?

9 A The nature, hmm. No. Like I said, that's
10 just -- you know, that's why he advised me to just to
11 say, so I don't remember any remarks that he had made
12 so --

13 Q Okay. All right. It says:

14 Call received and contact: Larry Destefano
15 897-1110.

16 That would be his phone number, I guess.

17 A I think that was a work number for him.

18 Q Okay. Asked to call son in regards to
19 mother's investigation.

20 Do you recall at that time what the nature of
21 the investigation was?

22 A Frances Wiegand had said -- had just called
23 and asked me to call saying that Mr. Destefano was --
24 had some questions regarding an investigating --
25 investigation regarding his mother.

1 Q Okay.

2 A And that was --

3 Q Okay. Because Mrs. Destefano was in Florida
4 Hospital in September of 1999.

5 A Correct.

6 Q So now we're about three -- three -- a little
7 over three months later.

8 A Exactly.

9 Q From the time she left Florida Hospital in
10 September of '99 till this point in time, did anything
11 come up regarding Mrs. Destefano or Mr. Destefano?

12 A Not to me personally, no.

13 Q Okay. All right. Then you spoke to Mr.

14 Destefano and said:

15 Mr. Destefano sounded very disgruntled and
16 threatening.

17 A Um-hum.

18 Q Stated would, quote, get ugly with me and I
19 would not like it.

20 A Right.

21 Q Okay. He used those words?

22 A Those words; uh-huh.

23 Q Also stated would picket the clinic. Do you

24 know which clinic he's referring to?

25 A Our clinic, the Family House Center Clinic.

1 It's located right across from the hospital.

2 Q Okay. Is that Sunbelt or is that something
3 different?

4 A No. This is something different. It's in
5 the -- there's a Walt Disney Cancer Institute building
6 which is parallel to the hospital --

7 Q Um-hum.

8 A -- and our clinic is -- occupies the second
9 floor of that building, so it's called the Family
10 Health Center Clinic so --

11 Q Okay. Saying: Also stated would picket the
12 clinic saying Dr. Steely stated I placed my knee
13 in my mother's back and dragged her down the
14 hallway and get me fired.

15 So he was saying that you had said that --
16 you had told somebody that he had placed his knee in
17 his mother's back and had dragged her down the hallway.

18 MR. GROWER: Form.

19 BY MR. GLICK:

20 Q Is that -- is that what --

21 A Well, that's --

22 Q -- this is saying?

23 A -- what he said that he would put on the

24 picket sign.

25 Q Oh, okay.

1 A That I did that, that I said. That's what he
2 said.

3 Q Okay. Do you ever recall, in fact, saying
4 that, that you -- that he had placed his knee in his
5 mother's back and dragged her down the hallway?

6 A That I said that?

7 Q Yeah.

8 A No.

9 Q You've never said that.

10 A I've never said that.

11 Q Okay. All right. And -- [examining]. And
12 -- oh, he said he was going to get you fired --

13 A Um-hum.

14 Q -- basically for saying that, I guess. Is
15 that right?

16 MR. GROWER: Form.

17 THE WITNESS: That, yes, and he would get me
18 fired.

19 MR. GLICK: Right.

20 THE WITNESS: So -- if I didn't help him do
21 the investigation.

22 BY MR. GLICK:

23 Q Okay. He said he was able to get the nursing
24 director at Sunbelt fired and he was sure he would
25 get me fired as well.

1 Do you remember who the nursing director at
2 Sunbelt was at that time?

3 A No.

4 Q Okay. How much contact do you have with
5 Sunbelt or at that time in September of '99?

6 A None. None whatsoever. We -- [telephone
7 ringing] -- sorry. I'll call that later.

8 The residents, once you become a second or
9 third-year resident, you actually have patients that
10 you follow at Sunbelt --

11 Q Um-hum.

12 A -- so -- but as an intern, I'm predominantly
13 90 percent just in the hospital, just doing hospital
14 care. Occasionally I'm in the clinic as a first-year,
15 according to the requirements set forth by the American
16 Academy. So -- but I didn't have any contact.

17 I didn't know anybody in Sunbelt and by the
18 time I think I got over there, it was the second year,
19 I think, everybody -- it's such a high turnover there
20 anyway, I don't think anybody that I knew over there
21 anyway so --

22 Q Okay. Said that: I was to investigate and
23 give him the name of the nurse who reported the
24 above insult. He had tried once before and was
25 unable and now it was my turn to fucking turn to

1 investigate and he was not going to do it for me.

2 I'm just trying to understand what is meant
3 -- what you interpreted he meant by this and -- but
4 basically is he -- did you interpret this to mean that
5 he was trying to find out the name of the nurse who
6 reported that and he had tried and now he couldn't find
7 out, so now it's your turn to find out?

8 A I guess. I was -- when I first called him,
9 it was a very cordial introduction and then I think he
10 got, you know, the frustration or whatever kind of set
11 in and then he just became very angry so I really
12 didn't know what to make of it. I didn't know about
13 any investigation at that time that was going on.

14 I -- so I later heard about all these
15 accusations, but at that time I was, like --

16 Q Um-hum.

17 A -- I was, like, I was asking, why do I need
18 to call him anyway because I think his mother had
19 expired at that time so --

20 Q Um-hum.

21 A -- they just asked me to give him a call to

22 find out --

23 Q Um-hum.

24 A -- what his concerns were so that's what I

25 would do initially and then that's -- this is how the

1 conversation kind of ended and --

2 Q What accusations had you heard?

3 A At the time I -- some kind of sexual

4 accusations, I think, that he had performed oral sex on

5 her and --

6 Q Well, other than he performed oral sex on

7 her, what other sexual accusations did you hear?

8 A That's the only one that I -- that I was

9 parley to, that I think -- I don't remember exactly who

10 told me this, but this was after, I guess, four or five

11 months that they had said something was going on, that

12 there was a case going on and the thing was is that he

13 was accused of performing some kind of oral sex on his

14 mother over at the Sunbelt Nursing Home, I think, or I

15 don't remember all of it.

16 Q Do you -- do you recall who it was that told

17 you that there was allegations that he had performed

18 oral sex on her?

19 A I -- I just think I had heard it just in

20 passing in the clinic really, in our clinic and the

21 doctors' area that we have so -- it's a -- that's a

22 secured area so --

23 Q Okay. So it would have been a -- is it -- am

24 I being presumptuous in saying that it was a doctor who

25 told you that?

1 A Yes. It was -- I'm pretty sure it was a
2 doctor because there -- we were in a doctors' area, so
3 the only people in there are doctors.

4 Q All right. Remember anything else that -- do
5 you remember if it was a male doctor or a female
6 doctor?

7 A I can't say 100 percent. I'm not really
8 sure. I don't know if it was Dr. Black that may have
9 told that to me or -- I can't really remember that so
10 it's --

11 Q Okay.

12 A -- been over two years ago.

13 Q Now, and when would this have been that this
14 -- that either Dr. Black or some other doctor would
15 have said that?

16 A It may have been right -- I think it might --
17 right around the same time frame or something, I think.
18 I may have been discussing it with Dr. Powell, I'm not
19 really sure, and that's when I first heard about it
20 so --

21 Q You mean, talking about January 2000 or

22 September '99; when she was in the hospital or when you

23 wrote this memo?

24 A Oh, it was way after that, after -- yeah, in

25 January so --

1 Q Okay.

2 A Yeah.

3 MR. DESTEFANO: Excuse me. I'd like to
4 recess here for a second, please. Joe, I really
5 want to recess here for a second.

6 MR. GROWER: You don't have the right to
7 recess this.

8 MR. GLICK: Okay.

9 MR. DESTEFANO: Can I take a two-minute
10 break?

11 MR. GLICK: Yeah. He wants to ask me a
12 question, so I'll stop -- let me just -- let's go
13 off the record for a couple seconds and find out
14 what --

15 MR. DESTEFANO: Just take 30 seconds.

16 THE VIDEOGRAPHER: Off the record, 11:32.

17 [Whereupon, a discussion was had off the
18 record, after which the following transpired:]

19 MR. GROWER: All right. Before we go any
20 further, let me point out on the record that that
21 was Mr. Destefano --

22 THE VIDEOGRAPHER: Let -- let me get us back

23 on.

24 MR. GROWER: Yeah.

25 THE VIDEOGRAPHER: On the record, 11:33.

1 MR. GROWER: Thank you. This is Mason Grower
2 and let me point out on the record that the person
3 who stopped the deposition just then was Mr.
4 Destefano who is here in the room and it was his
5 voice that is on the tape. Thank you.

6 BY MR. GLICK:

7 Q Other than the one doctor who said that there
8 was an allegation that oral sex had been performed by
9 Mr. Destefano on his mother, did any other doctors or
10 nurses or any other personnel that you know of tell you
11 that?

12 A No, sir.

13 Q Okay. All right. And then the memo
14 concludes by saying:

15 In response, I said I would try to
16 investigate it further and be of more assistance,
17 but I do not remember the name of the nurse who
18 told this to me.

19 Okay. Okay. Now, at the end there you said:
20 I do not remember the name of the nurse who told
21 this to me.

- 22 Tell me what you're referring to there.
- 23 A In the statement with the knee in the back --
- 24 Q Yeah.
- 25 A -- and the dragging, the report was from a

1 nurse that had been in contact and care of Carolina
2 Destefano and he wanted the name of the nurse that had
3 initially reported the incident to me.

