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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
DOAH CASE NO. 17-5769

STATE OF FLORIDA, AGENCY FOR
HEALTHCARE ADMINISTRATION,

Petitioner,

v.

REHABILITATION CENTER AT
HOLLYWOOD HILLS, LLC,

Respondent.

DEPOSITION OF
NATASHA ANGELA ANDERSON

December 19, 2017
11:18 a.m.

U.S. Legal Support, Inc.
100 N.E. 3rd Avenue
Suite 1050
Fort Lauderdale, Florida

Stenographically Reported By:
LYNDA ROYER, R.P.R.
Registered Professional Reporter

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1 Deposition taken before Lynda Royer, Registered
2 Professional Reporter and Notary Public in and for the
3 State of Florida at Large in the above cause.

4 P R O C E E D I N G S

5 (Thereupon, Plaintiff's Exhibit Numbers 65-66,
6 Timeline/Phone Call Log, were marked for
7 identification.)

8 COURT REPORTER: You do swear the testimony you
9 are about to give will be the whole truth, and
10 nothing but the truth, so help you God?

11 THE WITNESS: Yes, I do.

12 NATASHA ANGELA ANDERSON

13 being first duly sworn, was examined
14 and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. MENTON:

17 Q. Can you please state your name and your
18 business address?

19 A. Natasha Anderson.

20 Q. Ms. Anderson, we met briefly earlier. My name
21 is Steve Menton. I represent the Agency for Healthcare
22 Administration in connection with the administrative
23 proceedings that have been filed against the Hollywood
24 Hills Rehabilitation Center.

25 You've been identified by Hollywood Hills as a

1 potential witness in this matter so I'm here today to
2 take your deposition and find out any testimony or any
3 opinions that you intend to present at the hearing for
4 the Administrative Law Judge which is right now
5 scheduled to start beginning on January 29th. You are
6 familiar with that administrative proceeding?

7 A. The hearing? Yes.

8 Q. Have you reviewed the Administrative Complaint?

9 A. Yes.

10 Q. Have you had your deposition taken before?

11 A. No.

12 Q. I'm going to ask you a series of questions
13 today, and the idea is for me to make sure that I
14 understand any testimony that you intend to present to
15 the Judge in the case. If, at any point, you do not
16 understand my question and would like me to repeat it or
17 clarify it, I'll be happy to do so.

18 I'm going to assume that you're giving me full
19 and complete answers so that I can prepare for the
20 hearing. So if we get to the hearing and there are
21 issues that you bring up issues that weren't discussed
22 today, we're likely to have some discussion with the
23 Judge about that. Do you understand those ground rules?

24 A. Yes.

25 Q. Anytime you need a break, feel free to let us

1 know and we'll be happy to take a break. I know that
2 you have -- your counsel here has handed me a number of
3 documents related to your deposition, and I do want to
4 go through those. It looks like there's two -- can you
5 just tell me quickly what they are and we'll go through
6 the details later just so I know?

7 A. One of the documents is a timeline and the
8 other one is a phone log.

9 Q. And are these both documents that you prepared?

10 A. Yes, they are.

11 Q. And then the timeline, it looks like there's
12 some attachments to it. These are?

13 A. There's some supporting documents, phone
14 records.

15 Q. Okay. So all these are -- we'll go through the
16 details later as we get to them.

17 Let me start out by asking you, where are you
18 currently employed?

19 A. I am currently employed at Larkin Behavioral
20 Health Services.

21 Q. And how long have you been at Larkin Behavioral
22 Health Services?

23 A. In my current position, for two years.

24 Q. And that's the psychiatric hospital that shares
25 the building with the Hollywood Hills Rehabilitation

1 Center; is that right?

2 A. That is correct.

3 Q. And how long have you worked for -- you said
4 the psych hospital for two years. Have you worked for
5 Larkin longer than that?

6 A. I have. I've been with Larkin for a little
7 over eight years.

8 Q. Okay. What previous positions did you have?

9 A. Several. My most recent prior to becoming the
10 CEO was Vice President of Outpatient Behavioral Health
11 Services, and prior to that Director of Outpatient
12 Behavioral Health.

