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Sample Deposition summary

EG, Individually

Vs.

AM, M. D., AP, M. D., FV, M. D., DN, M. D. and St. BH

Deposition Digest of Testimony of DN, M. D.

(EBT Dates: MM/DD/2018 &MM/DD/2018)

EBT p.4 L11- 12	Dr. DN residential address is _____ 26 th Avenue, New York 11358
p.5 L19- 25	Dr. DN's date of birth is _____. His Social Security number is marked for a ruling. He currently does not have a license to practice medicine in the State of New York.
p.6 L2- p.8 L20	Dr. DN graduated from _____ College of Osteopathic Medicine in Florida, Fort Lauderdale, Florida in ____ and he obtained degree of Doctor of Osteopathy and did a rotating internship at St. BH in the Bronx, from ____ to ____ out of which, Dr. DN devoted two months to general surgery and one month to elective surgery. From ____ to ____, Dr. DN did one year P.G. course in general surgery from St. BH. Dr. DN left general surgery residency with St. BH voluntarily. From July ___, Dr. DN joined emergency medicine residency with St. MMC, New Jersey, which concluded in ____.
p.8 L24- p.9 L13	Currently Dr. DN has a license to practice in Florida and New Jersey.

p.9 L22- p.10 L7	Dr. DN had a license to practice medicine in New York during when he was working with St. BH. Dr. DN's License was never revoked or suspended.
p.11 L9- 13	From November ____ through early ____ , Dr. DN was working with St. BH as a first year general surgery resident.
p.11 L14- p.12 L10	For today's deposition, Dr. DN reviewed only patient EG's ("Plaintiff") medical chart maintained by BH and filed in court as an Exhibit.
p.12 L15- p.13 L6	Dr. DN's duties as a first year surgery resident with BH involved writing notes on the patients, daily dressing changes and assisting an attending doctor in small minor surgical procedures. Sometimes junior residents were allowed by the attending doctor or senior residents to assist in complicated procedures.
p.13 L8- 25	Dr. DN's duties as a first year surgery resident also included seeing patients in the general surgery clinic, occasionally vascular clinic, urological clinic and hand clinic. Dr. DN's duties further included writing notes in regard to surgical inpatients at their bedsides and doing round on them every day.
p.14 L12- p.15 L10	Sometimes rounding on surgical inpatients could be more than once depending on need of the patients and instructions of the attending doctor. Apart from dressing changes, Dr. DN also performed duties such writing daily progress notes and informing the attending doctor about inpatients' progress and also could write discharge instructions and/ or discharge summary.
p.15 L11- p.15 L23	Attending physician decided and determined discharge of a surgical inpatient and the attending physician would instruct Dr. DN to prepare a discharge summary.
p.16 L24- p.17 L10	Dr. DN conducted physical examination of a surgical inpatient on bedside visits before making daily progress notes.
p.17 L15- p.18 L2	Dr. DN was not under the duty to do initial physical evaluation on a patient, already admitted, but of course on the patients who were admitted through Dr. DN.
p.18 L8- 12	Dr. DN, as a first year resident, would order medication for inpatients after discussing with the concerned attending doctor.
p.19 L3- 22	Dr. DN always spoke with Plaintiff in English and Plaintiff never had difficulty understanding DN nor Plaintiff ever asked for a translator.
p.20 L8- 22	Dr. DN taught Plaintiff's girlfriend how to do daily dressing changes.
p.21 L18- p.22 L 12	Dr. DN was confronted with photocopy of Plaintiff's medical chart which was marked on dated ____ . Dr. DN's attorney pointed out to the court that a photocopy was being marked and submitted and