4 Q Okay.

5 A And I couldn't remember who she was.

6 Q Okay.

7 A I vaguely remember what she looks like, so
8 I'm sure she's -- I don't know if she's still employed
9 at the hospital or not so --

10 Q Okay. Okay. Tell me vaguely if you recall
11 now what she looks like.

12 A Middle-aged, I think. Red-headed and she
13 had, I think, short hair.

14 Q And she was a Florida Hospital nurse as
15 opposed to a Sunbelt nurse.

16 A Yes, sir. Florida Hospital.

17 Q Okay. All right. So this middle-aged, red-
18 headed nurse from Florida Hospital had reported to you
19 that Mr. Destefano had kneed his mother in the back and
20 had drug her down the hallway.

21 A Yeah. I think what happened was in the

22 chart, the discussion was that she had witnessed him --
23 he had been providing total care for his mother for, I
24 think, eight months or something like that by the time
25 they had actually come and he had been the sole care

1 provider and what she stated was that, you know, in
2 trying to get her to sit up, he actually used his --
3 her knee -- his knee as a brace just to get her to sit
4 up and then trying to get her to walk, to get her
5 walking better. I think he was trying to drag her.

6 I think it was just an overzealous son who
7 was just trying -- didn't -- just didn't have proper
8 training or --

9 Q Um-hum.

10 A -- technical work on how to care for the
11 patient. Am I speaking loud enough?

12 Q Yeah.

13 A Okay. And that's what the statement was
14 so --

15 Q Okay. That is something that you never
16 witnessed, though.

17 A I never witnessed it.

18 Q Okay. And did you -- did you at any time
19 interpret what the nurse said to be abuse of Mrs.
20 Destefano?

21 A No. I just -- like I said, if I thought

22 there was any kind of incidents of abuse during the
23 initial administration or during the hospitalization, I
24 would have consulted the Department of Children &
25 Families.

1 But I just thought that he was a son who was
2 just kind of overzealous in her care and so I just had
3 the nursing staff to instruct him first --

4 Q Um-hum.

5 A -- or assist and observe him in his care of
6 his mother. I just -- my thought was, I didn't suspect
7 any kind of abuse at the time. I just thought that he
8 was -- hadn't really had any proper techniques, what
9 limitations were that we were trying to get or an
10 understanding at that time of her [sic] mother's
11 condition, what we were trying to get her to do so --

12 Q Okay. And you -- am I correct in saying that
13 you didn't suspect any abuse until the statement in the
14 clinic about the oral sex?

15 MR. GROWER: Form.

16 THE WITNESS: Yeah. I -- I never -- I didn't
17 ever really knew about any kind of abuse until I'd
18 heard the accusation that there had been some, you
19 know, questions of some inappropriate behavior.

20 BY MR. GLICK:

21 Q Okay. And we're talking about the -- and

22 that -- the first time you heard that was in the
23 clinic?

24 A Yeah. I think so. Yes, sir.

25 Q Okay. And that would have been around

1 January 2000.

2 A Yes. This was months after -- after her
3 hospitalization and discharge from my care.

4 MR. GLICK: Okay. All right. Let's go ahead
5 and mark this as Exhibit Number 1 to Dr. Steely's
6 deposition. [Handing]

7 [Whereupon, the document referred to was
8 marked for identification as Plaintiff's Exhibit
9 Number 1.]

10 MR. GROWER: I'll leave that right there.

11 THE WITNESS: Okay.

12 BY MR. GLICK:

13 Q Now, Doctor, did you ever -- this statement
14 by the nurse --

15 A Um-hum.

16 Q -- the red-headed nurse, did you note that in
17 the records at any point?

18 A I believe I did.

19 Q Okay. And other than noting it in the
20 records, did you inform anybody of that?

21 A I -- during the hospitalization -- I'm an

22 intern -- I was an intern during that time so basically
23 I was part of a team which consisted of another intern,
24 our senior resident, who at the time was Dr. Black, and
25 my attending physician, who I think was Dr. Manouch

1 Manoucheri.

2 Q Okay.

3 A So it was just on rounds. We have morning
4 rounds where the discussion of the hospital care, how
5 the patient's progressing and what had been mentioned
6 or what, you know, anything that may have happened or
7 of concern and that's when I -- I brought it up in a
8 discussion on the medical record as part of the
9 rounding team.

10 Q Okay. So other than telling that to the
11 rounding team, would you have told it to anybody else?

12 A No. That would violate patient
13 confidentiality so --

14 Q Okay.

15 A They were all doctors directly in her care
16 so --

17 Q All right. Other than Exhibit 1, which we
18 have here, have you reviewed your chart from -- from
19 Carolina Destefano's admission?

20 A No, sir.

21 Q Okay. And have you discussed this case with

22 anybody -- with anybody? Let me ask you that first.

23 A Just briefly with my attorney so --

24 Q Okay. Have you discussed at all -- and this

25 is a yes or no answer --

1 A Okay.

2 Q I don't want you to violate any privileges
3 that Mr. Grower might object to.

4 Have you discussed this case at all with
5 anybody from Risk Management at the hospital?

6 A Yes.

7 Q Okay. And who from Risk Management did you
8 discuss it with?

9 A I already stated with Frances Wiegand, I
10 think, and then John Amick, who I guess he's considered
11 Risk Management and Security.

12 Q Okay. When did you discuss the case with
13 them?

14 MR. GROWER: That's all we're going to do on
15 that.

16 MR. GLICK: Are you going to object and
17 instruct him not to answer --

18 MR. GROWER: Sure.

19 MR. GLICK: -- any further?

20 MR. GROWER: Sure.

21 BY MR. GLICK:

22 Q Okay. All right. Okay. Anybody else you
23 discussed the case with other than Mr. Grower, Risk
24 Management, John Amick of Security? You know, you
25 talked about the rounding team. You talked about the

1 one doctor at the -- at the clinic who talked about the
2 oral sex. Anybody else?

3 A At the time the county practice director,
4 Richard Milholm, who's since retired, it was regarding
5 after the threats I'd talked over with Dr. Powell and
6 he has directed me to Dr. Milholm, the director of the
7 county practice residency.

8 Q What did you tell Dr. Milholm?

9 A Just about the threats and that I had taken
10 care of this -- of his mother initially and that we had
11 this phone conversation and Dr. Powell advised me to go
12 to Dr. Amick and just -- or Dr. Milholm since he was
13 the program director to report it.

14 Q Uh-hum. And did Dr. Milholm give you any
15 advice on that?

16 A No. He -- I think he just agreed with Dr.
17 Powell to see John Amick.

18 Q Okay. All right. While Carolina Destefano
19 was a patient at -- well, let me ask you this: Do you
20 remember Mrs. Destefano?

21 A Yes. I -- I think so. I mean, it was an

22 interesting case. I'd only been a doctor roughly two

23 months so --

24 Q All right. And while she was at -- I think

25 she was at Florida Hospital for about a week or so?

1 A Yes, sir.

2 Q During that time you examined her?

3 A Uh-huh.

4 Q And do you recall if you found while she was
5 a patient at Florida Hospital any evidence of rectal
6 bleeding?

7 MR. GROWER: If you want to look at the
8 chart, you don't have to do this from memory.

9 MR. GLICK: Right. That's true.

10 THE WITNESS: Yeah. If I could take a moment
11 to look at the chart.

12 MR. GLICK: Sure.

13 MR. GROWER: Yeah. Let me just take out --
14 we can just leave that there. That's got nothing
15 to do with the chart. Let me put this in front of
16 you. [Handing]

17 THE WITNESS: Okay.

18 MR. GROWER: The progress notes and orders
19 are there.

20 THE WITNESS: The H & P form is what
21 I had --

22 MR. TOWNSEND: Actually, it should be the
23 first thing that's marked here -- here in white at
24 the top.

25 THE WITNESS: Okay.

1 MR. GLICK: Is this her admission back
2 from --

3 MR. TOWNSEND: This would be the initial
4 admission to Florida Hospital prior to being
5 transferred to Sunbelt? Joe?

6 MR. GLICK: Yes. The initial admission;
7 right.

8 MR. TOWNSEND: Before Sunbelt.

9 MR. GLICK: Before Sunbelt; right.

10 THE WITNESS: Before Sunbelt; yes, sir.

11 [Examining] Okay. Do you want me to just
12 read from the -- what my examination of her --
13 rectal examination at that time was?

14 MR. GLICK: Yeah. That would be fine.

15 THE WITNESS: Okay. There is hard stool in
16 the rectal vault, heme negative. There are
17 Grade 2 decubitus ulcers on each side of the
18 anus measuring approximately two to three
19 centimeters.

20 BY MR. GLICK:

21 Q Okay. Does that mean that you didn't find

22 any rectal bleeding?

23 A At the time I didn't find any bleeding from

24 the stool vault; no.

25 Q Okay.

1 A Yes, sir. No, sir.

2 Q Do you remember if at any time during her
3 admission before she went to Sunbelt whether there was
4 any -- any finding of rectal bleeding?

5 A Do you mind if I can just read it --

6 Q No. Sure. You can -- you can take as much
7 time as you want and I'm sure you -- you know where to
8 look for those things much quicker than I do.

9 A [Examining] No, sir. I don't see any
10 evidence where we ever reported any rectal bleeding.

11 Q Now, let's go back to that -- the initial
12 portion that you read.

13 A The history and physical?

14 Q Yeah.

15 A Okay.

16 Q Um-hum. And just the -- just the GI part.

17 A Do you want the rectal part or the --

18 Q Yes.

19 A -- the gastrointestinal?

20 Q I'm sorry. The rectal part.

21 A Okay. There is hard stool in the rectal

22 vault, heme negative. There are Grade 2 decubitus
23 ulcers on each side of the anus measuring
24 approximately two to three centimeters.
25 Q Okay. So the -- the heme being negative,

1 that's the hemecult test?