13 Q. And were those both located at the same
14 location where you are now in Hollywood?

15 A. No.

16 Q. Where were those?

17 A. Located in South Miami.

18 Q. So for the six years prior to that, you were
19 working in South Miami for outpatient for what facility?

20 A. For Larkin Community Hospital.

21 Q. And then prior to that, what was your
22 employment?

23 A. I took some time off and I was obtaining my
24 master's, and prior to that I worked for ChildNet.

25 Q. ChildNet, and how long did you take off?

1 A. I took about a year and a half off, between my
2 bachelor's and my master's.

3 Q. Can you summarize me for me your educational
4 background?

5 A. Yes. I have a bachelor's in social work and a
6 master's in social work, and I am a Registered Licensed
7 Social Worker.

8 Q. Do you have any direct responsibilities or have
9 you, in the past, had any direct responsibilities as
10 relates to the Hollywood Hills Rehabilitation Center?

11 A. No.

12 Q. So you have not -- you're not involved in any
13 oversight of care of any of the patients for that
14 facility?

15 A. No.

16 Q. And is the psychiatric hospital currently in
17 operation there at Hollywood?

18 A. It is.

19 Q. And how many patients do you currently have?

20 A. I currently have, I believe, 18. I have not
21 reviewed a census this morning, but the last census was
22 18.

23 Q. Was there a period of time when the psychiatric
24 hospital was shut down by the police?

25 A. During the hurricane, we closed for three

1 weeks. However, that was not mandatory. We relocated
2 our clients at the time of the hurricane, and then --
3 actually, I do make a correction. The building was on a
4 lock-down by the police. The whole premises was yellow
5 taped off, so yes, it was, correct. Yes.

6 Q. And how long was that taped off by the police?

7 A. Approximately three weeks.

8 Q. Okay. And so after the police released it from
9 the -- because it was -- the building was designated as
10 a potential crime scene; is that correct?

11 A. That is correct.

12 Q. And then after three weeks, they removed the
13 yellow tape and allowed you to get back into the
14 facility?

15 A. That is correct.

16 Q. And then you moved your patients back from
17 wherever they had been transferred to following the
18 evacuation?

19 A. That is correct.

20 Q. All right. Did all the patients come back?

21 A. We had -- many of the patients had already been
22 discharged back to their living situations to the
23 community, to the homes. We were able to transfer I
24 believe it was seven patients back to our facility.

25 Q. Seven out of how many did you have?

1 A. We had relocated approximately 21 patients.

2 Q. So seven out of the 21 came back to the
3 facility; is that right?

4 A. That is correct.

5 Q. And let me make sure that I understand. The
6 psychiatric hospital never lost power during the
7 hurricane; is that right?

8 A. That's correct.

9 Q. Were you on the same chiller system as the
10 Rehab Center?

11 A. Yes.

12 Q. So you lost your A/C but not your power?

13 A. That is correct.

14 Q. Now, am I correct that there is a portable A/C
15 unit in the office where you are or was there --

16 A. There's not a portable A/C unit.

17 Q. So what did you do for your patients during the
18 time when the A/C was out?

19 A. We placed portable A/C units on the actual
20 places where the patients reside in on the second floor,
21 and we placed fans accordingly throughout the units. We
22 did rounds, and we just made sure patients were
23 comfortable and safe.

24 Q. And did any of your staff have any involvement
25 as it related to taking similar activities for the

1 Rehabilitation Center of Hollywood Hills?

2 A. I'm not sure what you're asking.

3 Q. That was probably not a well-framed question.

4 You were describing some activities that your
5 staff took for the psychiatric patient hospital. What I
6 was trying to understand, was there any overlap, did any
7 of your staff assist with taking similar actions as it
8 related to the Rehabilitation Center of Hollywood Hills?

9 A. We do not share clinical staff. However, we do
10 share the same Engineering and Environment of Care
11 staff, so those individuals were participating on both
12 sides and making sure that the clients were safe.