	that original chart is not available with BH. Dr. DN's attorney had expressed his willingness for submitting an affidavit in the court, if so directed. Plaintiff's attorney requested the folder containing photocopies to be exhibited separately as Exhibit 1.
p.22 L21- 25	Dr. DN saw Plaintiff on _____, for the first time and prepared a progress note.
p.24 L22- 24	Dr. DN came to see Plaintiff per the plastic surgery aspect on _____. Progress note of the same date was timed 8:30 a. m.
p.25 L16- p.27 L12	Dr. DN received background information about Plaintiff later in the day, on _____, from the attending plastic surgeon Dr. AP. Dr. DN read out aloud his progress note dated _____.
p.28 L2- 6	Plaintiff's _____ progress note did not record any complaint made by plaintiff.
p.28 L8- 13	Plaintiff's progress note suggested that Plaintiff's heart beat was normal and blood pressure was on border line :140 over 70
p.30 L19- p.31 L21	Dr. DN was responsible for wet to dry dressing change on Plaintiff on 11/18/02.
p.32 L5- 10	Plaintiff did not indicate any pain or discomfort during the dressing change and DN did not encounter any difficulty doing wet and dry dressing on Plaintiff.
p.33 L5- p.34 L17	Dr. DN did not notice any swelling on the morning of _____ on Plaintiff's left arm which had earlier undergone surgery nor did Dr. DN notice any bleeding hence Dr. DN's note dated _____ is silent on those points. Plaintiff also did not complain of any numbness or tingling in his left arm hence Dr. DN's note dated _____ did not have any such reference.
p.35 L12- 22	Dr. DN was continuing Plaintiff's ongoing care.
p.37 L9- p.38 L11	While giving background information to Dr. DN latter in the day on _____, Dr. AP explained that Plaintiff had a compartment syndrome and that Plaintiff had undergone a fasciotomy on _____. Dr. AP advised Dr. DN to perform dressing changes, which Dr. DN agreed to do.
p.43 L4-p.44 L11	Dr. DN again saw Plaintiff on _____ and prepared a progress note and did a wet to dry dressing as Dr. DN did on _____. Dr. DN read aloud progress note dated _____.
p.44 L21- p.45 L2	Plaintiff did not make any complaint of pain or discomfort on _____ also; hence Dr. DN's progress note dated _____ did not carry any noting on that point.

p.45 L9- p.47 L2	Dr. DN's progress report dated _____ mentioned that blood flow was proper through Plaintiff's fingers and did not mention about any abnormality with regard to appearance or position of the left hand finger nor there was any sign of infection.
p.48 L20- p49 L8	Dr. DN co-signed a progress note prepared by a medical student (Plaintiff could not remember the name of the student), who had seen Plaintiff at 7 a. m. on _____. DN stood by the contents of the progress note. Dr. DN read aloud progress note dated _____ prepared by a medical student.
p.50 L5- p.51 L5	Dr. DN and Dr. AP visited Plaintiff at 3 p. m. on _____. Dr. DN prepared a progress note which has no reference to any Plaintiff's complaint or any infection to Plaintiff's wound. Dr. AP prepared a plastic surgery attending note dated _____.
p.51 L9- 24	Dr. AP and Dr. DN saw Plaintiff on ____ and Dr. AP remarked that Plaintiff's wound looked good and prepared a plastic surgery attending note suggesting discharge of patient from hospital advising wound dress changes and wanted to start split thickness skin graft a week thereafter.
p.53 L4- p.57 L3	On _____, Dr. DN did wet to dry dressing change on Plaintiff and Plaintiff did not complain about any pain. Dr. DN also spoke to VNS's representative about Plaintiff's discharge as per direction of Dr. AP.
p.57 L7-18	On _____, Plaintiff was discharged with a discharge summary signed by Dr. DN. Such discharge summary was the progress note for _____.
p.58 L2- p.62 L25	Dr. DN spoke with Dr. AP on _____ about Plaintiff's discharge plan suggesting medications by Dr. AP and with Dr. AP's permission, Plaintiff was discharged and arrangement was made for a visiting nurse to carry out first dressing change on Plaintiff and second dressing change to be done by Plaintiff's girlfriend. On the discharge summary, Dr. DN filled in the date of admission, date of discharge, admission laboratory ancillary and discharge diagnosis as stab wound left arm, status pose left arm fasciotomy. Post-discharge medication was prescribed by Dr. AP, which Dr. DN included in the discharge summary.
p.63 L15- p.64 L8	Plaintiff came to know about his discharge on _____ when Dr. AP spoke to him and Plaintiff said okay.
p.65 L4- 8	Dr. DN told Plaintiff on _____ that, latter will be discharged on _____ and Plaintiff agreed to the arrangement of visiting nurse services to do his first dressing change and his girlfriend doing the second dressing change. Plaintiff told Dr. DN that Plaintiff