2 A Yes, sir. It's where we actually have --
3 actually after doing a digital rectal examination, I'll
4 obtain some stool on my glove finger, plat it on a card
5 that has a developer to see if there's any blood in
6 that. That would look for what we'd call a cult blood
7 that may be from the upper parts of the
8 gastrointestinal tract --

9 Q Okay.

10 A -- that accumulate in the stool. So not
11 necessarily from the anal ring itself or
12 hemorrhoids --

13 Q Okay.

14 A -- as well.

15 Q But -- and that was negative?

16 A The heme -- yes, sir, the heme from her stool
17 was negative.

18 Q And did you find any evidence of hemorrhoids?

19 A I didn't document any, so I don't -- I don't
20 really remember.

21 Q Okay. And as far as -- you said hard stool

22 in the rectal vault?

23 A Yes, sir.

24 Q Okay. Did you -- did you or anybody from

25 Florida Hospital, any of the staff have to disimpact

1 Mrs. Destefano while she was a patient at Florida
2 Hospital during that week?

3 A I think during the initial history and
4 physical I did some disimpaction, but I don't know if
5 the -- I don't remember it happened after that.

6 Q Okay. Would that be in --

7 A I didn't see it in the progress note where
8 disimpaction was done; no, sir.

9 Q Okay. So there would have been some
10 disimpaction done upon admission, but after that point
11 in time, to the best of your recollection --

12 A The best of my recollection --

13 Q -- there would not have been?

14 A Yeah. Because we put her on some stool
15 softeners and as well as a bowel stimulant to help her
16 go to the bathroom.

17 Q Okay. Was she able to do that?

18 A I believe so.

19 Q Okay.

20 A Let me check really quickly in here.

21 Q Okay.

22 A [Examining] Oh, there it is. Yes, sir. She
23 had one stool on the 16th and then again -- there's no
24 other further documentation.

25 MR. GROWER: I'm sorry. You're -- you sort

1 of --

2 THE WITNESS: I'm sorry.

3 MR. GLICK: Tailed off a little bit.

4 THE WITNESS: Oh, I'm sorry. There was --
5 according to the records here that was kept, there
6 was one stool on the 16th.

7 MR. GROWER: September 16th?

8 THE WITNESS: Yes, sir.

9 BY MR. GLICK:

10 Q While Mrs. Destefano was a patient at Florida
11 Hospital or at any time, have you ever visually
12 observed any inappropriate conduct by Mr. Destefano
13 upon his mother?

14 A No, sir.

15 Q And other than the -- we talked about the
16 oral sex, which would obviously be classified as
17 inappropriate conduct that Dr. Black -- or not
18 necessarily Dr. Black, but some doctor told you about
19 and the nurse telling you that he put his knee to prop
20 her up and then dragged her down the hallway.

21 Have you been told of any other inappropriate

22 conduct by Mr. Destefano upon his mother?

23 A Have I been told?

24 Q Yeah.

25 A No.

1 Q Okay. All right. [Pause] Did the -- when
2 that nurse told you that, did she say anything about
3 when he was dragging her down the hall that the
4 dressing had come off her wounds?

5 A I can't recall completely. May have.

6 Q Okay. And Dr. Black was part of this
7 rounding team; right?

8 A Yes, sir. He was the --

9 Q Okay.

10 A -- chief -- the resident chief of the
11 rounding team at the time.

12 Q Have you -- do you know who Rachel Bean is?

13 A No, sir.

14 Q Okay. I want you to assume that back in
15 September of 1999 Rachel Bean was the director of
16 nursing at Sunbelt.

17 A Okay.

18 Q Do you remember having any conversations with
19 Rachel Bean regarding Mr. Destefano or his mother?

20 A No, sir.

21 Q Do -- do you know a Mary Thornton?

22 A No, sir.

23 Q Okay. She was one of the -- what was Ms.

24 Thornton's title?

25 MR. TOWNSEND: Nurse manager.

1 BY MR. GLICK:

2 Q Nurse manager at Sunbelt. Do you remember
3 ever having any conversations with her?

4 A No, sir.

5 Q Do you know who Charles Sherer is?

6 A No, sir.

7 Q Okay. He's the administrator at Sunbelt. Do
8 you remember any conversations with him?

9 A No, sir.

10 Q Do you remember talking with anybody at
11 Sunbelt about Mr. Destefano or his mother?

12 A No, sir.

13 Q Do you know if Dr. Black passed on to anybody
14 at Sunbelt the statement about Mr. Destefano using his
15 knee to prop up his mother and then dragged her down
16 the hallway?

17 A I'm not aware of anything; no, sir.

18 Q Did Dr. Black ever tell you that he had
19 reported that to Sunbelt or had discussed that with
20 anybody at Sunbelt?

21 A No, sir.

22 Q I mean, was -- did you ever ask Dr. Black if
23 he -- if he did, in fact, discuss that with anybody at
24 Sunbelt?

25 A No, sir.

1 Q Okay. Is Dr. Black still at Florida
2 Hospital?

3 A No, sir.

4 Q Where is he these days?

5 A He graduated. I think he's northeast
6 somewhere, Pennsylvania or somewhere like that. I'm
7 not sure.

8 Q Okay. Okay. Let's -- I want to take a look
9 at some of the records that were -- that have been
10 identified in earlier depositions and -- [examining].
11 Okay. We talked about that.

12 The -- when we talked earlier about in the
13 rectal exam, the decubitus ulcers, the Grade 2 --

14 A Um-hum.

15 Q -- decubitus ulcers on each side of the
16 anus --

17 A Um-hum.

18 Q -- were they bleeding at all?

19 A I don't think so. Typically decubitus
20 ulcers, they may ooze.

21 Q Um-hum.

22 A If there's acute damage to it, they could
23 bleed, but I don't think they were bleeding at the
24 time; no, sir.

25 Q Okay. Okay. I want to ask you about what

1 has been marked as Exhibit Number 8 in Mr. Destefano's
2 deposition, if I can find that. [Examining] Oh, here
3 we go.

4 This was Exhibit 8 to Mr. Destefano's
5 deposition. I -- I believe it's in the Florida
6 Hospital chart. It's a -- it's a letter, to whom it
7 may concern, re: Carolina Destefano dated September
8 22nd, 1999, written by you. [Indicating]

9 A Um-hum.

10 Q Or it appeared -- probably written by you.

11 A Okay.

12 Q Would that be in the chart?

13 A Yes, sir. It's a weekend note. Because of
14 the weekend staff was taking over and I would be off
15 service, I wrote a note.

16 Q Okay.

17 A It's right -- I actually saw it. It's right
18 here.

19 Q Okay. I see. You have it handwritten. I
20 have a typed copy. Do you know why that is?

21 A Well, is that the same? Oh, wait. I'm

22 sorry. Can I see that again?

23 Q Yeah. Sure. [Indicating]

24 A Oh, yeah. Okay. [Examining] Okay. All

25 right. Yes, sir.

1 Q Okay. Would that be part of the Florida
2 Hospital chart?

3 A I'm not sure.

4 Q Okay. All right. And it says:

5 I first came into contact with Mrs. Destefano
6 and her son on her admission to Florida Hospital
7 on September the --

8 MR. GROWER: That's a bad copy, but you can
9 -- [handing].

10 THE WITNESS: Okay. Thank you.

11 BY MR. GLICK:

12 Q -- on September 15th, 1999.

13 A Um-hum.

14 Q And it said: Her son had several questions
15 regarding quality of life, prognosis and treatment
16 for Alzheimer's Disease, power of attorney and
17 euthanasia. We discussed these matters to
18 satisfaction at the time.

19 And mine's a bad copy, too, so I'm trying
20 to --

21 A Okay.

22 Q You -- if you -- you can correct me if you

23 think that any of this is -- that I'm saying is not

24 what's written here.

25 A Okay.

1 Q I informed the son that euthanasia is illegal
2 in the State of Florida.

3 Did -- let me ask you, first of all, what was
4 the purpose of writing this statement by you?

5 A I think I was asked to write it by Risk
6 Management.

7 Q Okay. All right. Now, this is on -- did you
8 write this on September 22nd, 1999?

9 A I don't recall, sir.

10 Q Okay. What is the date at the -- when is
11 this dated?

12 A I can't see the first three letters.

13 Q Okay. Look -- [indicating].

14 A It looks like it could be September twenty --
15 well, I can't really tell -- I guess 22nd maybe.

16 Q Okay. Do you -- is there a fax on the top of
17 it, a fax date on the top of yours?

18 A No, sir.

19 Q Okay. All right. Do you remember who it was
20 at Risk Management that contacted you to write this?

21 A No, sir.

22 Q All right. We discussed these -- did you get
23 the impression when you spoke with Mr. Destefano that
24 he wanted his mother to be euthanized?