13 Q. And who would those individuals be?

14 A. Our Engineering Director, James Williams, and
15 our Environment of Care Director, Joselin Rosario.

16 Q. And are they both still employed by Larkin?

17 A. James is and Joselin is not.

18 Q. So is James still located at the Hollywood
19 Hills building there?

20 A. He's in the building. He is now on my side
21 full-time as a Director of Engineering.

22 Q. And so other than James and Joselin, there was
23 no other staff from the psychiatric hospital that
24 assisted in either the care or any activities related to
25 the loss of air-conditioning at the Hollywood Hills

1 facility?

2 A. No.

3 Q. Nobody was monitoring patients or anything like
4 that from --

5 MR. SMITH: Object to the form.

6 A. -- from my side?

7 Q. From your side.

8 A. (Shaking head.)

9 Q. During the time that the facility was without
10 power, were you provided updates in terms of the
11 conditions of patients in the rehab center?

12 A. We communicated updates in regards to the
13 progress of getting the situation resolved, but we did
14 not communicate specifically on the clients', you
15 know, --

16 Q. Conditions?

17 A. -- conditions, but we did communicate as a team
18 regarding the updates, regarding the A/C, and we also
19 just made sure that everyone was okay, just general
20 statements in regards to "how are things going, is
21 everyone doing okay," those kind of communications did
22 take place, yes.

23 Q. So let me make sure I understand. You
24 communicated regarding efforts to get the power restored
25 and communications with emergency authorities and I

1 guess some of the stuff that you got in your timeline,
2 but you weren't getting regular reports regarding the
3 conditions of specific patients or anything like that;
4 is that fair?

5 A. Not on specific patients, but general
6 statements such as "how is everyone doing, is everyone
7 okay," those statements were communicated.

8 Q. And who were you talking to about that?

9 A. I communicated with Mr. Jorge Carballo, who is
10 the Administrator at the nursing home. I also had
11 communication with James during that time as well.

12 Q. Did James have any responsibility as it relates
13 to patient care or clinical monitoring of patients?

14 A. I'm not aware of that.

15 Q. And why don't you tell me how long -- I mean, I
16 know the storm kind of took place over a couple days.
17 What was your situation, when were you at the building
18 and what were your activities during that time?

19 MR. SMITH: Object to the form of the question.
20 Before, during, after?

21 MR. MENTON: Just the whole time, both, or
22 all three.

23 MR. SMITH: Okay.

24 A. Okay. I was part of the Alpha team. I arrived
25 to the hospital as a support. My clinical team arrived

1 on Friday. I arrived to the hospital on Saturday
2 morning very early in the morning, and I was there
3 through -- during and throughout the storm. And during
4 that time I made rounds and I worked with my team very
5 closely, and I left on Monday at approximately 1 p.m.,
6 and during that time I was relieved by a Bravo team
7 member, which was my Director of Nursing, on Monday.

8 Q. So Monday was after the air-conditioning had
9 gone out, right?

10 A. That's correct.

11 Q. The air-conditioning went out on Sunday in the
12 afternoon, roughly?

13 A. Yes.

14 Q. And then you say you left at Monday at 1 p.m.
15 When did you return?

16 A. I returned on Wednesday.

17 Q. The 13th?

18 A. Wednesday the 13th.

19 Q. And what time did you return?

20 A. I want to tell you approximately like 7:00 in
21 the morning, 7:30, around that time frame.

22 Q. And that was when the evacuation was underway?

23 A. It was already taking place when I arrived.

24 Q. So had the facility been evacuated completely
25 by the time you arrived?

1 A. It was in process.

2 Q. Do you know how many of the patients had been
3 removed from the facility by the time you left?

4 A. I do not know that. I immediately went over to
5 my side, which was the hospital, and started working
6 with the team accordingly on my end.

7 Q. So you don't know what the status was of the
8 evacuation of the rehab facility at the time that you
9 arrived around 7:00?

10 MR. SMITH: Object to the form of the question.
11 Vague. Go ahead. You can answer. I have to
12 make those objections for the record.

