

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO
CASE NO. 95-CV-335

MARY E. ADAMCHICK, ET AL.

Plaintiffs

vs.

ST. ELIZABETH HOSPITAL
MEDICAL CENTER, ET AL.

Defendants

DEPOSITION OF

RASHID A. ABDU, M.D.

Deposition taken before me, Micheline
Simoni, Notary Public within and for the State of
Ohio, on the 18th day of September, 1996, at 3:25 PM,
pursuant to agreement, taken at St. Elizabeth
Hospital Medical Center, 1044 Belmont Avenue,
Youngstown, Ohio, to be used in accordance with the
Ohio Rules of Civil Procedure or the agreement of the
parties in the aforesaid cause of action pending in
the Court of Common Pleas within and for the County
of Mahoning and State of Ohio.

SIMONI COURT REPORTING
WARREN/YOUNGSTOWN, OHIO
(216) 399-1400, 746-0934

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A P P E A R A N C E S

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On Behalf of the Plaintiff:
Pamela Pantages, Attorney at Law
LANCIONE & SIMON

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On Behalf of the Defendants:
Marshall D. Buck, Attorney at Law
COMSTOCK, SPRINGER & WILSON

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I N D E X

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(NO OBJECTIONS MADE BY COUNSEL)

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P R O C E E D I N G S

RASHID A. ABDU, M.D.

having been duly sworn according to law, on his
oath, testified as follows:

CROSS EXAMINATION BY MS. PANTAGES:

Q. Doctor, could you state your full name for the
record, please?

A. Rashid A. Abdu.

Q. You might want to spell that for our court
reporter.

A. R A S H I D, A., A B D U.

MS. PANTAGES: Dr. Abdu, my name is
Pam Pantages. You and I just met for the first
time a moment ago. I represent the Adamchick
family in this case that's been filed against you
and against St. El zabeth's Hospital.

Q. Have you ever had your deposition taken
before?

A. Yes.

Q. On how many different occasions have you had
your deposition taken?

A. Two or three times.

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1 Q. What were the circumstances of those two or
2 three depositions?

3 A. One was a lawsuit against me; one was somebody
4 else and I was an expert witness.

5 Q. There were just two times, or was there a
6 third time in addition to today?

7 A. That's it. That's all I can remember.

8 Q. How long ago was the deposition where you were
9 an expert witness?

10 A. Five, six years.

11 Q. Was the case one where you were a treating
12 doctor or were you independent of the
13 case altogether?

14 A. I was participating in that, but I was not the
15 one who was sued.

16 Q. And, in the situation when you were a
17 Defendant and had your deposition taken,
18 how long ago was that deposition?

19 A. Probably about six years. I can't remember
20 the date.

21 Q. That's all right. How did that lawsuit end
22 up?

1 A. In my favor.

2 Q. Did it go to trial or was it dismissed?

3 A. It went to trial.

4 Q. And, you had a Jury verdict in your favor?

5 A. Yes.

6 Q. What was the circumstance of the lawsuit?

7 What was the case about -- just briefly?

8 A. I removed a lump from a woman's breast and
9 later on she developed swelling of her
10 hand, and she thought that was related to
11 my surgery, and she went to various
12 places for consultations and no one said
13 that it was related.

14 Then they decided to take the case
15 to arbitration, and three of the
16 arbitrators voted in my favor. Then they
17 decided to take it to appeals, and the
18 three Judges voted in my favor, but one
19 of the lawyers then convinced a Judge
20 almost a month later to change his mind,
21 which he did, and we went to trial.

22 Q. Was that here in Mahoning County?

1 A. Yes.

2 Q. Other than that case, and this case involving
3 the Adamchick family, have you been sued
4 in any other medical malpractice cases?

5 A. No, Ma'am.

6 Q. Have you ever had any money paid on your
7 behalf by way of settlement, either
8 inside or outside of a lawsuit?

9 A. No, Ma'am.

10 MS. PANTAGES: Dr. Abdu, I'm going
11 to be asking you some questions today about your
12 background and about your relationship with Mary
13 Adamchick. The most important thing is that you
14 and I understand each other; so, if I ask you a
15 question and you don't understand my question, I
16 would rather that you tell me that than try and
17 speculate as to what you think the question means.
18 All right?

19 THE WITNESS: Thank you.

20 MS. PANTAGES: If you answer one of
21 my questions I'm going to presume you understood it
22 the way I phrased it. Fair enough?

1 THE WITNESS: Fair enough.

2 Q. Doctor, what is your business address?

3 A. Right now I am full-time in teaching here at
4 St. Elizabeth's Hospital, running the
5 surgical education program.

6 Q. Do you have a practice?

7 A. Not right now.

8 Q. How long has it been since you maintained
9 private practice?

10 A. Since I closed my practice?

11 Q. Well, however long it's been since you have
12 had a private practice, whether by
13 closing or some other means.

14 A. I had my private practice until the first --
15 until actually the end of February.

16 Q. February of 1996?

17 A. 1994.

18 Q. And, how was it that you closed your private
19 practice?

20 A. My wife became very ill with cancer, and I
21 wanted to spend time with her and take
22 care of her.

1 Q. Was there a particular date that you closed
2 your practice?

3 A. The first of March.

4 Q. Was there a period of time between the time
5 you decided to close your practice and
6 actually closing the practice?

7 A. What do you mean?

8 Q. When did you make the decision to close your
9 practice?

10 A. Probably a week or two before that --
11 something like that -- when I saw my wife
12 was getting very ill.

13 Q. When was the date of the last surgery that you
14 performed?

15 A. I can't remember.

16 Q. If we know that you performed surgery on
17 Mrs. Adamchick on February 8, 1994, can
18 you give me any estimation of how many
19 other surgeries you performed after Mrs.
20 Adamchick's surgery?

21 A. I can't really remember. I can't tell you.
22 It was a very traumatic time for me. I

1 can't remember.

2 Q. I understand, and I'm sorry I have to ask you
3 these questions.

4 A. That's all right.

5 Q. Is it possible that Mrs. Adamchick was the
6 last surgery that you performed?

7 A. It's entirely possible.

8 Q. Do you recall if you performed any surgeries
9 at all between February 8 of 1994 and the
10 present time?

11 A. I assisted some young surgeons who had
12 difficult cases here at least twice in
13 the last year.

14 Q. Within 1996?

15 A. Yes.

16 Q. Was Mrs. Adamchick the last surgery that you
17 recall performing in 1994?

18 A. Probably.

19 Q. And, since 1994, if I understand your
20 testimony correctly, you have assisted on
21 a couple of surgeries?

22 A. Yes.

1 Q. When we say couple, are we talking two?

2 A. Maybe three.

3 Q. What kinds of surgery would those have been?

4 A. One was a total gastrectomy, and two were
5 parathyroid surgery.

6 Q. And, that would have been this year -- 19967

7 A. This year, maybe last year -- I can't remember
8 the dates, but that's what they were.

9 Q. Dr. bdu, do you have a CV with you?

10 A. I have it in my office.

11 MS. PANTAGES: Can you give me a
12 copy, Marshall, when we have a chance?

13 (OFF THE RECORD)

14 Q. Just briefly, Doctor, could you summarize for
15 me your education and training, starting
16 with undergraduate school?

17 A. I went to medical school -- is that what you
18 mean?

19 Q. Yes.

20 A. I went to George Washington University School
21 of Medicine in Washington, D.C., and then
22 I came to Youngstown, to this hospital,

1 and I had one year of internship and four
2 years of surgical residency.

3 Q. Prior to medical school where did you go to
4 school?

5 A. I went to Lafayette College in Easton,
6 Pennsylvania.

7 Q. Doctor, where were you born?

8 A. I was born in Ymen, Y M E N.

9 Q. And where is that?

10 A. That's in southwest part of the Arabian
11 Peninsula.

12 Q. When did you come to the United States?

13 A. 1948.

14 Q. So, the bulk of your education occurred in the
15 United States?

16 A. Yes.

17 Q. Are you a U. S. citizen?

18 A. Yes.

19 Q. When did you become a citizen?

20 A. 1970.

21 Q. You told me at the beginning of your
22 deposition that you are involved in the

1 hospital's education program; correct?

2 A. Yes. I'm director of surgical education.

3 Q. Are you an employee of St. Elizabeth's

4 Hospital?

5 A. Yes.

6 Q. How long have you been an employee of St.

7 Elizabeth's?

8 A. I started half-time in 1976, and then when I

9 closed my office I became full-time.

10 Q. Did you take any time off between March 1,

11 1994, and your full-time employment with

12 St. Elizabeth's?

13 A. No, because, really, I was -- I can't remember

14 taking any time off. My wife was ill.

15 Q. Is your job as director of surgical education

16 affiliated with any medical school or

17 institution?