	wanted to speak with his lawyer to make sure that was okay.
p.65 L21-p.66 L18	Plaintiff told Dr. DN on ____ and ____, that Plaintiff wanted to update his lawyer about “what was happening in his medical case while he was an inpatient”.
p.66 L10- 16	Plaintiff told Dr. DN on _____ that he understood what was explained to him by Dr. DN that the visiting nurse would come to do first dressing change and Plaintiff's girlfriend would do the second dressing change.
p.66 L17- p.69 L10	Dr. DN verbally explained and demonstrated to Plaintiff's girlfriend how to do dressing charge on plaintiff after discharge from the hospital. Dr. DN, however, never saw her doing it on Plaintiff, at the same time, Plaintiff's girlfriend had no comment to make when Dr. DN was explaining and demonstrating, dressing change to her.
p.69 L18- p.71 L14	Dr. DN informed a VNS's representative once over phone, between ____ and _____ what Plaintiff exactly required with regard to dressing change as well as instructed VNS's representative, how to do such dressing change on Plaintiff after discharge from the hospital. VNS's representative said there was no problem. Dr. DN did not recall to whom he spoke with, in VNS.
p.71 L15- 18	Plaintiff did not express any concern to Dr. DN on _____ about his home care after he was discharged.
p.72 L2- p.74 L10	Dr. DN wrote at the end of Plaintiff's discharge summary dated _____, that Plaintiff should be readmitted for thickness skin graft on _____. Dr. DN fixed the date of surgery after consulting Dr. AP and accordingly, informed one of the charge nurse of OR that Dr. AP would conduct surgery on Plaintiff on _____, which the charge nurse then put on schedule. The charge nurse (whose name Dr. DN could not recall), did not inquire about medical coverage of Plaintiff or ability to pay.
p.74 L11- L20	Plaintiff never spoke with Dr. DN about Plaintiff's medical coverage or ability to pay nor DN was told by any one that timing of Plaintiff's discharge was based on Plaintiff's medical coverage or his inability to pay.
p.75 L16- p.76 L4	Dr. DN again read out aloud those entries of discharge summary which he wrote.
p.77 L7- p.78 L3	Dr. DN supplied to Plaintiff's girlfriend dressing change materials and normal saline to apply on Plaintiff after discharge and instructed Plaintiff to promptly come back to hospital, if Plaintiff felt numbness in hand, streaking red up his arm, pus formation from wound and for any other complaints or concerns connected

	with the injury Plaintiff was treated for. Plaintiff said no problem.
p.78 L4- 25	Plaintiff did not complain of any numbness to Dr. DN nor was any pus or streaky red seen on _____ by Dr. DN, when the discharge summary was written. Dr. DN instructed Plaintiff in detail “not to lift with left arm” and also explained to him what Plaintiff was not supposed to do with left arm. Dr. DN reiterated that Dr. AP asked Dr. DN to fix ambulatory surgery on _____ and accordingly Dr. DN wrote the same on Plaintiff's discharge summary.
p.79 L2- 21	Dr. DN deposed that Dr. AP instructed Dr. DN between _____ and _____ that Plaintiff required to undergo ambulatory surgery at 6 a. m. on _____ and Dr. AP requested Dr. DN to speak with charge nurse of OR and confirm the surgery.
p.81 L2- p.82 L25	Dr. DN deposed that a Nursing note was prepared at 11 a. m. of dated _____ by a student mentioning bleeding from Plaintiff's wound. Dr. DN observed that such bleeding was with the dressing change and not otherwise signifying healthy tissue. Dr. DN did not see Plaintiff on _____.
p.83 L21- L24	Plaintiff did not make any complaint to DN about numbness or tingling at the time of discharge.
p.84 L3-p.95 L4	After plaintiff's discharge on _____, Dr. DN again saw Plaintiff on _____, on the day of skin graft surgery. Dr. DN deposed that he did not see Plaintiff on _____ nor any one discussed with Dr. DN that Plaintiff's skin graft surgery could not be done on 11/26/02 because of some insurance problem. Dr. DN only spoke with VNS's representative about Plaintiff between _____ & _____, and with none else. VNS's representative informed DN that she also spoke with Dr. AP. VNS's representative attending Plaintiff at home, informed Dr. DN that Plaintiff was not compliant with advised dressing changes and VNS's representative could not do the dressing changes on Plaintiff as Plaintiff was not allowing her. Dr. DN told VNS's representative that Plaintiff had the right to refuse. DN informed Dr. AP sitting face to face, on the same day (Dr. DN did not recall), about his conversation with VNS's representative. BD was with Dr. AP when Dr. DN spoke with Dr. AP. BD did not say anything. Dr. DN did not speak about what transpired between VNS's representative and himself to anyone else. Dr. DN did not contact Plaintiff after conversation with VNS's representative.
p.97 L3- p.98 L23	Dr. DN was never informed by any one or spoken to, by any one that Plaintiff's surgery that was scheduled on _____ was canceled. Dr. DN reiterated that he saw Plaintiff on _____, when Plaintiff