13 A. I don't know the specifics. I do know that it
14 was in process when I arrived to the building.

15 BY MR. MENTON:

16 Q. So you don't know how many from the second
17 floor had been moved or anything like that?

18 A. I do not know.

19 Q. Do you know how many from the psych facility
20 had been moved out of the building by the time you got
21 there?

22 A. No. No evacuation had taken place at the
23 psych.

24 Q. So let me back up for a second and make sure I
25 understand the timeline. You were there from Saturday

1 morning until Monday at 1 p.m.?

2 A. Uh-huh.

3 Q. And the storm actually made landfall in this
4 area on Sunday; is that right?

5 A. Sunday.

6 Q. Sunday?

7 A. (Nodding head.)

8 Q. And during that time, were you communicating
9 with the owner of the facility about whether or not
10 there was a need to evacuate or any discussions about
11 evacuation of the facility?

12 A. The only discussions during that time were just
13 updates with the whole team, the healthcare system,
14 regarding how every facility was doing, making sure
15 everyone was safe.

16 Q. Okay. And then let's go to the time when the
17 air-conditioning was lost. Can you tell me what your
18 involvement was as it relates to the loss of the
19 air-conditioning, what efforts you made in that regard?

20 A. When I was informed that we had lost A/C, I was
21 informed by the Director of Engineering, James Williams.
22 He walked over to our side to inform us because I really
23 didn't know until he informed us.

24 He informed us that we immediately were going
25 to start placing fans and the portable units on the

1 floors, and we said okay, and the patient areas, and he
2 also informed myself and other leaders that a ticket to
3 FPL was placed immediately via the ticket system online
4 and that a phone call was also made to FPL immediately
5 to inform that we had lost A/C.

6 So we just made sure that the portable A/C's
7 were placed accordingly, that our patients were safe,
8 and we just did rounds and just continued as normal
9 making sure our patients were safe.

10 Q. So did you already have the portable A/C's --
11 when you say "the portable A/C's," those are the spot
12 coolers?

13 A. Yes. That is the spot coolers.

14 Q. Did you already have those at the time that the
15 power went out or was that something that was acquired
16 afterwards?

17 A. Those were already in place.

18 Q. Were there efforts at that point, you know,
19 immediately after the loss of power to securing the
20 additional spot coolers or fans?

21 A. We placed the ones that we had immediately,
22 which I believe was a total of ten, and we did not
23 secure any additional spot coolers until a little later.

24 Q. When is "a little later" and where did you get
25 them from?

1 A. We were able to secure additional spot coolers
2 -- I believe it was on Tuesday, and we received those
3 from Memorial Regional.

4 Q. And I think there's some notations in the phone
5 records regarding that. Prior to contacting Memorial to
6 attempt to get those spot coolers, what other efforts
7 were made to obtain additional spot coolers or A/C
8 units?

9 A. We had sent an email, "we" meaning our team, an
10 email to Broward Coalition, which is an organization
11 that we are members of. They send a blast email to the
12 community requesting additional spot coolers. Different
13 leaders from our healthcare system were also helping
14 trying to secure additional spot coolers from vendors
15 that we work with in the community, so there was
16 multiple efforts at one time happening.

17 Q. Did you have any direct involvement in those
18 efforts?

19 A. I did. I was part of an email exchange with
20 one of our vendors trying to secure. I had
21 communication with a couple of our leaders from the
22 different hospitals in the community regarding trying to
23 secure additional spot coolers.

24 Q. And who are the leaders? You mentioned that a
25 couple of times.

1 A. I spoke to one of our leaders at Palm Springs
2 Hospital, CEO Iris Berges.

3 Q. Who else?

4 A. I spoke to Sandy Sosa, who is CEO of Larkin
5 Community Hospital.

6 Q. And were they able to get you any equipment or
7 coolers or assist you?

8 A. We were not able to obtain any additional spot
9 coolers from vendors.

10 Q. How about fans, did you --

11 A. Fans were purchased, and I believe fans were
12 purchased, if I'm not mistaken, on Monday. I would have
13 to look back at the dates. I did not purchase the fans.
14 Other leaders purchased the fans.

15 Q. Do you know who those other leaders were that
16 purchased the fans?

17 A. I do not know the names. It was an effort
18 between James Williams, who was the Director, and some
19 of his team. I don't know the specific names of who
20 purchased. It was a nursing home team who purchased the
21 fans.