18 A. The Northeastern Ohio University College of

19 Medicine.

20 Q. Do you have an appointment with the NEOUCOM?

21 A. Yes.

22 Q. What is your appointment?

1 A. Professor of surgery.

2 Q. You're a full Professor?

3 A. Yes.

4 Q. How long have you been a full Professor with
5 the NEOUCOM?

6 A. Since '89, I think.

7 Q. '89, did you say?

8 A. I think so.

9 Q. How long have you had any affiliation with the
10 NEOUCOM?

11 A. What do you mean how long?

12 Q. Did you start out as a clinical instructor
13 or --

14 A. I started as an Associate Professor of
15 surgery.

16 Q. When did you start as Associate Professor of
17 surgery?

18 A. 1976.

19 Q. Okay. At some point were you made Assistant
20 Professor?

21 A. NO.

22 Q. So, you started with the NEOUCOM as Associate

1 Professor and were promoted to full
2 Professor?

3 A. Yes.

4 Q. You are a general surgeon?

5 A. Yes.

6 Q. Are you board certified?

7 A. Yes.

8 Q. When did you become board certified?

9 A. 1966.

10 Q. And, what did you have to do to become board
11 certified? I'm assuming that you are
12 board certified in general surgery; is
13 that correct?

14 A. Yes.

15 Q. Do you have any other areas of certification?

16 A. I was certified in abdominal surgery, also, by
17 this organization -- by the Association
18 of Abdominal Surgeons.

19 Q. That's not the same as being board certified?

20 A. They give you a board certification, but the
21 main one is really the American Board of
22 Surgery, yes.

1 Q. And you don't get a certification by the
2 American Board of Surgery in abdominal
3 surgery? That's a different group;
4 right?

5 A. Different group.

6 Q. What did you have to do to be board certified
7 in general surgery in 1966?

8 A. Meet the requirements.

9 Q. Which was what -- which were what?

10 A. Submit a list of my experience, and also take
11 a written examination, and take an oral
12 examination.

13 Q. Did you pass your written examination on the
14 first try?

15 A. Yes.

16 Q. And did you pass your oral examination on the
17 first try?

18 A. Yes.

19 Q. Have you had to do anything since 1966 to
20 maintain your board certification? Is
21 there a renewal process or
22 recertification process?

1 A. I didn't have to do that.

2 Q. In 1994, February of 1994, did you have any
3 area of specialty other than general
4 surgery, or beyond general surgery?

5 MR. BUCK: Subspecialty?

6 A. Subspecialty in surgery? No. Areas of
7 interest.

8 Q. What areas of interest did you have?

9 A. Endocrine surgery, thyroid, parathyroid,
10 adrenals.

11 Q. When year did you graduate from the George
12 Washington Medical School?

13 A. 1960.

14 Q. And did you complete your internship the
15 following year?

16 A. Yes.

17 Q. And, thereafter, did you go immediately into
18 your residency?

19 A. Yes.

20 Q. So, you completed your residency in 1965?

21 A. Yes.

22 Q. And, did you engage in private practice of

1 general surgery from 1965 to 1994?

2 A. Yes.

3 Q. Full-time?

4 A. Full-time, yes -- while at the same time
5 running the education program.

6 Q. And, you started running the education program
7 in 1976?

8 A. Yes, '76.

9 Q. Can you estimate for me how many thyroidectomy
10 procedures you have performed over the
11 course of your career?

12 A. A lot. Gosh, maybe hundreds.

13 Q. Are we talking 100, 200, 500, 900?

14 MR. BUCK: Can you tell us in an
15 average year how many you might perform?

16 A. Well, in some years I would probably do 30,
17 20, 10 -- it depends -- but I did quite a
18 few.

19 Q. So, between 1965 and 1994 you performed an
20 average of ten to 30 thyroidectomies per
21 year?

22 A. Something like that.

1 Q. When you trained as a general surgeon I'm
2 assuming that your general surgery
3 training included surgical technique; is
4 that correct?

5 A. Yes.

6 Q. Did your general surgery training also include
7 post-operative management of surgery
8 patients?

9 A. Yes.

10 Q. And, when I say post-operative management of
11 surgical patients, what does that mean to
12 you, as a general surgeon?

13 A. To make sure that -- I think you have to
14 clarify that a little bit, because it
15 varies with each patient.

16 Q. Let's talk about a tracheostomy patient.

17 A. A tracheostomy patient, you make sure they
18 have no injury to the nerves, they are
19 breathing well, they are not hoarse, that
20 they would not have any problems the
21 first 24 hours, and essentially that's
22 what you do. That they are hydrated

1 until they are able to eat, and they go
2 home.

3 Q. So, you manage these patients pretty much from
4 the time of your surgery to the time of
5 discharge; correct?

6 A. That's on the usual type of surgery, If a
7 situation is more complicated, then you
8 will elicit the help of those people who
9 are experts in those areas.

10 Q. The help of consultants?

11 A. Yes.

12 Q. Would you agree with me that even though, as a
13 surgeon, you elicit the help of
14 consultants, as primary surgeon you still
15 manage the case?

16 MR. BUCK: Are you talking about if
17 he admits the patient, or --

18 MS. PANTAGES: He's fine, Marshall.
19 You don't have to testify for him. I asked him if
20 he doesn't understand my questions, to let me know.
21 I don't want you to coach him. You're not the
22 deponent.

1 MR. BUCK: I'm not coaching him. I
2 didn't understand your question.

3 Q. Doctor, did you understand my question?

4 A. The question was, again?

5 Q. If, as primary surgeon, you have elicited the
6 assistance of consultants, would you
7 agree with me that you are still the
8 primary physician on the case?

9 A. If I'm the only person admitting the pati nt,
10 then that's true.

11 Q. What does that mean if you are the only person
12 who admitted the patient?

13 A. If I admitted the patient to my care and this
14 patient does not have a physician who is
15 managing other problems, that's true.
16 But, if there are other physicians
17 managing other problems, then it becomes
18 a team effort, like it is anyway.

19 Q. Well, we were talking about football a moment
20 ago. A football team still has a
21 captain?

22 A. Yes.

1 Q. And if you are the admitting physician you're
2 the captain of the team; correct?

3 A. All right, yes.

4 Q. The same question with respect to what your
5 post-operative management involves in the
6 case of a patient like Mrs. Adamchick
7 upon whom you have performed a
8 thyroidectomy with a tracheostomy. What
9 does your role in her post-operative
10 management involve?

11 A. In her situation I was actually a consultant.
12 Dr. Cleary was her admitting and primary
13 physician.

14 Q. Have you had an opportunity to review these
15 records? Indicating)

16 A. Yes, I have.

17 Q. Are you aware that these records of St.
18 Elizabeth's Hospita lists you as the
19 admitting physician?

20 A. I don't know how that is because -- really, I
21 can't remember that I was the admitting
22 physician. Dr. Cleary sent me this

1 patient.

2 Q. Why did Dr. Cleary send Mrs. Adamchick to you?

3 A. To do this surgery.

4 Q. Well, Dr. Cleary didn't order the surgery;
5 correct?

6 A. He sent the patient to me to do the surgery.

7 Q. Well, Dr. Cleary is an internal medicine
8 specialist, is he not?

9 A. Right.

10 Q. Internal medicine specialists do not make the
11 decision to do surgeries on people --
12 they send people to surgeons to consult
13 as to whether or not surgery is needed;
14 correct?

15 A. Yes, but he also -- he thought it was needed,
16 I thought it was needed, and other
17 consultants thought it was needed.

18 Q. What other consultants thought the surgery was
19 needed?

20 A. Dr. Batista, for example, who looked in her
21 throat. He had difficulty seeing.

22 Q. All right. So, prior to Mrs. Adamchick's

1 admission on 2-8-94 you saw

2 Mrs. Adamchick; correct?

3 A. Yes.

4 Q. What day did you see her?

5 A. I can't remember. I saw her in my office with
6 her family.

7 Q. Do you have office records?

8 A. No. I transferred them to another surgeon.

9 Q. Who has Mrs. Adamchick's records?

10 A. Dr. Dallas.

11 Q. What his first name?

12 A. James.

13 Q. Is he here in the Youngstown area?

14 A. Yes.

15 Q. What street is he on?

16 A. On Parmalee -- 540 Parmalee.

17 Q. And, if Mrs. Adamchick was admitted on
18 February 8, 1994, what day did you see
19 her prior to that admission?

20 A. I can't remember the date.

21 Q. Wow many times did you see her before she was
22 admitted to St. Elizabeth's Hospital on

1 February 8?

2 A. If I recall, one time -- with her family.

3 Q. All right. And tell me everything that you
4 remember about that visit that took place
5 in your office.

6 A. She came with her family. She was having
7 problems breathing. She had a massive
8 mass in her neck, veins distended, and
9 she was a heavy lady. Her daughter, who
10 was, I believe, a practical nurse was
11 with her, her husband, and we talked
12 about the surgery.

13 Q. What did you talk about?

14 A. What did we talk about?

15 Q. Right.

16 A. That her difficulty in swallowing and
17 breathing was due to this large thyroid
18 that had pushed the trachea markedly to
19 the right side, and surgery was
20 indicated. And I agreed with Dr.
21 Cleary's recommendations, and I explained
22 to them the procedure and the

complications.

2 Q. If an internal medicine specialist recommends
3 a patient to you for a surgical consult
4 and you conclude that surgery is not
5 warranted, would you perform surgery on
6 that patient?

7 A. Absolutely not.

8 Q. The ultimate decision to do surgery is yours
9 as the general surgeon correct?

10 A. Yes.

11 Q. An internal medicine specialist is not
12 qualified to make that decision, is he?

13 A. No. He can recommend.

14 Q. When you saw Mrs. Adamchick prior to -- at
15 your office prior to February 8, 1994,
16 her trachea was moved out of position;
17 correct?