25 A At which time?

1 Q Well, you say: I first came into Ms.
2 Destefano and her son on her admission to Florida
3 Hospital --

4 A Right.

5 Q -- on September 15th and her son had several
6 questions regarding -- one of them being
7 euthanasia.

8 A Right.

9 Q Did you get the impression that Mr. Destefano
10 wanted his mother to be euthanized?

11 A I don't recall. I don't think so. I know
12 that Mr. Destefano had been very concerned about his
13 mother. He had not been in contact with her for
14 several years prior to him obtaining care from Arizona
15 so I think he was very concerned. I think he'd had
16 maybe -- I believe he reported he had an out-falling
17 with his mother while she was still mentally
18 competent --

19 Q Um-hum.

20 A -- and had never been able to really make any
21 kind of reconciliation prior to that -- to her dementia

22 really setting in so --

23 Q Okay.

24 A So that's what was -- there was several

25 questions that we talked about and I had a very genuine

1 interest that Mr. Destefano truly cared for his mother
2 and was very concerned and was a little bit depressed
3 about the whole situation about not being able to get
4 on his mother's good graces when she was still fully
5 mentally competent, and now that she had regressed in
6 her condition, he pretty much took it upon himself to
7 try to do the best for her and I think kept a bedside
8 vigil for the first two days until I assured him in a
9 note that he could actually go out and find housing.

10 Because I think when he came in with his
11 girlfriend, they had just basically gotten off the
12 airplane and came to the hospital so --

13 Q All right. And then it says: His major
14 focus issued [sic] on the quality of life for his
15 mother as an Alzheimer's patient and wanted to
16 follow her Living Will. I ordered that Hospice be
17 involved as well as the chaplain service in this
18 discussion.

19 Was -- does that mean that the Hospice and
20 the chaplain service were -- were with you when you
21 discussed this with -- with him?

22 A No. We had -- I had discussed with his case
23 about the poor prognosis of his mother and that she
24 probably would have less than six months to live and
25 advised that if he wanted to bring her home, that we

1 should have Hospice involved so that they could set up
2 home care in the home as part of their care and also
3 had the chaplain service to come by and see him for any
4 kind of questions that he had.

5 Q Okay. As part of the Hospice evaluation,
6 wound care specialist examined and began caring
7 for two perianal and left heel decubitus ulcers.
8 Mr. Destefano wanted to make it explicitly clear
9 that she had already developed these lesions while
10 in the care of the State of Arizona.

11 Do you recall what Mr. Destefano said
12 regarding that?

13 A Like I said, when I -- I think when I
14 initially questioned him, he had not had care for her
15 for a while until she was a ward of the State of
16 Arizona when he had finally gotten custody and was
17 really concerned about her care because she had this
18 decubitus ulcers that he suspected were where she had
19 not been rotated in a bed during her nursing home care
20 so -- yeah.

21 Q And he told you that during the eight months

22 he cared for her in Arizona, he did everything in his
23 power to make these ulcers heal and he asked you to
24 write it in the chart so that no one would be
25 suspicious of him abusing her.

1 A Okay.

2 Q Is that -- do you recall -- that's what you
3 wrote here.

4 A That's what I wrote so --

5 Q Do you recall him saying that?

6 A No, sir. I don't.

7 Q Okay. And then over the next two days Mr. --
8 Ms. Destefano's condition improved.

9 A Um-hum.

10 Q You ensured Mr. Destefano he could leave to
11 find housing for them and then, it says:

12 Several of the nursing staff reported that
13 Mr. Destefano was -- and I can't read that after
14 was.

15 Can you make that out in your copy?

16 A What line are you on?

17 Q The second paragraph, the second line.

18 A Okay.

19 Q It says: Several of the nursing staff
20 reported --

21 A Was interfering with his mother's care, I

22 think.

23 Q Okay.

24 A And the care that seemed inappropriate. They

25 could not say it was --

1 MR. GROWER: You need to speak up. I'm
2 sorry. You're dropping again.

3 THE WITNESS: I'm sorry. I'm sorry. Mr.
4 Destefano was interfering with his mother's care
5 and the care he provided seemed inappropriate.
6 They could not say that it was, something, abuse
7 but perhaps the son did not know, nevertheless
8 wrote an order that the son not to participate in
9 the care unless directed and educated by nursing
10 in physical therapy.

11 BY MR. GLICK:

12 Q All right. Then it says: Some examples
13 reported that he would place his knee --

14 A In his [sic] back.

15 Q Okay. We talked about that.

16 A Yes, sir.

17 Q And pull her arms upward so she would stand.

18 A Exactly. As the bracing part that we're
19 talking about, the knee in the back and then the arms
20 so she would sit up and --

21 Q Okay. And that was that one nurse that told

22 you that?

23 A I believe so; yes, sir.

24 Q Now, you continuously --

25 A Continuously --

1 Q What does that say after that?

2 A Food in her mouth until she began to gag so
3 she would reflexively swallow.

4 Q Okay. Did you ever witness that?

5 A No, sir. I didn't.

6 Q Do you recall who told you that?

7 A I don't recall; no, sir.

8 Q Would it have been the same nurse that told
9 you about the -- the putting the knee in the back?

10 A It potentially could have been so --

11 Q Okay. And would -- okay, then, and would
12 literally drag his mother for a walk until she
13 became exhausted and the heel ulcer began to
14 bleed.

15 A Right.

16 Q Do you remember the nurse telling you that,
17 that the heel ulcer would begin to bleed after these --

18 A I believe so; yes, sir.

19 Q And would that be the same nurse that we're
20 talking about, the red-headed, middle-aged nurse?

21 A I can't say for sure, but I believe so.

22 Q Okay. And then you said: I cannot in
23 good -- probably conscience or -- I could not in
24 good something state that Mr. Destefano abuses his
25 mother.

1 A Uh-huh.

2 Q However, in my dealings with him in regarding
3 care and something -- do you know what that word is
4 after and, regarding care and --

5 A No, sir. Condition, attention. I'm not
6 sure.

7 Q -- Mr. Destefano appeared angry and
8 defensive.

9 A Yes, sir.

10 Q Okay. Tell me why you wrote that he appeared
11 to be angry and defensive. What do you remember him
12 saying or doing that made you write that?

13 A I think -- it's difficult to recall. I just
14 believe -- I think he was just a little bit
15 intimidating and I don't know if that was -- that's
16 just how I believe he may come off. I don't know if
17 he's necessarily that way or not.

18 Like I said, this was two years ago, but I
19 think he was -- again, his overzealousness for his
20 mother's care, wanting everything done, he gets a
21 little frustrated -- got a little frustrated with the

22 whole care and the situation and obviously being very
23 concerned.

24 I saw him where he was obviously stating he
25 was very much worried about her death and everything

1 and I think he had -- had a lot of resentment and
2 guilt, again, for having not really taken care of his
3 mother, I don't think I -- you know, until after she
4 had become demented and I think that's why he was at
5 times angry and defensive with the people wanting
6 everything.

7 Q Okay. Did he ever tell you, express to you
8 that he had guilt for not seeing his mother until --
9 for some time until she suffered from dementia?

10 A I believe he told in the initial history and
11 physical, he -- I think it -- I'm not sure if this --
12 but he seems like -- I don't -- I think he recalled not
13 having contact with her for some 30 years --

14 Q Um-hum.

15 A -- and finally getting in care with her after
16 she had already demented -- had become demented. I
17 think that's with the private conversation that we had
18 initially so --

19 [Whereupon, Mr. Destefano left the deposition
20 room.]

21 BY MR. GLICK:

22 Q Okay. [Pause] In the discharge summary,
23 which was signed by you -- I'll let you get to that.
24 A Okay. [Examining]
25 Q On Page 2 of that.

1 A Okay.

2 Q It says: Nursing had reported that the son
3 was very rough in his care of the patient and it
4 was written that he would not have any contact
5 unless instructed or observed by nursing.

6 A Yes, sir.

7 Q That's what we've already talked about?

8 A Correct, sir. Yes, sir.

9 Q Okay. All right. I just wanted to make
10 sure.

11 I want to show you what's been marked as
12 Exhibit Number 10 to Mr. Destefano's deposition and ask
13 you if this is your handwriting. And rather than you
14 looking through there, I could probably just show it to
15 you and we could take it out. [Handing]

16 A Thank you. Which particular --

17 Q Well, is any of it your handwriting?

18 A That looks like my handwriting; yes, sir.

19 Q Okay. And is that your signature right there
20 [indicating]?

21 A Yes, sir.

22 Q Okay. Well, tell me -- tell me -- could you

23 read for me what that says?

24 A Okay. DC Paxil, Risperdal and Lithium,

25 change IV Levaquin to Levaquin 500 milligrams POQ

1 day.

2 That means stopping the IV Levaquin and
3 changing it to an oral form that's given once daily.

4 Q Um-hum.

5 A Attempt to wean from oxygen therapy -- which
6 means that nursing or respiratory will give trial
7 periods where they take her off oxygen and see if she
8 maintains her saturations.

9 Made transfer to the transitional care
10 facility -- which was -- transitional care
11 facility is kind of like a bridge from either a
12 nursing home or home care where it's subacute
13 care.

14 [Whereupon, Mr. Destefano returned to the
15 deposition room.]

16 THE WITNESS: Nursing and PT to provide care.
17 Social services evaluation for -- potential abuse
18 and family situation.

19 Q Okay. All right. I guess -- and you wrote:
20 Social services evaluation for potential abuse and
21 family situation.

22 A Right.

23 Q Can you tell me, is that an order you wrote

24 basically?