22 Q. Nursing home -- I'm sorry, what?

23 A. Team.

24 Q. Okay. So when the A/C went out, you did not
25 place the calls to FPL, that was Mr. Williams that did

1 that?

2 A. Right. That is correct.

3 Q. And when was the first communications that you
4 personally had as it relates to efforts to restore the
5 air-conditioning?

6 MR. SMITH: Object to the form. Vague. Go
7 ahead.

8 A. My first attempts to outside individuals to
9 receive help was on -- I believe it was a Monday at 5:34
10 p.m.

11 BY MR. MENTON:

12 Q. Now, at this point, you were no longer at the
13 facility, correct?

14 A. That is correct.

15 Q. Were you at home?

16 A. I was at home, and I was making the calls from
17 my cell phone.

18 Q. And what prompted you to make those calls?

19 A. After realizing that the endless efforts to
20 FPL, phone calls and messages to FPL that were being
21 made on the back end and seeing that no one was coming,
22 like FPL was not coming out, I made a decision to take
23 the actions to a little higher level and I did call
24 Governor Scott's cell phone at that time at 5:34 p.m.

25 Q. Okay. But was there -- I mean, you're at home

1 at 5:30, you left the facility about four hours before.
2 What prompted you to suddenly pick up the phone and call
3 the Governor's office?

4 A. So even though I was home, I was communicating
5 with my team endlessly. I was communicating with my
6 team regarding whether or not FPL had showed up, whether
7 or not the A/C issue had been resolved, and after being
8 communicated that this was not happening and FPL had not
9 shown up even though we were expecting them to show up
10 because we are a hospital and a nursing home, I made a
11 decision to escalate this.

12 Q. So who were you communicating with prior to the
13 time that you called the Governor's cell phone?

14 A. I was communicating with James Williams, who
15 was a Director of Engineering, Mr. Jorge Carballo, the
16 Administrator of the nursing home, with Janet Lopez, who
17 is one of my leaders at Larkin Behavioral, and with my
18 Director of Nursing, Joaquin Machado.

19 Q. Anybody else?

20 A. I'm sure that I was also communicating with the
21 healthcare system, letting them know that we still had
22 not had the A/C issue resolved. I don't know verbatim
23 what took place, but I'm sure they were also involved in
24 updates regarding this not being taken care of.

25 Q. All right. And why did you choose to call the

1 Governor's cell phone?

2 A. Leading up to Hurricane Irma, I participated in
3 almost nightly or every other night the Governor
4 facilitated hospital and nursing home pre-hurricane
5 calls with Administrators of facilities, and I
6 participated in the phone calls that he facilitated for
7 hospitals as an Administrator, and during these calls,
8 he gave his cell phone number out and he informed those
9 that were participating on the call that if, at any
10 point, you have an issue or something that's not getting
11 resolved and you need help, you can call my cell phone
12 and we will do what we can to make sure that this issue
13 gets resolved.

14 Q. And I want to come back and ask you a little
15 bit more about that, but before I do, is that the first
16 time that you personally took any steps to communicate
17 with anyone regarding the loss of air-conditioning at
18 the building?

19 MR. SMITH: Object to the form. Vague.

20 Q. Other than staff or employees.

21 A. Other than my healthcare system and us working
22 together, I believe that was the first outside call that
23 I had made.

24 Q. Okay. And you're looking, I guess, at -- if we
25 look at Exhibit 66, this looks like the phone call log,

1 and this is something that you prepared; is that right?

2 A. Right.

3 Q. And why don't you explain to me when you
4 prepared this and what you used to prepare it and what
5 the purpose was.

6 A. I prepared it, I believe, approximately about a
7 month ago, and I prepared it so that we can have a
8 structured, organized way to look at the events that
9 took place and the efforts by all of the different
10 individuals. I prepared it by getting information from
11 the individuals listed on this report. They reported
12 their efforts to me, and whether they sent it to me
13 email or verbally told me, I placed it in this report.

14 Q. Okay. So some of these reflect communications
15 that others made that they provided to you, is that what
16 I'm understanding?