18 A. Yes.

19 Q. And, as a result of that, her airway was
20 compromised; correct?

21 A. Yes.

22 Q. Did you tell Mrs. Adamchick before you

1 admitted her to the hospital that you
2 wanted to do a tracheostomy?

3 A. Yes.

4 Q. Why did you think that a tracheostomy was
5 warranted?

6 A. This patient had this large thyroid for a long
7 time. In fact, she had radiation at one
8 time for an overactive thyroid.

9 What happens, if a trachea is being
10 compressed for many, many years,
11 sometimes it becomes thin, and then after
12 surgery it can collapse. That's one
13 reason. The other reason is the
14 anesthesia people had a very difficult
15 time intubating her. In fact, it took
16 two anesthesiologists and an ear, nose
17 and throat, one hour to intubate her
18 awake. Because of that, I thought also
19 there would be trauma to the upper airway
20 and if she had swelling after surgery,
21 then she will have problems breathing.

22 Q. All right. So, at the time you performed

1 surgery, if I understand your testimony,
2 Mrs. Adamchick was at risk for
3 compromised airway because, number one,
4 her trachea may have been thinned as a
5 result of this thyroid tumor; correct?

6 A. It makes it weak because of the compression,
7 yes.

8 Q. So, after the surgery was over she was at risk
9 for having a weakened trachea

10 A. That's possible. It was a concern of mine,
11 correct.

12 Q. And also, anesthesia had a difficu t time
13 intubating her, so her airway was
14 subjected to trauma as a resu t of that;
15 correct?

16 A. I would think so.

17 Q. And, as a result of the intraoperative trauma
18 she was at risk for airway swelling?

19 A. That was pre-operative trauma.

20 Q. Pre-operative trauma?

21 A. Yes.

22 Q. Caused her airway swelling?

1 A. I would think so.

2 Q. Typically, how long does it take for that
3 swelling to go away?

4 A. I don't know. It depends on the magnitude of
5 the swelling.

6 Q. Could it take as many as three days to go
7 away?

8 A. It may take three days, may take longer, maybe
9 less.

10 Q. May take three, five, seven days?

11 A. I can't tell you. I don't know.

12 Q. An from an hour of intubation it stands to
13 reason that there was substantial
14 pre-operative trauma to the airway?

15 MR. BUCK: Are you talking about
16 this patient now?

17 Q. For Mrs. Adamchick.

18 A. To the upper airway.

19 Q. When you say "upper airway" what are you
20 referring to?

21 A. The beginning, in the area of the vocal cords.

22 Q. Why did anesthesia have such a difficult time

1 intubating her?

2 A. Because the trachea was deviated so far to the
3 back.

4 Q. As a result of the tumor?

5 A. Yes.

6 Q. After the tumor was removed would the trachea
7 continue to be deformed?

8 A. What do you mean by "deformed"?

9 Q. Well, if there's a substantial deviation to
10 the right.

11 A. No.

12 Q. Would there be any deviation once the
13 tracheostomy was performed?

14 A. It would be minimal, if any.

15 Q. But it still could be deformed because of the
16 amount of time that it had been pushed
17 over to the side?

18 A. Yes.

19 Q. So, it wasn't going to be normal even after
20 the surgery, correct -- most likely?
21 Most likely it was not going to be
22 normal?

1 A. Right.

2 Q. What are the complications that can occur in a
3 tracheostomy patient post-operatively?

4 A. Bleeding, the tracheostomy tube falling off
5 after surgery, getting plugged by mucous.
6 Post-operatively that's about it.

7 Q. How about aspiration of food?

8 A. It shouldn't really, because if they eat why
9 would they aspirate? I don't understand.
10 Aspiration of food in what way? Because
11 there is a cuff inside. There's a
12 balloon that occludes the trachea. The
13 esophagus is behind the trachea, and when
14 the patient eats the food goes into the
15 esophagus.

16 Q. Does the tracheostomy or the tracheostomy cuff
17 put any pressure on the esophagus?

18 A. It shouldn't, really. It should not, because
19 it has to be huge to do that.

20 Q. So, in a normal situation when you inflate a
21 tracheostomy cuff it doesn't affect the
22 esophagus at all?

1 A. No.

2 Q. Does a tracheostomy patient have any feeding
3 problems that a non-tracheostomy patient
4 wouldn't have?

5 A. No.

6 Q. You have no concerns about feeding at all in a
7 tracheostomy patient as compared to a
8 non-tracheostomy patient?

9 A. You are talking about when? Feeding when?
10 The first day? The second day? After
11 the tracheostomy, a month?

12 Q. Let's talk about the first post-operative
13 date.

14 A. You don't want to feed them because they are
15 not ready to eat, for one thing.

16 Q. Why is that?

17 A. Usually, they may have ileus and also you want
18 to make sure they are alert and are able
19 to cough, so that in the event of, say,
20 some clear liquid slips -- like we all
21 choke on liquid once in a while -- that
22 they can cough it. Otherwise, you will

1 have no concerns.

2 Q. When you talk about slipping with liquid,
3 that's aspiration; correct?

4 A. Yes. You drink a glass of water and you say
5 it went the wrong way.

6 Q. We aspirate the liquid?

7 A. Yes.

8 Q. Is a tracheostomy patient at greater risk to
9 any degree for aspiration of liquid than
10 a non-tracheostomy patient?

11 A. Shouldn't be.

12 Q. You don't see any difference between those two
13 patients?

14 A. Should not be.

15 Q. What feeding concerns do you have with a
16 thyroidectomy patient on the second
17 post-operative day?

18 A. The only thing is can they tolerate it.

19 Q. You can start a regular diet on the second
20 post-operative day?

21 A. Well, we do when we do the routine test, yes.

22 They get whatever they want to eat. You

1 said thyroidectomy?

2 **Q.** With a tracheostomy.

3 **A.** You would not start then on solid food the
4 following day, because you want to make
5 sure they are able to swallow.

6 **Q.** Why not? And why would a tracheostomy patient
7 have any difficulty swallowing?

8 **A.** Reflux, for one thing. They have a sore
9 throat. These people have had greater
10 surgery usually than ordinary.

11 **Q.** How about on the third post-operative day? Do
12 you have any feeding concerns on the
13 third post-operative day?

14 **A.** Again, it would depend on the patient. If
15 they are able to swallow liquids then
16 I'll have no concern, and I will advance
17 them slowly until they get into solid
18 food.

19 **Q.** How do you advance a patient's diet? What
20 does the standard of care require in a
21 tracheostomy patient?

22 **A.** The patient is alert, oriented, coughing,

1 bowels functioning.

2 Q. Anything else?

3 A. That's it.

4 Q. When you advance a patient's diet, a
5 tracheostomy patient, post thyroidectomy,
6 how specifically do you do that? Start
7 with the day of surgery and take me
8 forward.

9 A. You don't give them anything the day of
10 surgery. Following that, you may give
11 them water, and if they tolerate that you
12 may start them on clear liquids, and if
13 they tolerate that, then you advance them
14 to full liquids, which would include
15 soups and pureed food. If they tolerate
16 that, then you feed them as tolerated.
17 And a very special diet, of course, and
18 you put them on a special diet --
19 diabetics or whatever.

20 Q. Is there anything between full liquids and a
21 regular diet? Is there any intermediate
22 dietary level?

1 A. You can give them so-called soft diet, but
2 sometimes patients like the regular diet
3 better than soft.

4 Q. In Mrs. Adamchick's case was it your plan to
5 go from clear liquids, to full liquids,
6 to soft diet, to regular diet, or to go
7 from clear liquids, to full liquids, to
8 regular diet?

9 A. To go from clear liquids, to full liquids, and
10 then advance to solids, and the diet then
11 would be determined by Dr. Cleary because
12 the lady was diabetic.

13 Q. Who made the decision to advance the diet?

14 A. I can't remember.

15 Q. Is that something that you would be concerned
16 about in managing a patient like
17 Mrs. Adamchick in the immediate
18 post-operative phase?

19 A. I believe when I saw her and she was
20 tolerating, and I said we may advance
21 diet. That was the morning when she was
22 arrested. So, I did not -- she did not

1 have any advance.

2 Q. Excuse me?

3 A. The day when I saw her on the 12th, in the
4 morning, and I was considering of
5 advancing her diet, but she then arrested
6 before I did anything to advance her
7 diet.

8 Q. Okay. Who ordered clear liquids for her?

9 A. I believe it was a resident.

10 Q. What kind of resident?

11 A. Surgical resident.

12 Q. And that surgical resident would have been
13 operating under your authority?

14 A. Yes. He was a chief resident under my
15 responsibility.

16 Q. Did you have any problems with Mrs. Adamchick
17 receiving clear liquids?

18 A. No.

19 Q. From a general surgeon's standpoint can you
20 define clear liquids for me?

21 A. Water, clear juices, apple juice.

22 Q. What was that resident's name, if you

1 remember?

2 A. Danny Sankovick.

3 Q. In what year of his residency was he?

4 A. He was chief resident.

5 Q. Which would have been?

6 A. Fifth.

7 Q. Fifth year. Who wrote the order to change the
8 clear liquid diet to a full liquid diet?

9 A. I don't know. Do you have it th re? I see an
10 order here on the 11th by Dr. Sankovick.

11 It says to encourage fluid intake. Dr.

12 Cleary, I see here on the 11th, at 8:15,

13 "Change diet to full liquid diet and

14 transfer to regular floor, Dr. Cleary."