	was readmitted for skin graft surgery. Dr. DN deposed that in order dated _____, he wrote occupational therapy for Plaintiff under instruction from Dr. AP. Dr. DN spoke with OT in that regard said that therapist wanted to see Plaintiff.
p.99 L7- 17	On _____, Dr. DN prepared a post ambulatory surgery report on Plaintiff.
p.100 L5- 23	Prior to seeing patient on _____, Dr. DN did not have any conversation with Dr. AP. Dr. DN deposed that Dr. MW told Dr. DN about readmission of Plaintiff on _____.
p.101 L7- 13	Dr. DN deposed that Dr. MW also told Dr. DN that Dr. MW would assist Dr. AP for split thickness skin graft to which Dr. DN said “sure”.
p.102 L4- p.104 L21	Plaintiff did not make any complaint when he came in on _____. Plaintiff was found to have his arm dressed. Dr. DN saw Plaintiff's arm before surgery and found that there was no swelling or infection. Dr. DN prepared a post-ambulatory surgery report on Plaintiff, and mentioned chief complaint, as “split thickness skin graft left arm”. Under present illness Dr. DN wrote post stab wound left arm and developed compartment syndrome, status post fasciotomy _____, here for split thickness skin graft. Under past surgical history Dr. DN wrote facsiotomy. Under medications, Dr. DN wrote vicodin. Dr. DN mentioned that Plaintiff was under pain medication. Dr. DN mentioned under general that Plaintiff was aware, alert, oriented times three. Under skin, Dr. DN wrote positive fasciotomy left arm.
p.104 L25- p.106 L2	Dr. DN saw Plaintiff's left arm prior to ambulatory surgery conducted on _____, but did not find any infection or swelling. Plaintiff did not make any complaint of numbness and tingling. Dr. DN believed to have removed Plaintiff's dressing on _____, prior to surgery in operating room, and found the wound was healing. It was well, fine, granulating. No infection was found.
p.106 L7- p.109 L20	Dr. DN's report dated _____ was post-surgery and inferred normal findings.
p.111 L19- 24	Dr. DN clarified that the report he prepared on _____ on Plaintiff's history and physical examinations, was post ambulatory surgery.
p.113 L5- 13	Prior to the ambulatory surgery, Dr. DN did not prepare any note.
p.114 L13- p.121 L2	Dr. DN was present in the OT as a second assistant, mostly to observe. Dr. DN also scrubbed Plaintiff with Betadine and stapled the graft and did dressing of leg and arm under the supervision of Dr. AP. Dr. DN followed the patient to recovery room. When Dr. DN wrote history and physical examination details of Plaintiff, he

	was with Dr. MW. Dr. DN wrote post-operative report under the supervision of Dr. AP, the attending physician. Dr. DN was confronted with his post-surgery report dated _____ on Plaintiff.
p.121 L10- p.124 L10	Dr. DN is confronted with Plaintiff's progress note prepared at _____ on dated _____. Dr. DN read it aloud.
p.121 L18-p.127 L16	Dr. DN was asked to read out aloud, Plaintiff's progress note prepared at _____ on dated _____ and was confronted with. Dr. DN did not prepare any progress note on Plaintiff after _____.
p.128 L16-p.129 L18	Dr. DN did not see Plaintiff after _____. Neither Dr. AP nor Dr. MW ever discussed with DN, about Plaintiff after December _____. discharge.
p.129 L10- 20	Dr. DN held no conversations with Plaintiff during December _____ apart from what the notes suggested. Dr. DN neither spoke with Plaintiff's girlfriend nor was aware of Plaintiff's subsequent emergency visits to hospital. Neither any media personnel contacted Dr. DN in regard to Plaintiff's care and treatment nor Dr. DN was aware of any media interaction with any hospital staff, doctors or nurses in connection with Plaintiff's care and treatment.
p.129 L21- p.133 L12	Dr. DN filled in a consent form dated _____ in connection with Plaintiff's skin graft plan (which took place later on _____) under Dr. AP's instructions. Dr. DN was confronted with it. DN read out aloud what he wrote in remarks column "all risks and benefits regarding the above procedure have been explained to the patient including the option of no surgery. The patient wants to proceed". Plaintiff did not ask any questions with regard to the risk and benefits explained to him. However, Plaintiff was not explained neurological deficits following the surgery or decreased range of motion from skin graft on the day of signing the consent form. Dr. DN clarified that on readmission on _____, Plaintiff was explained everything.
p134 L2- p.135 L	With respect to proposed _____ surgery, Dr. DN cosigned "systems review with a bunch of checks", which was prepared by RP on _____ without bearing the date as such a document was generally not dated.
p.136 L24- p.137 L11	Dr. DN did not speak with Dr. ST either in connection with Plaintiff's surgery or in connection with Plaintiff's capacity to pay hospital bills.
p.137 L16- p.138 L7	Dr. DN spoke with Plaintiff, in or around _____, during the time Plaintiff was about to be discharged from hospital, that Plaintiff

	would be more comfortable at home and there would be less chance of contracting wound infection at home than in the hospital.
	THE END

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