17 A. That is correct.

18 Q. I was a little bit confused looking at the
19 headings. The first one says Calls Made To/Received
20 Call By, and the next one said Made By/Received By. Is
21 the first column then who the call was made to?

22 A. Or who the call was received by, so calls made
23 to, and made by would be who obviously made the call --
24 or who received the call on the other end from the
25 person who was calling.

1 MR. SMITH: Can we go off the record?

2 MR. MENTON: Yeah.

3 (A discussion was held off the record.)

4 BY MR. MENTON:

5 Q. And then let me -- Exhibit 65, how is this --
6 is this related or is this a separate timeline then,
7 does this incorporate all the communications from
8 Exhibit 66?

9 A. It does incorporate most of the communication
10 as well, but it also incorporates other things
11 throughout the time from the beginning, during of the
12 hurricane.

13 Q. So Exhibit 65, does it have all of what's on
14 66 or just some of it?

15 A. I believe it has all, and then it also includes
16 like emails, other attempts to secure fans.

17 Q. And did you also prepare this then, 65?

18 A. I did and with the information from other
19 individual's statements as well, so emails were sent to
20 me and we placed it in this timeline accordingly based
21 on their --

22 Q. And we'll go through this a little bit later,
23 but there's a lot of information in here about residents
24 of the Rehabilitation Center. Again, you didn't have
25 any direct involvement as it relates to the residents or

1 patients from the Rehabilitation Center?

2 A. That information was provided to me and it was
3 placed in the timeline accordingly.

4 Q. And who provided you information regarding the
5 patients in the Rehabilitation Center?

6 A. There were different individuals. Jorge
7 Carballo, the Administrator, Maria Colon, Director of
8 Nursing, James Williams provided information on his
9 calls, Joselin Rosario provided information on her calls
10 and efforts as well.

11 Q. Okay. We'll go through some of this a little
12 bit later, but the backup materials, there's the first
13 two pages after the narrative looks like a summary of
14 some of the phone calls; is that right?

15 MR. SMITH: Again, I'm not trying to coach, but
16 if you look through the document, there's
17 exhibit numbers that are referenced throughout
18 the document, and the attachments are the
19 exhibits that are referenced in the narrative,
20 so if you look on Page 1, it says Exhibit 1,
21 Exhibit 2, Exhibit 3, so if you look to the
22 back, you'll see Exhibit 1, Exhibit 2, Exhibit
23 3, and so forth.

24 MR. MENTON: The first two pages afterwards
25 though --

1 MR. SMITH: What does it say at the top?

2 MR. MENTON: Says Rehabilitation Center,
3 says From, Subject Size.

4 MR. SMITH: Okay. These two pages with the
5 -- starts with From and then Subject, To,
6 Received By.

7 THE WITNESS: Those are emails.

8 MR. SMITH: Yeah. I think it might go with
9 Mark Early's summary.

10 MR. MENTON: With who's summary?

11 MS. SMITH: The two pages before.

12 A. Mark Early's regarding the efforts to secure
13 additional spot coolers, those are the emails -- calls
14 and emails that were exchanged.

15 BY MR. MENTON:

16 Q. And who is Mark Early?

17 A. Mark Early is a CFO at Larkin Community
18 Hospital.

19 Q. And who got him involved in this, is that you?

20 A. No, I did not. I'm not sure who communicated
21 first with him. It was not -- the communication did not
22 come from me. We're a healthcare system. I'm not sure
23 who initially got him involved with efforts.

24 Q. Was Mr. Early on the scene in Hollywood Hills
25 or was he at his facility?

1 MR. SMITH: Object to the form of the question.
2 Vague. When? Go ahead, to the best of your
3 ability.

4 A. Mark Early's office is located in South Miami.

5 BY MR. MENTON:

6 Q. Was he ever at the Hollywood Hills during this
7 time period?

8 A. During what time frame period?

9 Q. From September 9th through September 13th.

10 A. During the hurricane, no. However, he did come
11 to the nursing home on the 13th in the morning.

12 Q. Why did he come to the nursing home on the
13 morning of the 13th, who contacted him, do you know?

14 A. I do not.

15 Q. Wasn't you anyway?

16 A. No.

17 MR. MENTON: Give me just a second. I received
18 this document in discovery and I think you
19 probably produced this too, but I hadn't seen it
20 until now so give me a second to look through
21 it. I heard that there was a timeline. For
22 some reason when they were assembling stuff for
23 me to come down here, this wasn't in the
24 package.