15 Q. That's not what that says, Doctor. It says,

16 "Number one, change diet to full liquid

17 diet." That's the complete order as far

18 as the diet is concerned; correct?

19 A. Can you tell me the date?

20 Q. Sure. On 2-11-94 at 8:15, the record says,

21 "Number one, change d et to full liquid

22 diet."

1 **A.** That's Dr. Cleary.

2 **Q.** Where does it say that?

3 **A.** "Okay with Dr. Cleary."

4 **Q.** You're getting ahead of me, Doctor. It says,
5 "Number one." Are you with me on the
6 same page?

7 **A.** Okay. I see it, yes.

8 **Q.** "Number one, change diet to full liquid diet."

9 That's the complete order a far a the
10 diet instruction is concerned, correct?

11 **A.** Okay, I see what you mean. All right.

12 **Q.** Whose order is that?

13 **A.** That's my order.

14 **Q.** All right. At any point in time did you
15 observe Mrs. Adamchick eating a full
16 liquid diet?

17 **A.** Not prior to this.

18 **Q.** My question is, at any point in time did you
19 observe Mrs. Adamch ck eating a full
20 liquid diet?

21 **A.** No.

22 **Q.** What orders did you write concerning

1 post-operative care of Mrs. Adamchick's
2 tracheostomy?

3 A. Those are routine orders that when the patient
4 goes to the floor the nurses have a
5 routine protocol to take care of
6 tracheostomy patients.

7 Q. Is that anywhere in the hospital record?

8 A. Not here, no, but it's in the nurses' manual,
9 and they are now on all floors.

10 Q. I have a page in my record that's marked
11 2-13-94.

12 A. Is that an order?

13 Q. It's Department of Respiratory Services,
14 Physician Order Sheet, "Aerosolyzed
15 Bronchodilator Therapy." It's a standing
16 order sheet. Can you find that for me in
17 that chart?

18 A. What date is that?

19 Q. 2-13-94.

20 MS. PANTAGES: I want him to find
21 the original on the chart, please

22 A. Okay. I see 2-13.

1 Q. Well, Mr. Buck is showing you his photocopy.

2 Can you find the original of this
3 photocopy that he's showing you?

4 A. All right.

5 Q. I'm going to come around and look and see what
6 you have got.

7 A. Okay.

8 Q. The order says, "See reverse." What's on the
9 reverse?

10 MS. PANTAGES: I don't have a copy
11 of this. I would like a copy of this. I mean, to
12 the extent that many of these are two-sided pages.
13 None of mine are two-sided, so I need a copy of
14 the --

15 MR. BUCK: None of the physicians
16 orders are two-sided. I don't have two sides,
17 either.

18 MS. PANTAGES: Well, we need to get
19 a copy, because I don't have a complete record.

20 Q. Now, you said that there's a hospital protocol
21 as far as post-operative tracheostomy
22 care?

1 A. For nurses, yes.

2 Q. Are you familiar with that protocol?

3 A. Yes.

4 Q. What is the protocol for nurses as far as
5 trach care is concerned?

6 A. To keep it clean, to suction if needed -- and
7 it depends on the status of the patient.
8 If the patient is doing it herself or
9 himself, then it would be minimal.

10 Q. When you say to keep a trach clean, what is
11 the protocol require in keeping a trach
12 clean?

13 A. Well, I cannot give you word for word. If
14 there is mucous a lot outside, to clean
15 it if the patient cannot do it himself or
16 herself; to suction it if the patient is
17 unable to suction it, or there's a great
18 deal of mucous coming out, frothing.
19 Essentially that's -- to make sure it's
20 in place.

21 Q. How about as far as replacing the tracheostomy
22 parts -- the cannula -- anything like

1 that? Is there a protocol?

2 A. If you have metal cannulas, yes.

3 Q. Are there circumstances where it would not be
4 metal?

5 A. Yes, there are circumstances when it would not
6 be metal.

7 Q. Was Mrs. Adamchick's cannula metal or
8 non-metal?

9 A. Non-metal.

10 Q. Plastic?

11 A. Yes.

12 Q. How often does the plastic cannula have to be
13 changed?

14 A. There is no cannula.

15 Q. Is there any part of her tracheostomy
16 apparatus which would require changing?

17 A. If there is a tube in it, but those usually
18 come without tubes.

19 Q. How often are nurses required to clean out the
20 tracheostomy apparatus?

21 A. I cannot really give you times. I can't
22 remember all the details in the

1 protocols, but I would suppose as needed,
2 and it depends on the status of the
3 patient. Some patients may require care
4 every 30 minutes, some might not require
5 care for maybe several hours for a shift.

6 Q. How about on the first post-operative day?

7 How many times would you expect a
8 tracheostomy apparatus to be cleaned out;
9 once a shift, three times a shift?

10 A. Hourly -- it depends on excretion, whether or
11 not the patient is able to cough.

12 Q. If a patient is producing secretions, if it's
13 documented in the nurse's note that a
14 patient is producing copious amounts of
15 secretions or copious amounts of mucous,
16 would you agree that that patient needs
17 to be suctioned?

18 A. Yes.

19 Q. How about moderate amounts of secretions or
20 moderate amounts of mucous; would you
21 agree that needs to be suctioned?

22 A. Suctioned by the nurse or the patient.

1 Q. How about mild amounts of mucous or
2 secretions; does that patient need to be
3 suctioned?

4 A. Yes, he does.

5 Q. At what point in time does a patient no longer
6 need suctioning?

7 A. When the patient is able to do his or her own
8 suctioning.

9 Q. Did you ever see Mrs. Adamchick suction
10 herself?

11 A. No.

12 Q. Did any nurse ever tell you that he or she saw
13 Mrs. Adamchick suctioning herself?

14 A. I don't recall.

15 Q. You don't remember any nurse ever telling you
16 that?

17 A. No.

18 Q. Did you ever instruct Mrs. Adamchick as to how
19 to suction herself?

20 A. The nurses instruct them.

21 Q. Did you ever instruct Mrs. Adamchick to
22 suction herself?

1 A. I can't recall that, no.

2 Q. Were you present when any nurse instructed
3 Mrs. Adamchick how to suction herself?

4 A. No.

5 Q. Did any nurse ever tell you that she told
6 Mrs. Adamchick how to suction herself?

7 A. No.

8 Q. Does it show in any of these records that any
9 nurse instructed Mrs. Adamchick how to
10 suction herself?

11 A. No.

12 Q. Does respiratory therapy also manage a
13 patient's tracheostomy apparatus?

14 A. They do it, yes.

15 Q. Is it routine, as far as your experience as a
16 surgeon at St. Elizabeth's Hospital, that
17 respiratory therapy follows tracheostomy
18 patients while they are hospitalized at
19 St. E's?

20 A. It depends on the pulmonary physician.

21 Q. Why does it depend on the pulmonary physician?

22 A. It's up to him whether he wants them to follow

1 them or not.

2 Q. If from whatever source respiratory therapy
3 has gotten involved with a tracheostomy
4 patient, would you expect them to
5 continue seeing that patient until
6 ordered to stop?

7 A. Yes.

8 Q. And that's irrespective of if a patient gets
9 transferred from one floor to another --
10 respiratory therapy has a duty to follow
11 those patients?

12 A. Yes.

13 Q. And failure to follow those patients is a
14 breach in hospital protocol; isn't it?

15 A. If they were instructed to do it in the first
16 place, it would certainly be.

17 Q. How often should a patient who is producing
18 copious amounts of secretions be
19 suctioned?

20 A. Could be hourly.

21 Q. How often should a patient who is producing
22 moderate amounts of secretions be

1 suctioned?

2 A. Two, three, four hours. What is moderate,
3 first of all?

4 Q. If it's described in the medical records as a
5 moderate amount of secretions, what does
6 that mean to you?

7 A. It's nothing -- it's not a great deal.

8 Q. But it's more than mild; correct?

9 A. Yes.

10 Q. And mild secretions means secretions are still
11 present?

12 A. Yes.

13 Q. Does the color of secretions make any
14 difference to you; say, if secretions are
15 yellow or tan as opposed to white?

16 A. If it persists.

17 Q. What's the significance of yellow or tan
18 secretions versus white secretions?

19 A. Of course, that depends on the person who
20 describes it, too. White may be clear
21 mucous. Yellow could be yellow, and it
22 could be infection in the lungs. So, if

1 it's a one time, two times, it doesn't
2 mean anything. If it's persistent, then
3 you worry about it.

4 Q. If a patient is documented as having rhonchi,
5 and the patient is a tracheostomy
6 patient, does that heighten your concern
7 for any reason?

8 A. No.

9 Q. Rhonchi don't increase the risk of airway
10 obstruction, in your opinion, in a
11 tracheostomy patient?

12 A. No. I would worry if it's wheezing, but not
13 rhonchi.

14 Q. How about crackles?

15 A. It's like rattling, crackles. Maybe the
16 patient is congested.

17 Q. There's some mucous or secretions down deep?

18 A. That's right.

19 Q. And the patient is not coughing it up?

20 A. Right.

21 Q. That's what "crackles" means?

22 A. Yes.

1 Q. Doctor, over the course of your practice as a
2 surgeon, how many patients have you had
3 experience a respiratory arrest as a
4 result of an airway obstruction?