25 A Yes, sir. I had -- you have -- we contact

1 case management, social services so that they can
2 provide assistance. There was some questions regarding
3 this. I didn't have any personal abuse, but since it
4 was in the cart, I went and had social services see it
5 and as well as to provide any kind of home arrangements
6 since Mr. Destefano was still seeking to try to find a
7 home so that he could potentially take her home and
8 that was what --

9 Q Okay.

10 A -- that was all about.

11 Q Now, let me show you what's been marked as
12 Exhibit Number 9 to Mr. Destefano's deposition. This
13 is dated 9/17/99 --

14 A Okay.

15 Q -- and this looks like a note that you wrote.
16 I think you had looked at it a little bit earlier --

17 A Yes, sir.

18 Q -- in this deposition.

19 A Yes, sir.

20 Q Okay. Could you find that again?

21 A I'll find that. Yes, sir.

22 MR. TOWNSEND: Is that a progress note?

23 MR. GLICK: It is a progress note; yes. It

24 says, Weekend Notes, at the top.

25 THE WITNESS: Well, yes, sir. Um-hum.

1 BY MR. GLICK:

2 Q All right. It says: Son -- about the fourth
3 line down -- son has power of attorney and has provided
4 care for past --

5 A Eight months in Arizona.

6 Q Recently moved back to Orlando. No home.

7 A Uh-huh.

8 Q Was living off of disability of mom.

9 Did Mr. Destefano tell you that?

10 A I believe so. That's how they were paying
11 for things.

12 Q All right. Then: Nursing believes son
13 provided inappropriate care from not knowing how
14 and interfering with care of patient in hospital?

15 A Uh-huh.

16 Q All right. And is that what we already
17 discussed?

18 A Yes, sir. The purpose of this note was just
19 to -- since I was not going to be taking care of her
20 during the weekend, we have a large rounding team that
21 comes in and they may not be very familiar with the

22 patient, so since I think this point was just to try to
23 give a quick, one-paragraph syntax of what was going on
24 with her current care so --

25 Q Okay. And then at the end you wrote that the

1 nursing was to do the care and may teach son, if able.

2 A Right. Yeah. If he was there, because I
3 think he was busy searching for a home at that time
4 so --

5 Q Okay.

6 A Or a place to live.

7 Q All right. So at this point in time you felt
8 that if the nurses told Mr. Destefano how to give the
9 proper care to his mother, that he would have been
10 equipped to do that.

11 A I believe so. I think he was, again, just
12 overzealous and never having been trained for the
13 patient, so, as I stated in the case management, I
14 think the potential abuse just because of what had been
15 mentioned, but I personally didn't recognize any abuse.
16 If I had, I would have contacted the Department of
17 Children & Family or other care at that time so --

18 Q Okay. I don't know if I asked you this or
19 not. If I did, I apologize. Did Mrs. Destefano have
20 any hemorrhoids while she was at --

21 A I don't remember, so --

22 Q Okay. And would that be noted in the chart?

23 A It would be noted on the initial examination

24 if there was any obvious external hemorrhoids. There

25 are internal hemorrhoids and they may not be able to be

1 visualized or palpated during a digital rectal
2 examination.

3 Q Okay. But as far as the external
4 hemorrhoids, you didn't find any on the initial exam?

5 A According to my note, no, sir.

6 Q Did you find any sign of fissures on your
7 examination of Mrs. Destefano, rectal?

8 A I don't think so. I didn't document it in my
9 notes so I --

10 Q And how about any signs of trauma at all?

11 A No, sir. I didn't, according to that.

12 Q All right.

13 A Beyond the decubitus --

14 Q Right.

15 A -- ulcers so --

16 Q Right. As far as Carolina Destefano's -- I
17 mean, obviously she had Alzheimer's Disease and she
18 was --

19 A Uh-huh.

20 Q -- I mean, she was a candidate for Hospice
21 and was -- you said she maybe had about six months to

- 22 live. As far as her nourishment, do you recall how --
- 23 how she was doing when she was at Florida Hospital?
- 24 A I think she looked thin.
- 25 Q Um-hum.

1 A Larry was able to easily carry her, I
2 believe, I remember. What I remember about her was
3 that although she was 71, I think she looked much
4 younger than her stated age. She had brown hair and
5 was very thin.

6 Q Um-hum.

7 A Almost -- I mean, just being very thin would
8 be the only remembrance that I can --

9 Q Would you classify her as malnourished?

10 A I can't remember. I don't have a -- recall
11 that far back with what she looked like at the time.

12 Q Do you -- is there anything in your
13 records --

14 A I would say she was frail. I can check my
15 notes.

16 Q Okay. Is there anything in the records
17 stating that she was malnourished?

18 MR. GROWER: In his records?

19 MR. GLICK: In the Florida Hospital -- yeah.

20 Well --

21 MR. GROWER: As opposed to the ORMC records.

22 MR. GLICK: Yes. Right. The Florida

23 Hospital records.

24 THE WITNESS: Just here in my general --

25 during my initial physical examination I wrote

1 that:

2 She appears in no acute distress. She
3 is responsive and has a cachectic appearance.

4 That would be a thing, kind of emaciated
5 appearance where it could represent some kind of
6 malnourishment, but I never remember making that
7 statement; no, sir.

8 BY MR. GLICK:

9 Q Okay. Did you know whether -- did you know
10 what type of nourishment Mrs. Destefano was being
11 provided before she came to Florida Hospital?

12 A No. I mean, I just understand that Mr.
13 Destefano was feeding her regular food. I saw that but
14 I don't know what she was having before then.

15 Q Okay. Would the cachectic state be
16 indicative of any type of abuse by Mr. Destefano upon
17 his mother?

18 A I guess -- I mean, malnourishment and not
19 feeding the patient could obviously be also a sign of
20 people who are demented as well, can become very
21 cachectic. I mean, if -- I don't -- she would not eat

22 unless you actually made her eat, so, I mean, she was
23 not able to care for herself at that point, too, and
24 that's a -- a sign as well of her progressing dementia,
25 hence the diagnosis.

1 Q Okay. In other words, you couldn't tell by
2 her cachectic state whether or not, you know, Mr.
3 Destefano was doing his very best to take care of her
4 or if he was starving her?

5 A Can you rephrase that again? I'm sorry.

6 Q Yeah. The question is, is that her cachectic
7 state --

8 A Right.

9 Q -- doesn't give you any indication one way or
10 the other whether or not Mr. Destefano was abusing her
11 as far as her feeding was concerned.

12 A Correct.

13 Q Okay. At any time did you speak with any
14 executives of Florida Hospital about Mr. Destefano?

15 A During the hospitalization?

16 Q Or at any time.

17 A Just to Frances Wiegand, I think, with Risk
18 Management.

19 Q Right.

20 A That was --

21 Q We talked about that.

22 A And John Amick. I think I spoke -- during
23 the initial deposition one of the executives contacted
24 me to inform me that I had a deposition and other than
25 that, that was --

1 Q Oh, okay. You mean, during the initial --
2 when you were set for deposition before?

3 A Yes, sir.

4 Q Okay. Do you remember yourself and Dr. Black
5 have any -- having any conversation about Dr. Black
6 examining Carolina Destefano at Sunbelt?

7 A No, sir.

8 Q Would Dr. Black go over to Sunbelt to examine
9 patients even?

10 A At the time part of our resident -- the
11 residents actually had patients that they followed in
12 Sunbelt. I think there were some two or three. We no
13 longer do that, but if he had been assigned patients at
14 Sunbelt, I guess at that time, he would have examined
15 his patients.

16 Q Do you know if Dr. Black did, in fact,
17 examine Carolina Destefano at Sunbelt?

18 A No, sir.

19 MR. GROWER: No, you don't know or, no, he
20 didn't do it?

21 THE WITNESS: Oh, I don't know.

22 MR. GROWER: Okay.

23 THE WITNESS: Yes. I don't know.

24 BY MR. GLICK:

25 Q Do you remember having any discussion with

1 Dr. Black about him finding hemorrhoids or a hemorrhoid
2 with regard to Carolina Destefano?

3 A During the hospitalization?

4 Q At any time.

5 A No, sir.

6 MR. GLICK: Okay. Let's just take a one-
7 minute break and I'll be close to being finished.

8 THE WITNESS: Okay.

9 THE VIDEOGRAPHER: Off the record, 12:21.

10 [Whereupon, a recess was taken, after which
11 the following transpired:]

12 THE VIDEOGRAPHER: Back on the record, 12:30.

13 BY MR. GLICK:

14 Q I just have one last question for you, Dr.
15 Steely. At the beginning of the deposition you used
16 the phrase that this -- you thought this was an
17 interesting case and my recollection is you're
18 referring to Mrs. Destefano's care.

19 A Just the whole situation.

20 Q Okay.

21 A How he had basically gotten off the plane and

22 literally come to the hospital and had not had any --
23 had been caring for her and having to get her from the
24 ward of the State from Arizona. I thought the whole
25 leading up to it was an interesting case.

1 MR. GLICK: Okay. Okay. No further
2 questions.

3 CROSS EXAMINATION

4 BY MR. TOWNSEND:

5 Q Doctor, my name is Larry Townsend. I
6 represent Orlando Regional Healthcare System in this
7 case.

8 Have you had -- did you have any contact with
9 anyone at Orlando Regional Healthcare System as far as
10 you know with regard to Mr. or -- Mrs. -- Ms. Destefano
11 or Mr. Destefano here?

12 A No, sir.

13 Q And the conversations and all the testimony
14 about nurses and doctors that you talked to and this
15 and that in this deposition all refer to Florida
16 Hospital personnel or Sunbelt personnel; correct?