5 A. None.

6 Q. That includes your tracheostomy patients?

7 A. Yes.

8 Q. Do you agree that a tracheostomy patient is at
9 a higher risk of airway obstruction than
10 a non-tracheostomy patient?

11 A. Yes.

12 Q. Why is that?

13 A. If they don't keep it clean, if they don't
14 know how to manage it -- if they take a
15 shower, if they go home with it, water
16 will get into it.

17 Q. They are at risk for mucous plug?

18 A. That's right, risk for mucous plug.

19 Q. Between post-op day one and post-op day four
20 in Mrs. Adamchick, what did you, as the
21 primary surgeon, intend to monitor in her
22 over that time period?

1 A. How she breathes, if she's alert, if she's
2 coughing, breathing.

3 Q. Fever?

4 A. Fever.

5 Q. That would be a concern to you?

6 A. If it's excessive, yes, it certainly would.

7 Q. How about fluids?

8 A. What do you mean?

9 Q. Intake, output?

10 A. Yes.

11 Q. Is that something that you monitor
12 post-operatively?

13 A. Yes.

14 Q. Do you rely upon the nurses to monitor the
15 patient's input and output?

16 A. Yes.

17 Q. Is failure to monitor input and output within
18 four days post-operatively a departure
19 from standards of care **as** far as you're
20 concerned?

21 A. How many days?

22 Q. Four days.

1 A. No. Depends on the patient.

2 Q. How about three days?

3 A. Depends on the status of the patient.

4 Q. Let's talk about Mrs. Adamchick. Would you
5 expect on post-op day one her input and
6 output to be recorded?

7 A. Yes.

8 Q. How about post-op day two?

9 A. Yes.

10 Q. How about post-op day three?

11 A. Yes.

12 Q. Would failure to do that on post-op day three
13 be a departure from standards of care?

14 A. Yes.

15 Q. Doctor, when Mrs. Adamchick was in the
16 hospital in February of 1994, what was
17 your practice as far as days you had
18 office practice, days you had surgery,
19 and when you would do your rounds?

20 A. I did my rounds usually in the morning.

21 Q. Was there a particular time that you did
22 rounds?

1 A. Anywhere between 8:00, 10:00. Any time in
2 those hours. Sometimes in the afternoon.
3 It would depend whether I had emergencies
4 or surgeries or -- but I saw by patients.

5 Q. When you do rounds for your patients
6 post-operatively, how long do you
7 typically spend with them or would you
8 spend with them when you were doing your
9 rounds?

10 A. It depends on the problems they have. Maybe
11 two minutes, maybe ten minutes, maybe an
12 hour, maybe much longer.

13 Q. Okay. In our records we have got a note from
14 you on the morning of Mrs. Adamchick's
15 arrest.

16 A. Yes.

17 Q. I have February 12, 1994, at 9:40 a.m.

18 A. Uh huh.

19 Q. Are you with me on that page?

20 A. Yes -- 9:40 a.m.

21 Q. Was that the standard time you saw
22 Mrs. Adamchick while she was in the

1 hospital?

2 A. No. It varies, as I said.

3 Q. Do you remember this morning, February 12,
4 1994, at 9:40 a.m.?

5 A. I put it down there -- yes.

6 Q. Independent of what's written here, do you
7 remember?

8 A. Yes. I remember, yes.

9 Q. What was Mrs. Adamchick doing when you saw
10 her?

11 A. She was sitting in a chair.

12 Q. What else was she doing besides sitting in a
13 chair?

14 A. Nothing, really.

15 Q. Did she have a roommate?

16 A. No.

17 Q. Did she have any food in front of her?

18 A. I can't remember.

19 Q. Do you remember seeing her eat anything?

20 A. No.

21 Q. How long did you stay with her on that
22 morning?

1 A. Oh, probably five minutes. Of course, I
2 remember talking with her about we better
3 get going, go home, and encouraging her,
4 you know, looking at her. She looked
5 good.

6 Q. You have a note, "Pulmonary will teach patient
7 trach care. Discussed with Dr. Cropp"?

8 A. Yes.

9 Q. As of 9:40 a.m. on 2-12-94, was it your
10 understanding that no one had yet
11 instructed Mrs. Adamchick on trach care?

12 A. This is for home. You see, we were thinking
13 of already sending this patient home,
14 really.

15 Q. So, no one had taught her trach care yet?

16 MR. BUCK: That's not what he said.
17 This is home trach care.

18 A. Home trach care.

19 Q. To your knowledge, had anyone taught
20 Mrs. Adamchick trach care when you wrote
21 this note on February 12 at 9:40?

22 MR. BUCK: Home?

1 A. There are two types of trach care. You have
2 trach care in the hospital where the
3 patient suctions himself or herself, and
4 she had the suction next to her --
5 suction apparatus -- and there's a home
6 care, which is entirely different.

7 Q. Okay. My question is, do you know if
8 anyone -- do you have firsthand knowledge
9 or personal knowledge of anyone teaching
10 Mrs. Adamch ck trach care -- hospital
11 trach care?

12 A. No.

13 Q. What else do you remember from this visit on
14 February 12, 1994?

15 A. That she looked well, and that I wanted to
16 advance her to regular diet and start
17 thinking of sending her home.

18 Q. Okay. Did you have any knowledge at 9:40 a.m.
19 on February 12, 1994, of whether or not
20 Mrs. Adamchick had had full liquids yet?

21 A. I believe she did have.

22 Q. What I'm asking you is, do you know if she had

1 full liquids as of 9:40?

2 A. May I look at something?

3 Q. Well, Doctor, my question is a simple one.

4 A. I want to look at the nurses' notes. I can't
5 remember. I don't know. I can't
6 remember, really.

7 Q. The nurses' notes speak for themselves. What
8 does a full liquid diet involve?

9 A. Broths, soups.

10 Q. Would a full liquid diet include soup with
11 vegetables?

12 A. No. Cream soups. Ice cream.

13 Q. Would it include soup with noodles in it?

14 A. It could.

15 Q. Basically, your understanding of a full liquid
16 diet is a cream soup that's very soft?

17 A. Yes.

18 Q. You would not want an ordinary bowl of chicken
19 noodle soup or vegetable soup, or
20 something like that?

21 MR. BUCK: He just told you noodles
22 would be permissible.

1 A. Noodles would be all right.

2 Q. Anything else in the soup besides noodles?

3 A. NO.

4 Q. When you saw Mrs. Adamchick on February 12,
5 1994, what was the status of her
6 secretions?

7 A. She had minimal -- hardly any secretions.

8 Q. Do you remember that as you sit here today?

9 A. Yes. As I was talking with her, looking at
10 her.

11 Q. Did she cough while you were sitting there?

12 A. I can't remember.

13 Q. Did you ask her to cough?

14 A. I can't remember that, either.

15 Q. So, as you sit here today --

16 A. She was breathing fine.

17 Q. Do you remember if she was coughing into
18 Kleenex?

19 A. No. I can't remember.

20 Q. So, as you sit here today you don't have any
21 recollection one way or another about
22 whether or not she had secretions or

1 didn't have secretions: correct?

2 A. That's right.

3 MR. BUCK: He told you a minute ago
4 in response to your question that she had no
5 secretions. He answered the question.

6 MS. PANTAGES: You can't testify for
7 him.

8 MR. BUCK: I'm telling you what his
9 previous answer was -- that she had none.

10 MS. PANTAGES: That's not his
11 answer.

12 Q. Doctor, as you sit here today do you remember
13 whether or not Mrs. Adamchick had any
14 secretions?

15 A. I didn't see any.

16 Q. That wasn't my question. Do you remember
17 whether or not you saw secretions or
18 didn't see secretions?

19 A. I did not see secretions.

20 Q. Did you ask her to cough?

21 A. I can't remember asking her, no. I can't
22 remember.

1 Q. You can't remember anything about it?

2 A. Asking her to cough.

3 Q. Do you remember whether she was producing
4 anything in Kleenex?

5 A. I didn't see anything.

6 Q. My question was, do you remember if she was
7 producing sputum into Kleenex?

8 MR. BUCK: That's the third time you
9 asked that. He told you he did not see her produce
10 anything in Kleenex. That's a clear answer.

11 Q. Do you remember?

12 MS. PANTAGES: Marshall, you're
13 testifying for him.

14 MR. BUCK: I don't know how many
15 times you want to ask him. He said he didn't see
16 her to produce anything in a Kleenex.

17 Q. Do you remember specifically that you did not
18 see her produce sputum in Kleenex?

19 A. I did not see her produce sputum in Kleenex.

20 Q. You do not remember that she was producing
21 sputum in Kleenex?

22 MR. BUCK: That's not what he's

1 saying.

2 Q. At any point in time did you see her produce
3 sputum?

4 MR. BUCK: From the admission?

5 Q. At any point in time.

6 A. In intensive care, coughing, intermediate,
7 coughing.

8 Q. You remember her producing sputum?

9 A. Yes.

10 Q. What was the character -- what was the nature
11 of her sputum when you saw it?

12 A. Like a sputum -- mucousy. Nothing spectacular
13 about it or unusual.

14 Q. Do you recall if it had any color to it,
15 whether it was tan, or yellow, or white?

16 A. No. I did not examine it that closely.

17 Q. Did you ask Mrs. Adamchick if she had been
18 suctioning herself?

19 A. I can't remember.

20 Q. Did you talk with the nurses that morning as
21 to whether or not they were suctioning
22 Mrs. Adamchick?

1 A. I can't remember.

2 Q. Who is Dr. DiMarco?

3 A. Pulmonologist.

4 Q. Does he practice with Dr. Cropp?

5 A. They cover, I believe, for each other. I

6 don't know whether they practice

7 together. I don't know.