17 A Yes, sir.

18 MR. TOWNSEND: Okay. That's all I have.
19 Thank you.

20 MR. GROWER: Dr. Steely, I need you to speak
21 up now --

22 THE WITNESS: Okay.

23 MR. GROWER: -- for the rest of the --

24 THE WITNESS: I'm sorry.

25 MR. GROWER: That's okay.

1 THE WITNESS: I was a little dry.

2 MR. GROWER: -- for the rest of the
3 deposition.

4 CROSS EXAMINATION

5 BY MR. GROWER:

6 Q You have told us that you are a physician in
7 the family practice residency program at Florida
8 Hospital; correct?

9 A Yes, sir.

10 Q And you've been in that program for the last
11 three years.

12 A Yes, sir.

13 Q And you're getting ready to graduate.

14 A Yes, sir.

15 Q May I assume that you are getting ready to
16 move from this area?

17 A Yes, sir.

18 Q Okay. And when are you going to move from
19 the area?

20 A June 28th.

21 Q Will you be moving more than 100 miles

22 outside of the -- of this area?

23 A Yes, sir.

24 Q Okay. That's frankly a predicate question

25 that we need to ask which allows us to show your

1 videotaped deposition.

2 In looking at the medical record itself, the
3 medical record is broken down into, I believe, a
4 clinical resume that you prepared --

5 A Yes, sir.

6 Q -- correct?

7 A Um-hum. Yes, sir.

8 Q A history and physical that you prepared?

9 A Yes, sir.

10 Q Then you wrote some, what we call, progress
11 notes; correct?

12 A Yes, sir.

13 Q Tell the jury what a progress note is.

14 A A progress note is a daily note on a patient
15 to update care, to notify of any changes in the medical
16 care and the overall condition of the patient.

17 Q All right. And then you have some entries in
18 the chart called orders. What is a physician order?

19 A An order consists of any medications, nursing
20 instructions, instructions to other personnel of the
21 staff that are to be -- or any special testing that may

22 be done, any consultants that need to be consulted, to
23 provide any other kind of specialty services, those
24 kinds of things.

25 Q All right. Now, when you first came into

1 contact with Mrs. Destefano, what date was that?

2 A I'd have to look at the record. I think it
3 was the 15th.

4 Q Well, let me show you what is your history
5 and physical. Do you recognize that document?

6 [Handing]

7 A [Examining] Yes, sir.

8 Q And is that, in fact, your history and
9 physical?

10 A Yes, sir.

11 Q And is that the first thing that you would
12 have written about Mrs. Destefano or would your
13 progress note have been the first thing?

14 A The actual first thing would be an H & P form
15 that our residency uses. It's a Medicare-compliant
16 form and it's -- that we use to fill out and then from
17 that we dictate our H & P's.

18 Q Is that document part of the chart?

19 A Yes, sir. I think I saw that.

20 Q Would you find that for me, please?

21 A [Examining]

22 MR. TOWNSEND: For the record, Mr. Grower,
23 could you -- could you just announce when we talk
24 about the records that these are the Florida
25 Hospital records for the admission of -- certain

1 date?

2 MR. GROWER: I will certainly do that.

3 That's a good idea.

4 THE WITNESS: Should I close this
5 [indicating]?

6 MR. GROWER: Yes, please. I hope you can
7 remember where that goes.

8 THE WITNESS: It goes on the H & P part,
9 so --

10 BY MR. GROWER:

11 Q Dr. Steely, the last several questions and,
12 in fact, the remainder of the questions with regard to
13 this deposition deal with the hospitalization of Mrs.
14 Destefano from 9/15/99 to 9/19/99 in Florida Hospital;
15 do they not?

16 A Yes, sir.

17 Q Okay. Now, you told me that the first thing
18 that you fill out is the family practice residency
19 documentation?

20 A Yes, sir.

21 Q Is this entire document filled out in your

22 hand?

23 A Yes, sir. This is my hand and then the

24 attending physician will have to sign it.

25 Q All right. On Page 2 of that document, have

1 you signed it?

2 A [Examining] Yes, sir. Where it's

3 highlighted.

4 Q And then the attending physician signs below

5 you.

6 A Yes, sir.

7 Q And who was the attending physician?

8 A John Fleming.

9 Q And the information contained on this

10 document represents medical information that you

11 obtained from Mr. Destefano, the son?

12 A Correct. The -- and -- and from the

13 examination. That's the history and physical.

14 Q Okay.

15 A In a rough skeletonized schematic form that

16 we use.

17 Q So that we can put this before the jury, in

18 the event that this deposition is shown, the two-page

19 document is actually styled, Florida Hospital Family

20 Practice Residency, Adult Medicine Admission History

21 and Physical or Consultation; correct?

22 A Yes, sir.

23 MR. GLICK: Can I see that?

24 MR. GROWER: Yes. Of course. [Handing]

25 .

1 BY MR. GROWER:

2 Q Now, the next document that you would have
3 prepared would have been what?

4 A The next document would have been the -- the
5 initial progress note. Oh, the next document after
6 doing the history and physical would be the initial
7 admission orders.

8 Q So I presume we would have to go to the order
9 section of the chart to find that?

10 A Yes, sir.

11 Q What was the original date of admission?

12 A 9/15/99.

13 Q And did you write those admission --
14 admitting orders on 9/15/99?

15 A Yes, sir.

16 Q And we don't need to go through each and
17 every one of those right now, but they basically tell
18 the nurses what medications to administer to the
19 patient, what tests should be run?

20 A Right. We -- as part of a standard procedure
21 for many of the patients, you have to list several

22 admissions; the admitting diagnosis, who it's been
23 admitted to, your initial evaluation of condition,
24 allergies, then medications and any testing that you
25 want ordered initially.

1 Q As of September 15th, had you spoken with
2 Larry Destefano?

3 A Yes. I -- during the initial -- his mother's
4 history and physical, he brought up much of the
5 history.

6 Q Had you ever met Mr. Destefano before
7 September 15th, 1999?

8 A No, sir.

9 Q Had you ever treated or examined his mother
10 before September 15th, 1999?

11 A No, sir.

12 Q Are you aware of any reason that you would
13 want to hurt, libel, slander or injure either Mr.
14 Destefano or his mother?

15 A No, sir.

16 Q Okay. What is the next document that you
17 would have produced in the scheme of things?

18 A [Examining]

19 Q Would it have been the progress note?

20 A The progress note, usually the next day.

21 Q And I believe you told the jury that this is

22 where you record your findings?

23 A Yes. The day-to-day findings, updates on my

24 overall impression and what additional plans did I plan

25 to make in the patient's care and that's what I would

1 discuss with my rounding team and then the attending
2 would either write a few addendums to my note and sign
3 it or he would just sign it.

4 Q As part of the orders and as part of the
5 progress note that you wrote on the 16th, did you ask
6 for, what we call, wound care to be administered? Or
7 to be consulted? Let me ask the question that way.

8 A [Examining] Yes, sir.

9 Q And what wounds were you talking about?

10 A I believe it referred to the two decubitus
11 ulcers; the perianal decubitus ulcers as well as the
12 heel.

13 Q You used the term perianal. What is a
14 perianal ulcer?

15 A According to my history and physical I
16 noticed that there was two Grade 2 decubitus lesions
17 which means there would have been some erosion of the
18 overall epidermis with exposure of the dermis tissue
19 and they're perianal. That means they were beside --
20 on both sides of the anal -- of the anus at pressure
21 points where she would be lying.

- 22 Q Perianal means the location --
- 23 A Yeah.
- 24 Q -- of the sores.
- 25 A Yeah. The location of the sores.

1 Q And, as I understand, there was a sore on
2 either side of her rectum?

3 A Yes, sir.

4 Q And those were Grade 2 decubitus ulcers?

5 A Yes, sir. That's what I'm looking.

6 Q And as I understand your testimony, that
7 means that the ulcer itself had pierced through the
8 skin.

9 A Correct.

10 Q All right. And if I recall your earlier
11 testimony, there was also a wound on her right heel --

12 A I believe so; yes, sir.

13 Q -- that was bleeding or had been bleeding; do
14 you recall that?

15 MR. GLICK: Object to the form of the
16 question.

17 BY MR. GROWER:

18 Q Was it bleeding?

19 A At any particular --

20 Q At any time; yes, sir.

21 A Not that I ever saw.

22 Q My memory is that you -- that one of the
23 nurses had suggested to you that it had been caused to
24 bleed because of an attempt to maneuver Mrs. Destefano
25 down the hall; do you recall that?

1 A Yes.

2 MR. GLICK: Object to form.

3 BY MR. GROWER:

4 Q Go ahead.

5 A I'm sorry. Yeah. Where -- and Mr. Destefano
6 had been helping to try and ambulate the patient to the
7 point that a decubitus ulcer had started to bleed that
8 was on her heel.

9 Q Making reference now to the history and
10 physical that you dictated on September 15th, 1999,
11 and, more particularly that area called rectal, you
12 dictate:

13 There is hard stool in the rectal vault; heme
14 negative. There are two grade -- there are Grade
15 2 --

16 A Decubitus ulcers.

17 Q -- decubitus ulcers on each side of the anus
18 measuring approximately two to three centimeters.

19 How much is two to three centimeters? Could
20 you demonstrate that for the jury?

21 A It's a little bit larger than the width of my

22 finger.

23 Q Okay.

24 A My finger's roughly two centimeters, so --

25 Q And the rectal vault is where the stool is

1 retained prior to --

2 A That would be -- yes, sir. That would be the
3 lower sigmoid colon after you've inserted a -- once you
4 insert the finger into the initial anal ring, you would
5 come to the vault which is basically a storage area for
6 stool until defecation and it's in that area where the
7 stool felt very hard.