8 Q. And, you consulted Dr. DiMarco on February 8

9 for the purpose of managing Mrs.

10 Adamchick's ventilator; correct?

11 A. Right.

12 Q. Did you consult him for any other reason on

13 that date?

14 A. No.

15 Q. At any point in time did you consult

16 pulmonology to manage Mrs. Adamchick's

17 trach care?

18 A. No.

19 Q. Dr. Abdu, do you have any opinion as to what

20 caused Mrs. Adamchick's arrest on

21 February 12, 1994?

22 A. No, I do not.

1 Q. Did you see her after the arrest on February
2 12, 1994?

3 A. Yes, I did.

4 Q. Okay. Did you have ideas as to what were the
5 potential causes of the arrest?

6 A. I did not know.

7 Q. Based upon your observation and knowledge of
8 her case?

9 A. No, I did not.

10 Q. Did you develop a differential diagnosis as to
11 what the cause of the arrest was?

12 A. It was speculated she was cardiac, some folks
13 said mucous, but nobody could document
14 suctioning any mucous plug. That's one
15 of the things you have to worry about.
16 Tachycardia, spasm -- I do not know.
17 They were really speculating.

18 Q. Have you had an opportunity to review this
19 record?

20 A. Yes, I have.

21 Q. What in the record would support the
22 conclusion that this arrest was cardiac

1 in nature?

2 A. What would not?

3 Q. What would support the conclusion that the
4 arrest was cardiac in nature?

5 A. If she had an infarct, or the arrhythmia that
6 the heart stopped.

7 Q. My question to you was, what evidence do we
8 have in Mrs. Adamchick's chart?

9 A. We do not.

10 Q. There's no evidence in the hospital record
11 that would support that this was a
12 cardiac arrest?

13 A. No. We have no evidence to support other
14 causes.

15 Q. Is there any evidence that would support the
16 conclusion that this was a respiratory
17 arrest?

18 A. Yes, it was be a respiratory arrest.

19 Q. What would be the reasons for a respiratory
20 arrest?

21 A. In her situation, I did not know.

22 Q. Did you develop at any point in time a

1 differential diagnosis as to what were
2 the potential etiologies of the
3 respiratory arrest?

4 A. Plug is one -- if that's the case -- and there
5 was none removed. I can't really think
6 of anything else.

7 Q. In light of what we know, a mucous plug is the
8 most likely explanation of what happened
9 to her. Is that a fair statement?

10 A. Fair statement.

11 Q. Dr. Abdu, do you have any criticisms of any of
12 the care that any of the people provided
13 to Mrs. Adamchick?

14 A. None whatsoever.

15 Q. Are you critical of Dr. Cleary's care at all?

16 A. No.

17 Q. Are you critical of Dr. Cropp's care at all?

18 A. No.

19 Q. Are you critical of any of the residents'
20 care?

21 A. No.

22 Q. Are you critical of any of the nursing care

1 A. No.

2 Q. Is there anything in your own management that
3 you would have done differently in
4 retrospect?

5 A. No.

6 Q. Would you agree with me that if Mrs. Adamchick
7 had been more closely monitored and more
8 frequently suctioned that her respiratory
9 arrest would not have occurred?

10 A. What do you mean by "frequently"?

11 Q. Well, would you agree with me that if she had
12 been suctioned hourly on February 12,
13 either by herself or by her care
14 providers, that her respiratory arrest
15 would not have occurred?

16 A. Possible. In retrospect, I don't know.

17 Q. In fact, it's likely if she had been suctioned
18 her respiratory arrest would not have
19 occurred?

20 MR. BUCK: He's answered the
21 question. He said he doesn't know.

22 A. I don't know.

1 Q. Did your role in the course of Mrs.
2 Adamchick's hospitalization ever change?

3 A. NO.

4 Q. Where are tracheostomy patients who are
5 hospitalized at St. E's usually kept?

6 A. There is no specific area for them. Anyplace
7 in the hospital.

8 Q. Where are the majority -- where have the
9 majority of your tracheostomy patients
10 stayed while they are patients at St.
11 Elizabeth's?

12 A. Initially they will go into intensive care or
13 intermediate; and then when they are
14 stabilized they will go to any floor
15 where there's a bed available.

16 Q. When you write an order to transfer a patient
17 from intermediate care to the regular
18 floor and that patient is a tracheostomy
19 patient, do you rely on the presumption
20 that the nurses who are going to be
21 taking care of that patient on the
22 regular floor are qualified to take care

1 of a tracheostomy patient?

2 A. Yes.

3 Q. You would expect them to know the difference
4 between a tracheostomy and tracheotomy?

5 A. Yes.

6 Q. You would expect them to know what kind of
7 risk for airway obstruction a
8 tracheostomy patient would have; correct?

9 A. Yes.

10 Q. You would expect them to know what's in a
11 trach tray and how to use it; wouldn't
12 you?

13 A. What's in the trach tray and how to use it?

14 Q. Yes.

15 A. What do you mean? What's the trach tray?
16 What do you mean by "trach tray"? The
17 nurses would not use --

18 Q. Can you refer in the orders to post-op orders?

19 A. Yes. I know those orders, yes. A trach tray
20 is -- actually, you have tubes -- and the
21 physician would do that. They are for
22 when they call like team blue or express

1 team and the physician would respond; and
2 that means the tube has come out, or a
3 patient sometimes after thyroid surgery
4 who does not have a tracheostomy, you
5 will have that in the event they get into
6 problems, then you will do a tracheostomy
7 in bed. So, it has a knife, it has tubes
8 in it. That's what that means. So, the
9 nurse would not do that.

10 Q. The nurse would not use the trach tray?

11 A. No.

12 Q. When there's an order that says, "Trach tray
13 set up in room at all times," what does
14 that mean?

15 A. That means you have that tray that has all
16 this equipment in it in that room. In
17 the event the patient gets into problems,
18 then you call the physician and they
19 respond and then you do whatever is
20 necessary, just like I explained to you.

21 Q. When you order that a trach tray is set up in
22 a room, what does that mean?

1 A. Have it available.

2 Q. Somewhere open --

3 A. No, it's covered. It is sterile. It's in a
4 tray.

5 Q. You expect the nurses on a general floor to
6 monitor tracheostomy patients for
7 secretions; correct?

8 A. Yes.

9 Q. They monitor the patient regularly for
10 secretions; correct?

11 A. Yes.

12 Q. Hourly?

13 A. As needed.

14 Q. You would also expect nurses on a regular
15 floor to provide tracheostomy care and
16 cleaning to a tracheostomy patient;
17 correct?

18 A. Yes.

19 Q. At minimum, you would expect nurses on the
20 floor to investigate whether or not the
21 tracheostomy patient is taking care of
22 her own tracheostomy; correct?

1 A. Yes.

2 Q. Do you also expect the nurses on a regular
3 floor to make sure that the tracheostomy
4 is hydrated?

5 A. Hydrated?

6 Q. Moisturized, misted?

7 A. Yes.

8 Q. How do you expect on a general floor to
9 maintain the mist in a tracheostomy of a
10 patient?

11 A. Is it a conscious patient?

12 Q. Yes.

13 A. Just put it on the tracheostomy, connect it to
14 moisturizing oxygen, and tell the patient
15 not to remove it.

16 Q. What are the risks to a tracheostomy patient
17 if the tracheostomy is not kept misted?

18 A. Mucous becomes dry in it, it becomes plugged.

19 Q. Do you agree that every time a diet is
20 advanced that somebody should ascertain
21 whether or not the patient is able to
22 handle the advancement?

1 A. Yes.

2 Q. How should that be done?

3 A. To see whether the patient ate it or took
4 whatever -- or tolerating it.

5 Q. Is that something that you do yourself?

6 A. The nurse does it.

7 Q. How long does a nurse need to watch a patient
8 who has had her diet advanced for the
9 first time in order to assure herself or
10 himself that the patient is able to
11 tolerate the dietary advancement?

12 A. Minutes.

13 Q. How many minutes?

14 A. Two, three, four, five. It depends on how
15 slow the patient eats.

16 Q. You would expect the nurse to s t down and
17 watch the patient and make sure that the
18 patient is able to eat the food and
19 swallow it?

20 A. Yes.

21 Q. And if there's more than one item on the tray
22 the nurse should stay and make sure that

1 the patient can handle each different
2 type of food; correct?

3 MR. BUCK: Are you talking about
4 different classifications?

5 Q. I mean, if you axe advancing a patient's diet
6 that's a risky situation for a patient,
7 isn't it -- that first dietary
8 advancement?

9 A. Not necessarily.

10 Q. How about in a tracheostomy patient on the
11 third post-operative day? It can be
12 risky?

13 A. No, it would not be risky.

14 Q. There's no risk to a patient of a dietary
15 advancement who is a tracheostomy patient
16 on the third post-op day?

17 A. If the patient is able to tolerate it, I see
18 no risk. If the patient is alert,
19 feeding herself, himself, I see no risk.

20 Q. When you say that the patient has to be able
21 to tolerate it, somebody needs to sit
22 there and figure out whether or not the

1 patient is able to tolerate it?