8 Q And that was on the 15th of September?

9 A Yes, sir.

10 Q And then I understand the records reflect
11 that she had a -- some type of movement on the 16th of
12 September?

13 A Correct. Yes, sir.

14 Q But nothing between the 16th and the 21st; is
15 that correct?

16 A Not according to the record, no, sir.

17 Q So it would be a five-day period; correct?

18 A Yes, sir.

19 Q What is the next thing you did with regard to
20 the care rendered to Mrs. Destefano?

21 A During the next day I would make a daily --

22 after my daily initial -- daily assessment, I would

23 make any orders at that time.

24 Q When did the conversation take place between

25 the nurse or nurses wherein you were advised that some

1 observations had been made with regard to the rough
2 handling of this patient?

3 A I would have to look at the notes to see.

4 Q Would you do that for me, please, sir?

5 A Yes, sir. [Examining]

6 Q And while you're doing that, would you also
7 correlate that with the order that you wrote?

8 A Yes, sir. Oh, yeah. Once I was notified of
9 the nurse's observation, that's at the point in time
10 that I made the order.

11 Q Well, what I'm specifically looking for at
12 this point is the nature of the observations.

13 A [Examining] So that would be the -- the
14 17th.

15 Q I'm sorry. The order was written on the --

16 A 9/17 at 4:14.

17 Q Which would have been before Mrs. Destefano
18 was sent over to the nursing home?

19 A Yes, sir.

20 Q What was reported to you by the nursing staff
21 at that time?

22 A That he had -- she had seen him in an attempt
23 to try to brace her to sit up that he would use his
24 knee in her -- in the mid of her back and then use her
25 arms to help her stand up, was an example. And then

1 during one of the times he was trying to help her, we
2 discussed her need to walk to make sure she didn't
3 develop pneumonia and he was, I think, more or less
4 carrying her and she wasn't able to cooperate fully and
5 this had actually caused an ulcer on her foot to come
6 loose.

7 Q And to bleed?

8 A And to bleed.

9 Q All right. Was there any other examples?

10 A The reflexive gagging of overfilling the
11 mother's mouth until she would reflexively swallow
12 food.

13 Q All right. Now, are those things that would
14 be of a concern to you as a physician?

15 A Those would be concerns; yes, sir.

16 Q Are those the type of things that you would
17 expect to be reported to you by nurses?

18 A Absolutely. Yes, sir.

19 Q Were all of those things reported to you
20 prior to the time that she ever went across the street
21 to the nursing home?

22 A This was all during the initial

23 hospitalization; yes, sir.

24 Q And in response to those notifications, what

25 did you do?

1 A I wrote an order that nursing and physical
2 therapy were to provide the care and that they were
3 able to -- to provide care.

4 Q And that was not because you thought he was
5 intentionally abusing his mother but, rather, you
6 thought he was just being too rough with his mother;
7 correct?

8 A Correct.

9 Q And that you didn't think he was properly
10 trained to handle these --

11 A Exactly.

12 Q After the patient was transferred -- strike
13 that.

14 When was the patient transferred from --
15 strike that as well.

16 Let me try again. When is the last time you
17 saw Mrs. Destefano?

18 A The last time I saw her -- [examining]. The
19 last time I saw the patient was on the 17th.

20 Q All right. And can you tell from the record
21 when she was transferred to the nursing home?

22 A [Examining] Nothing for actual transfer. I

23 see here a discharge order to TCF by 9/19.

24 Q All right. That's September 19th, 1999?

25 A Yes, sir.

1 Q Now, you said the last time that you saw Mrs.
2 Destefano was on the 17th. That was when you last saw
3 her clinically; correct?

4 A Yes, sir.

5 Q When is the last time you saw Mr. Destefano,
6 Larry Destefano, clinically; that is, with regard to
7 the care --

8 A Clinically.

9 Q -- his mother was receiving?

10 A That day.

11 Q All right. But now, you've seen Mr.
12 Destefano since that day; correct?

13 A Yes, sir.

14 Q You've seen him picketing Florida Hospital
15 with his sign; correct?

16 MR. GLICK: Object to the form.

17 BY MR. GROWER:

18 Q Have you seen Mr. Destefano standing in front
19 of Florida Hospital with his sign?

20 A Yes, sir.

21 Q The sign indicated that he'd been accused of

22 sodomy?

23 A I -- I can't --

24 MR. GLICK: Object to form.

25 THE WITNESS: I can't recall exactly what was

1 on the pickets. I know that and he had actually
2 passed out a newsletter to me one time, so --

3 BY MR. GROWER:

4 Q Okay. By the time January of 2000 rolled
5 along -- came around, three months later --

6 A Um-hum.

7 Q -- and Dr. Black made that comment to you in
8 the doctor's lounge about the allegation that was
9 surrounding Mr. Destefano, Mr. Destefano had been
10 picketing for months; had he not?

11 MR. GLICK: Object to the form.

12 THE WITNESS: I believe he'd been picketing;
13 yes, sir.

14 BY MR. GROWER:

15 Q All right. Now, the next time that you
16 actually had any conversation with Mr. Destefano, as I
17 understand it, is as outlined in Plaintiff's Exhibit
18 Number 1; correct?

19 A Yes, sir.

20 Q And that was a telephone call, I believe you
21 said.

22 A Yes, sir.

23 Q And it was a call that you made to Mr.

24 Destefano?

25 A Yes, sir.

1 Q And you write in Exhibit 1: Mr. Destefano
2 sounded very disgruntled and threatening.

3 Was he threatening to you?

4 A He made threatening statements to me; yes,
5 sir.

6 Q Your next line states that: He would, quote,
7 get ugly with me and I would not like it, closed
8 quotes.

9 Did you consider that to be a threat against
10 you?

11 A Yes, sir.

12 Q The document continues. Also stated that he
13 would, quote, picket the clinic saying Dr. Steely
14 stated, I placed my knee in my mother's back and
15 dragged her down the hallway, closed quotes, and
16 get me fired.

17 Did you understand that that threat was being
18 made directly to you?

19 A Yes, sir.

20 Q He continues that he was able to get the
21 nursing director at Sunbelt fired and he was sure he

22 could get you fired as well.

23 Did you understand that to be a direct threat

24 to you?

25 A Yes, sir.

1 Q He continues, quote, I was to investigate and
2 give him the name of the nurse who reported the
3 above insult, closed quotes. He continued that he
4 had tried once before and was unable and now,
5 quote, it was my turn to fucking turn to the
6 investigate -- my fucking turn to investigate and
7 he was not going to do it for me, closed quotes.

8 Did he tell you that?

9 A Yes, sir.

10 Q And did you find that to be threatening?

11 A Yes, sir.

12 Q Have you had any other contact with Mr.
13 Destefano?

14 A No, sir.

15 MR. GROWER: Thank you, Doctor. That's all I
16 have.

17 THE WITNESS: Okay.

18 MR. GLICK: Just a few questions.

19 REDIRECT EXAMINATION

20 BY MR. GLICK:

21 Q Doctor, first of all, where are you going to

22 be working after June 28th, 2002?

23 A I'd rather not say.

24 Q Okay. Well, why don't -- we may need to

25 contact you again and --

1 MR. GROWER: I'll be happy to contact my
2 client for you.

3 MR. GLICK: Okay. All right.

4 BY MR. GLICK:

5 Q You'll let Mr. Grower know where you're going
6 to be?

7 A Absolutely.

8 Q Okay. When Mr. -- when Dr. Black or whatever
9 doctor in the clinic had made the statement about that
10 Mr. Destefano had engaged in oral sex upon his mother,
11 was that the exact quote that was used, oral sex, or
12 were other phrases used?

13 A The only one that I recall was the oral sex
14 comment.

15 Q I mean, but did he use the word oral sex or
16 did he say things like eating his mother or -- or
17 licking her or anything like that?

18 A I -- I don't recall.

19 Q Okay. Now, in the record -- well, first of
20 all, let me ask you this. I'm not sure how this came
21 out -- strike that.

22 I believe you said on Mr. Grower's
23 examination of you that the dragging around of Mrs.
24 Destefano caused an ulcer. That -- that would be
25 incorrect.

1 MR. GROWER: Well, it's an incorrect
2 statement of what he testified to --

3 MR. GLICK: Okay.

4 MR. GROWER: -- so I object.

5 BY MR. GLICK:

6 Q All right. You didn't say that, that the
7 dragging around caused the decubitus ulcer; did you?

8 A No. It was already present.

9 Q Okay. Now, can you tell me where in the
10 hospital records the nurse who told you or any nurse,
11 in fact, writes that she observed Mr. Destefano kneeling
12 his mother in the back or dragging her around the
13 hallway?

14 A [Examining] Oh, here's a note, says:
15 Bedside, that son forcibly walking who is -- forcibly
16 walking mother.

17 MR. GROWER: Doctor, you're going to have to
18 speak up when you read that, please.

19 THE WITNESS: I'm sorry. I'm --

20 MR. GROWER: And identify it by date and the
21 type of note you're talking about.

22 THE WITNESS: The date is from a nursing
23 chart, a nursing note dated 9/17/95. I don't see
24 a time frame. It says: Son at bedside responds
25 only but son forcibly walking mother who was

1 sleeping over -- and I can't read the other
2 language.

3 BY MR. GLICK:

4 Q Only to the -- who was sleeping over to the
5 something, does it say?

6 A Over to the urinal, I believe.

7 Q Okay. All right. Any other place other than
8 that where there -- a nurse noted that he kneed her in
9 the back or that he forcibly walked her or dragged her?