2 A. Yes.

3 Q. And that takes a little bit of time and
4 patience on the nurse's part; doesn't it?

5 A. Yes

6 Q. In your care and treatment of Mrs. Adamchick,
7 did you ever observe anything in her that
8 would lead you to believe that she was a
9 non-compliant patient?

10 A. No.

11 Q. Do you have any criticism of Mrs. Adamchick's
12 transfer to 5-West extension?

13 A. No.

14 Q. Did you ever ascertain whether any of the
15 nurses on 5-West extension were qualified
16 to care for a tracheostomy patient?

17 A. No.

18 Q. Do you know, as we sit here today, whether or
19 not the nurses who took care of
20 Mrs. Adamchick on 5-West extension were,
21 in fact, qualified to take care of a
22 tracheostomy patient?

1 A. To my understanding?

2 Q. Beg your pardon?

3 A. The question was do I know?

4 Q. As you sit here today, do you have any
5 understanding as to whether or not the
6 nurses who took care of Mrs. Adamchick on
7 5-West extension were qualified to care
8 for a tracheostomy patient?

9 A. this a negative question? Do I have an
10 understanding?

11 MR. BUCK: Ask her to repeat the
12 question.

13 Q. Sure. As you sit here today, do you know
14 whether or not the nurses who took care
15 of Mrs. Adamchick on 5-West extension
16 were qualified to care for a tracheostomy
17 patient?

18 A. I assume they were.

19 Q. Do you know if they were?

20 A. No, I do not.

21 Q. If you learned that the nurses on 5-West
22 extension who were taking care of

1 Mrs. Adamchick lacked experience in
2 caring for tracheostomy patients, would
3 you ask her to be moved to a place where
4 the nurses were experienced in caring for
5 tracheostomy patients?

6 A. If I knew that they were not experienced, yes.

7 MS. PANTAGES: That's all I have.

8 MR. BUCK: We'll read the
9 transcript.

10 (WHEREUPON THE DEPOSITION OF RASHID A. ABDU, MD, WAS
11 CONCLUDED AT 4:50 PM)


REPORTER'S CERTIFICATE

I, Micheline Simoni, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the above-named Rashid A. Abdu, MD, was by me first duly sworn to testify the truth, and that this deposition was written in the presence of the witness and by me transcribed, and that the deposition was taken at the time and place in the agreement specified.

I certify that I am not of counsel or relative to either party or otherwise interested in this action.

I further certify that the above and foregoing is a true and complete transcript of all the testimony and proceedings had in this deposition, as shown by stenotype notes written in the presence of the witness at the time of this deposition.

IN WITNESS WHEREOF, I have set my hand and Seal of Office at Warren, Ohio, this 19th day of September, 1996.


Micheline Simoni
My Commission Expires 11-8-98

SIMONI COURT REPORTING

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CORRECTION SHEET

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SIMONI COURT REPORTING

SIGNATURE PAGE

I, Rashid A. Abdu, MD, have read or have had the opportunity to read the foregoing deposition and find it true and correct to the best of my knowledge, information and belief, unless otherwise specified and listed on page 79, and I hereby subscribe my signature thereto, this _____ day of _____, 1996.

RASHID A. ABDU, M.D.

Before me, a Notary Public, in and for the State of Ohio, personally appeared Rashid A. Abdu, MD, who deposes and says that he has read or has had the opportunity to read the foregoing deposition, and that he finds it true and correct to the best of his knowledge, information and belief, unless otherwise specified and excepted to on page 79 of the deposition.

Sworn to and subscribed before me this _____ day of _____, 1996.

NOTARY PUBLIC

SIMONI COURT REPORTING

#476

CURRICULUM VITAE
RASHID A. ABDU, M.D., F.A.C.S.

PERSONAL INFORMATION:

Birthdate.....November 2, 1932
Marital Status.....Widower, four children
Home Address.....3935 Tyler Drive
Canfield, OH 44406
(unlisted)

PRESENT PROFESSIONAL TITLES:

Program Director, General Surgery
Professor of Surgery

Surgical Education
St. Elizabeth Health Center
1044 Belmont Avenue, P.O. Box 1790
Youngstown, OH 44501-1790
(216) 480-3124

EDUCATION:

A.B. Degree - 1956 Lafayette College
Easton, PA

M.D. Degree - 1960 George Washington University School of Medicine
Washington, D.C.

Rotating Internship St. Elizabeth Hospital Medical Center
7/1/60 - 6/30/61 Youngstown, OH

Resident St. Elizabeth Hospital Medical Center
General Surgery Youngstown, OH
7/1/61 - 6/30/65

PROFESSIONAL CERTIFICATION AND DATE:

1961 National Board of Medical Examiners

1961 Ohio License #028019-1

November, 1966 American Board of Surgery

1977 American Board of Abdominal Surgery

November, 1986 Advanced Trauma Life Support

PROFESSIONAL EXPERIENCE - POSITIONS HELD:

St. Elizabeth Health Center

1965 - 1966 Associate Staff - Department of Surgery
General surgery Service

1966 - Active Staff - Department of surgery
General surgery service

1970 - 1973 Secretary Treasurer - Medical Staff

1971 - 1974 Chief - General Surgery Section
Department of Surgery

1973 - 1976 Vice President - Medical Staff

1976 - Program Director, General Surgery

1976 - Chairman, Surgical Education Council

1983 - 1992 Board of Trustees

1984 Steering Committee, Assoc of Program Directors in Surgery

1987 - 1988 Chief, General Surgery Section
Department of Surgery

1994 - Medical Director, Breast Care Center

western Reserve Care System

1965 - Courtesy Staff - Department of Surgery
General Surgery Service

ACADEMIC TITLES:

1978 - 1989 Associate Professor of Surgery
Northeastern Ohio Universities College of Medicine
Rootstown, **on**

1989 - Professor of Surgery
Northeastern Ohio Universities College of Medicine
Rootstown, **on**

ORGANIZATIONS: Mahoning County Medical Society
Ohio State Medical Association
American College of Surgeons
Ohio Chapter, American College of Surgeons
American Society of Abdominal Surgeons
International College of Surgeons
Association of Program Directors in Surgery
Association for Hospital Medical Education
Association for Surgical Education

PUBLICATIONS - REFEREED JOURNALS:

Abdu RA, Vennetta C, Massullo E, and Riberi A. Vena Cava Clip Plication, Archives of Surgery, **1966;91:940.**

Hermann RE and Abdu RA, et al. Ohio Breast Cancer Survey, 1960-1969, American Journal of Surgery, Dec, **1971:122.**

Abdu RA. Giant Retroperitoneal Leiomyoma, Abdominal Surgery, **1977;19:18.**

Abdu RA. Repair of Paracolostomy Hernias with Marlex Mesh, Dis of the Colon & Rectum, **1982;25:529-31.**

Abdu RA. Ambulatory Herniorrhaphy Under Local Anesthesia in a Community Hospital, American Journal of Surgery, **1983;145:353-56.**

Vanek VW, Abdu RA and Kennedy WR, PhD. Comparison of Right Colon, Left Colon, and Rectal Carcinoma, The American Surgeon, Sept, **1986;52:504-09.**

Abdu RA, Zakhour BJ and Dallis DJ. Mesenteric Venous Thrombosis - 1911 to 1984, Surgery, April, **1987;101:4:383-88.**

Abdu RA, Garritano D and Culver O. Acute Gastric Necrosis in Anorexia Nervosa and Bulimia, Two Case Reports, Archives of Surgery, July, **1987;122:830-32.**

Abdu RA. Urgent Management of a Giant Scrotal Hernia, The American Surgeon, Oct, 1990;56:624-27.

Spiertos G, Abdu RA and Schaub CR. Osteosarcoma of the Spermatic Cord, Journal of Urology, April, **1991;145:832-33.**

Farhat GA, Abdu RA and Vanek VW. Delayed Splenic Rupture: Real or Imaginary? The American Surgeon, June, **1992;58:6:340-45.**

Sharp WV, Guyton DP, Crans CA, Abdu RA, et al. Initial Experience with Laparoscopic Surgery: Establishing a New Surgical Procedure, Journal of Laparoendoscopic Surgery, **1992;2:4:151-55.**

PUBLICATIONS - REFEREED JOURNALS (Continued):

Abdu RA, Carter K, Pomidor WJ. Gastric Syphilis Mimicking Linitis Plastica, Archives of Surgery, **1993;128:103-04.**

Abdu, RA. Survey Analysis of the American Board of Surgery In-Training Examination, Archives of Surgery, **1996;131:412-16.**

Vanek, VW, Abdu, RA. A General Surgery Resident Time Study in a Community Hospital, Current Surgery, **1996;53:100-05.**

Manuscript of Coloproctology and Hemorrhoids, Coloproctology

Abdu RA. Osteomyelitis of the Clavicle, American Journal of Orthopedics

MANUSCRIPTS IN PREPARATION:

Abdu RA, Breast Cancer Among White and Black Women

PUBLICATIONS - MISCELLANEOUS:

Abdu RA and McConnell RB. Trans Urethral Prostatectomy and Low Sodium Syndrome, Quarterly Bulletin, SEHMC, **1963;3:6.**

Sawyer JD and Abdu RA. Ruptured Gall Bladder with Massive Intra Peritoneal Hemorrhage, Quarterly Bulletin, SEHMC, **1963;3:6.**

Abdu RA and Herald JK. That Levin, Quarterly Bulletin, SEHMC, **1964;49.**

Lee HY and Abdu RA. Heterotopic Pancreas, Medical Bulletin #1, SEHMC, **1978;9:14.**

Wood L, Krishnan EU, Abdu RA, and Garg SK. Superior Mesenteric Artery Occlusion Following Therapy of Hodgkin's Disease, CONVERGENCE, **1981;1:2.**

Abdu RA. Groin Hernias Repaired at Community Hospitals on Outpatient Basis Under Local Anesthesia, Surgical Practice News, Aug, **1983;4:8.**

Abdu RA. (abstract) Ambulatory Herniorrhaphy Under Local Anesthesia in a Community Hospital, Current Surgery, Jan-Feb, **1984.**

Abdu RA. (abstract) Ambulatory Herniorrhaphy Under Local Anesthesia in a Community Hospital, Modern Medicine of Canada, March, **1984.**

PUBLICATIONS - MISCELLANEOUS (Continued):

Abdu RA. Ambulatory Herniorrhaphy Under Local Anesthesia in a Community Hospital , CONVERGENCE, July, 1984;4;1.