10 A [Examining] I'd say that I didn't see any
11 other mention of that.

12 Q Okay. And while you were looking for those
13 nurse's notes, did you note anywhere where a nurse
14 noted that Mr. Destefano was either causing her to gag
15 by pouring water down her throat or force-feeding her
16 in any way?

17 A No, sir.

18 Q What was your reaction when the doctor in the
19 clinic told you that he had heard that Mr. Destefano
20 has performed oral sex on his mother?

21 MR. GROWER: Form.

22 THE WITNESS: I didn't remember.

23 BY MR. GLICK:

24 Q You don't remember what your reaction was?

25 A No. I -- I don't. I don't -- I imagine I

1 was a little bit surprised, but other than that, I
2 don't really remember. I can't recall.

3 MR. GLICK: Okay. Let me just consult with
4 my client and I might be -- very well be done. Do
5 you have any more questions?

6 MR. GROWER: Yeah. Let me just go ahead and
7 throw --

8 MR. GLICK: Go ahead. Go ahead.

9 MR. GROWER: -- more -- throw more -- one
10 more question in here.

11 RE CROSS EXAMINATION

12 BY MR. GROWER:

13 Q Doctor Steely, would you look at your orders
14 real quick.

15 A Yes, sir.

16 Q In response to the information provided to
17 you by the nurses with regard to the rough care that
18 they had observed, what did you do?

19 A I wrote an order just for having nursing and
20 PT to provide the care and had social services just to
21 evaluate for potential abuse and just for a family

22 situation regarding the current thing.

23 Q And those two orders were written on what

24 date?

25 A That was written on the 17th, 9/17.

1 Q 17th of September 1999?

2 A Yes, sir.

3 MR. GROWER: Thank you. That's all I have.

4 MR. GLICK: All right. Let's go off the
5 record for one minute. We may --

6 THE VIDEOGRAPHER: Off the record, 12:57.

7 [Whereupon, a recess was taken, after which
8 the following transpired:]

9 THE VIDEOGRAPHER: On the record, 1:03.

10 FURTHER REDIRECT EXAMINATION

11 BY MR. GLICK:

12 Q All right. Doctor, the -- the September
13 22nd, 1999 document we've had marked as Exhibit A -- 8,
14 Exhibit 8 to Mr. Destefano's deposition was -- was
15 written apparently after she -- after Mrs. Destefano
16 was transferred to Florida Hospital -- I mean, to
17 Sunbelt Nursing Home?

18 A Yes, sir.

19 Q Okay. Now, the discharge summary which was
20 -- she was discharged in September 19th, 1999, but, in
21 fact, that was dictated on November 11th, 1999, which

22 is well after Mrs. Destefano was transferred to

23 Sunbelt.

24 A Correct. Yes, sir.

25 Q Okay.

1 A She was actually discharged when I wasn't on
2 the case so I didn't get the chart back until roughly
3 that time.

4 Q Okay. And let me show you what has been
5 marked as Exhibit Number 10 to Mr. Destefano's
6 deposition. There's a lot of writing in the margins
7 here. Can you tell me what that says? [Handing]

8 MR. GROWER: And can we go ahead and identify
9 that as what he's looking at? That's a
10 physician's orders?

11 MR. GLICK: Yeah. It's physician's orders --

12 THE WITNESS: Yeah. Physician orders.

13 MR. GLICK: -- Exhibit 10 to Mr. Destefano's
14 deposition.

15 THE WITNESS: Basically my understanding is,
16 is that a nurse will draw a line at the time that
17 she first notifies the order. She'll make her
18 marks and either register it and then the marks on
19 the right are the time that it's actually
20 completed and entered into the computer or what
21 they would call, taken off the chart -- off -- the

22 orders taken off.

23 MR. GLICK: Okay.

24 THE WITNESS: And so -- and that's just --

25 this is their register -- what time it was

1 received and what time it was registered.

2 BY MR. GLICK:

3 Q Okay. All right. Also, the weekend note,
4 which is on a page by itself, Exhibit Number 9 to Mr.
5 Destefano's deposition dated 9/17/99 at 3:28, what was
6 the purpose of you writing the weekend note?

7 A Since I was not going to be directly involved
8 in her care over the weekend, this is a note designed
9 that whoever has the responsibility for seeing her on
10 that particular day would have a brief idea of what was
11 going on and they would have to go and review the
12 entire chart.

13 We try to do that as a courtesy to our
14 covering physicians.

15 Q Okay. And as far, though, as the -- the
16 actual statements of him dragging his mother, you know,
17 putting his knee in the back and making her reflexively
18 swallow and dragging her around until the ulcer began
19 to bleed, the only statements of those were actually
20 made after she was discharged to Sunbelt, the actual --
21 using --

22 A Where I used those terms, yes, sir.

23 MR. GLICK: Okay. That's all I have.

24 FURTHER RECROSS EXAMINATION

25 .

1 BY MR. GROWER:

2 Q Dr. Steely, all of the orders that you wrote
3 were written on the 16th or the 17th of September 1999;
4 correct?

5 A Yes, sir.

6 Q All of the progress notes that you wrote were
7 written on the 16th or the 17th of September --

8 A Progress notes; yes, sir.

9 Q -- 1999; correct?

10 A Yes, sir.

11 Q And the order wherein you directed that no
12 one -- strike that.

13 The order that you wrote that we have
14 previously made reference to indicating that Mr.
15 Destefano is not to provide care to his mother and
16 referring the matter to social services for possible
17 abuse, was written on the 17th, correct --

18 A Yes, sir.

19 Q -- as a result of what you have told us was
20 reported to you by the nurses; correct?

21 A Yes, sir.

22 MR. GLICK: Object to the form.

23 BY MR. GROWER:

24 Q Now, would you go ahead and read into the

25 record the progress note of 9/17/99, the weekend

1 note --

2 A Okay.

3 Q -- previously referred to by counsel.

4 A This is a weekend note. It says: 71-year
5 old female with dementia admitted for urosepsis
6 and acute mental status changes. Back to
7 baseline, currently awaiting transfer to TCF and
8 Hospice placement. Son has power of attorney and
9 has provided care for the past eight months in
10 Arizona, recently moved back to Orlando. No home.

11 Is living off disability of mother and
12 nursing believes son providing inappropriate care
13 from not knowing how and is interfering with care
14 of patient. Hospital is currently trying to find
15 apartment.

16 Current issues stated above. Social services
17 involved for situation and potential counseling
18 and education to -- to TCF for physical therapy,
19 wound care until home placement in Hospice and
20 house. Will go on -- home on ten days of
21 Levaquin. Nursing to do care and may teach son,

22 if able.

23 Q Did I understand you to just read that there

24 was a section of that note indicating nurses believe

25 care inappropriate?

1 A Yes, sir.

2 Q On the 17th.

3 A On the 17th.

4 Q And that was the care that you previously
5 described here today; correct?

6 A Yes, sir.

7 MR. GROWER: Thank you. That's all I have.

8 MR. GLICK: Okay. No questions -- no more
9 questions.

10 MR. GROWER: We'll read, which means, Doctor,
11 that I'll have to send this to you when -- when it
12 gets typed up. It's going to be ordered and will
13 be sent to you. You'll have the opportunity to
14 read it and determine whether or not there's any
15 corrections that need to be made to it.

16 THE WITNESS: Okay.

17 MR. GROWER: You're free to go, sir.

18 THE WITNESS: Thank you.

19 THE VIDEOGRAPHER: Concluding the deposition.

20 Off the record, 1:08.

21 MR. GROWER: Thank you, guys.

22 MR. GLICK: Thank you, Doctor.

23 MR. TOWNSEND: Thank you, Dr. Steely.

24 [Whereupon, the reading and signing of the

25 deposition was reserved.]

1 [Whereupon, the foregoing deposition was

2 concluded at 1:08 p.m.]

3 -----

1 C E R T I F I C A T E

2 STATE OF FLORIDA:

3 COUNTY OF SEMINOLE:

4 I, Dawn R. Matter, Electronic Reporter and
5 Notary Public, State of Florida at Large, do hereby
6 certify that I reported the video deposition of JOHN
7 HUGH STEELY, M.D., and that the said witness was first
8 duly sworn by me.

9 I further certify that the foregoing pages
10 numbered 3 through 87, inclusive, prepared under my
11 direction and supervision, constitute a true, complete
12 and accurate transcript of said witness to the best of
13 my skill and ability.

14 I further certify that I am not of counsel
15 for, nor related to any party herein or attorney
16 involved herein, nor am I financially interested in the
17 outcome of this action.

18 WITNESS MY HAND AND OFFICIAL SEAL this 15th
19 day of May 2002.

21
22
23

DAWN R. MATTER,
Electronic Reporter and Notary
Public, State of Florida at Large

1 SUBSCRIPTION OF DEPONENT

2 I, JOHN HUGH STEELY, M.D., have read the
3 foregoing deposition given by me on May 1, 2002,
4 in Orlando, Florida, and the following
5 corrections, if any, should be made in the
6 transcript:

7 PAGE LINE CORRECTION AND REASON

8 Subject to the above corrections, if any, my
9 testimony reads as given by me in the foregoing
10 deposition.

11 SIGNED this day of May 2002.

12
13

JOHN HUGH STEELY, M.D.

14 Destefano v Adventist
15 Case No. CIO-00-7265(32)
16 [Through Mr. Grower]