Vanek VW, Whitt C and Abdu RA. Carcinoma of the Right Colon, Left Colon and Rectum, CONVERGENCE, Feb, 1984;5;1.

Abdu RA. Perspectives - Program Director's Advice: How to be the Leader of the Pack in a Surgical Residency, Current Surgery, Jan/Feb, 1987;44:1.

Vanek VW, Whitt C, Abdu RA, Kennedy WR, PhD. Diagnosis and Preoperative Management of Colorectal Carcinoma, Contemporary Surgery, Jan, 1988;32:39-45.

Cerame MA and Abdu RA. Osteomyelitis of the Clavicle Complicating Percutaneous Subclavian Venipuncture, Infections in Surgery, Aug, 1990;5-9.

Abdu RA. Pilonidal Disease: Current Trends and Appraisal of a New Technique, Contemporary Surgery, June, 1992;40:6;11-13.

Sharp WV, Guyton DP, Crans CA, Abdu RA, et al. Initial Experience with Laparoscopic Surgery: Establishing a New Surgical Procedure, Jr of Laparoendoscopic Surgery, Nov, 1992;2;151-55.

Buss, TF, Abdu, R, Walker, Jr. Alcohol, Drugs, and Urban Violence in a Small City Trauma Center. Jr of Substance Abuse Treatment, 1995;12;2:75-83.

FILMS:

- | | |
|------|--|
| 1977 | Repair of Groin Hernias Under Local Anesthesia |
| 1978 | Surgery for Pheochromocytoma |
| 1986 | Repair of Giant Hernia Without the Use of Pneumoperitoneum |
| 1989 | Parathyroidectomy |

DEVICES:

- | | |
|------|----------------------|
| 1964 | Gastro Duodenal Tube |
|------|----------------------|

PRESENTATIONS AND CONFERENCE PARTICIPATION:

February, 1981 Trauma
Medical Society, Sanaa, Yemen

February, 1981 Trauma
Medical Society, Taiz, Yemen

July 19, 1984 Focus on Health in the U.S.A.
Radio Presentation, Youngstown, OH

October, 1987 Repair of Giant Hernia Without the Use of Pneumoperitoneum
American college of Surgeons Meeting
San Francisco, CA

February, 1993 The Myths and Realities of an 80-Hour Week
Association of Program Directors in surgery
Dallas/Forth worth, TX

June, 1995 Violence: A Hospital's Perspective
Ohio Department of Youth Services
Columbus, OH

AWARDS/HONORS:

1960 Mosby Company Scholarship Award

1984 Boss of the Year
Gold Torch Chapter/American Business Women's Association
Youngstown, OH

COMMITTEE RESPONSIBILITIES:

St. Elizabeth Health Center

1966 - 1968	Member, Tumor Committee
1966 - 1970	Member, Intern Procurement Committee
1968 - 1979	Member, Medical Records Committee
1968 - 1982	Member, Special Emergency Room Committee
1969 - 1970	Member, Patient Care Committee
1970	Co-Chairman, Entertainment & Ex-Intern Committee
1970	Member, Joint Conference committee
1970 - 1975	Member, Medical Staff Education and Research Committee
1970 - 1976	Member, Executive Committee
1971 - 1974	Member, Entertainment Committee
1972 - 1973	Member, Library Committee
1972 - 1973	Member, Tissue Committee
1973	Member, Hospital Affairs Committee (Joint Conf Committee)
1975 - 1977	Member, Capital Expense Committee
1976 -	Member, Department of Medical Education Committee
1976 - 1980	Member, Tumor Committee
1976 - 1981	Member, Surgical Intensive Care Committee
1976 - 1982	Chairman, Benevolent Committee
1977 - 1979	Member at Large, Executive Committee
1977 - 1981	Member, Blood Transfusion Committee
1977 - 1982	Member, Autopsy Committee
1978 - 1980	Member, Editorial Board, Quarterly Bulletin
1978 - 1982	Member, Autopsy Committee
1979 - 1981	Member, Ambulatory Services Committee
1979 - 1981	Member , Tissue Audit Committee
1981 - 1983	Member, Surgical Audit Committee
1981 -	Member, Editorial Board, Convergence
1982 - 1984	Member, Medical Staff Research Committee
1982 - 1985	Member, Long Range Planning Committee
1983 - 1992	Member, Board of Trustees
1983 - 1985	Member, Ad Hoc Education Committee, Board of Trustees
1983 - 1995	Member, Personnel Committee, Board of Trustees
1984	Member, Capital Expense Committee
1984	Member, Utilization Review Committee
1984 -	Member, Dept of Surgery Research & Education Fund Committee
1984 - 1985	Member, Ad Hoc Committee, Medical Staff Finance
1984 - 1985	Member, Investigational Review Committee

COMMITTEE RESPONSIBILITIES (Continued):

- 1985 - 1988 Member, Development Committee of the Board of Trustees
- 1985 - Member, Professional Education Committee for Cancer Symposium
- 1985 - 1995 Member, Think Tank
- 1986 - 1987 Member, Utilization Review Committee
- 1987 Member, Search committee, Medical Director...
- 1988 - Member, Trauma Systems Committee
- 1988 - Co-Chairman, Medical Research Committee
- 1989 - 1996 **Member, Committee on Continuing Medical Education**
- 1990 - **Member, Surgical Directors, Quality Assurance committee**
- 1990 - 1994 Member, Transitional Year Clinical: Advisory **Committee**
- 1992 - Member, Ohio Surgical Panel, **Inc.**
- 1994 Chairman, Breast Care Center Task Force
- 1994 - Member, Cancer Activities Committee
- 1994 - Chairperson, Breast Care Center Tumor Board
- 1994 - Member, Breast Care Center Advisory Board
- 1995 - Oncology Task Force
- 1995 - Health Education Strategy Committee
- 1995 - Community Health Education Diocesan Schools Committee
- 1996 - Member, Nutrition Symposium **Planning Committee**
- 1996 - Member, Ad Hoc Committee for TPN **Credentialing**

Member Board of Trustees, International Institute

Northeastern Ohio universities Collage of Medicine

- 1976 - Council of Chiefs - Surgery
- 1980 - 1981 Chairman, Advancement Committee of Year 4
- 1980 - 1984 Member, Academic Review and Promotions Committee
- 1989 Member, Search Committee, Internal Medicine Chief
- 1990 Member, Transitional year Clinical Advisory Committee
- 1994 - 1995 Acting Chairperson, Department of Surgery.
- 1994 - 1995 Member, M3/M4 Curriculum Committee
- 1994 - 1995 Member, Academic Council
- 1994 - ~~Task Force to Promote and Facilitate Cooperative~~
Member, Strategic Planning Advisory & Resource Committee with SI
~~Western State University~~
- 1996 Hospital Representative, American Medical Association,
Section of Medical Schools
- 1996 - Member, Overall Curriculum Committee

Other Organizations

- 1970 - 1975 Member, Council, Mahoning County Medical Society
Youngstown, OH
- 1975 President, Mahoning County Medical Society
Youngstown, OH
- 1976 - 1978 Member, Board of Trustees
Mahoning Shenango Area Health Education Network
Youngstown, OH
- 1976 - 1982 Member, Medical Education Committee
Mahoning Shenango Area Health Education Network
Youngstown, OH
- 1977 - 1978 Member Board of Trustees, International Institute
Youngstown, OH
- 1979 Alternate Delegate, Officers and Council
Mahoning County Medical Society, Youngstown, OH
- 1979 - 1981 Member, Insurance Committee
Mahoning County Medical Society, Youngstown, OH
- 1979 - 1983 Member, Steering committee
American Association of Program Directors in Surgery

other Organizations Continued:

- 1982 - 1986 Member, Medical School Committee of
Mahoning County Medical Society, Youngstown, OH
- 1985 Co-Chairman, Insurance Committee
Mahoning County Medical Society, Youngstown, OH
- 1986 Medical Advisory Board
WYTV Television Station, Youngstown, OH
- 1993 Trustee, Mahoning County Medical Society Foundation
Youngstown, OH
- 1995 Task Force to Promote and Facilitate Cooperative
Graduate Educational Research Programming with SEHMC
Youngstown State University
Youngstown, OH