25 MR. SMITH: Want to take a break and look

1 at it?

2 MR. MENTON: I tell you what. We'll keep
3 going for a little while. I'll come back to
4 those, and then we'll take a break and I'll look
5 at it on a break. We'll move ahead.

6 BY MR. MENTON:

7 Q. Let me go back to -- I want to talk about some
8 of the events prior to the evacuation, but I want to
9 look through this timeline first, so let's go back to
10 the evacuation and we'll take that a little bit out of
11 order.

12 Tell me how you first heard about the facility
13 being evacuated and what you did.

14 A. I received a call from Sandy Sosa who is the
15 CEO the Larkin Community Hospital informing me that -- I
16 don't know if she used the words "evacuated." I don't
17 know if she even knew at the time that patients were
18 being evacuated.

19 I believe she was just informing me that Jorge
20 had called her, Jorge Carballo, to inform that he had
21 received a call from Director of Nursing that
22 individuals, I believe, from Memorial had come over to
23 the facility, and she wanted to know if I knew about it,
24 and I told her no, and I told her that I would get
25 dressed immediately and head over to the facility

1 because my team, at this point, had not contacted me,
2 and that was, I believe, around 6:30 in the morning,
3 6:45 in the morning.

4 Q. Okay. So Sandy Sosa from Larkin, she's down in
5 South Miami, right?

6 A. Yes.

7 Q. Called you, and what did she tell you about
8 what was going on?

9 A. She had informed me that -- and this is to the
10 best of my ability in regards to recall, that Jorge
11 called her, Jorge is the Administrator of the nursing
12 home, informing her that his Director of Nursing had
13 called to inform that individuals from Memorial had come
14 to their facility. And she's like, "I don't know what's
15 going on, I don't have all the details, you need to go
16 there to see what's going on," and I immediately got
17 dressed and headed to the facility.

18 At that time I don't believe that she even knew
19 what was taking place in regards to patients being
20 evacuated because I don't remember her using that word.

21 Q. Now, prior to receiving this call at around
22 6:30, I think you said, had you -- you had not been back
23 to the facility since 1 p.m. on Monday; is that right?

24 A. That is correct.

25 Q. And the phone call log that we have here on

1 Exhibit 66 in the timeline, does this capture the
2 activities that you were involved with from 1 p.m.
3 Monday until you got this call at 6:30 or were there
4 other things that you were doing?

5 A. It talks about all of my efforts regarding
6 calls made, and I believe that's really the gist of what
7 is included in here is my calls that I made and my
8 efforts made from my cell phone in communicating with my
9 team.

10 Q. And does it -- does this reflect -- were there
11 other efforts -- let me put it that way, were there
12 other efforts that you were taking regarding the
13 situation at the facility that aren't reflected in these
14 documents that you produced?

15 A. Other than communicating with my team and
16 making phone calls, that's really what's included on
17 here.

18 Q. Now, you said you got the call at 6:30. When
19 did you arrive on the scene? You said around 7?

20 A. I think it was approximately between 7-7:30
21 a.m.

22 Q. And tell me what happened when you arrived on
23 the scene.

24 A. When I was getting nearer the hospital, it was
25 already blocked off completely from one end of the

1 street. I couldn't even drive in. I had asked the
2 officers if I could go through, I was the Administrator
3 of the hospital, and they told me no, so I had to detour
4 and park in like an alley because there was no access,
5 so I immediately went to my facility. I was able to
6 park my car like blocks away and go to my facility, and
7 I did see a lot going on.

8 I didn't know exactly at that time what was
9 happening. I just was seeing news and officers and
10 yellow tape everywhere, and to the best of my ability
11 explaining, it was extremely chaotic. It was --
12 everything was just all over the place, you know.

13 So I went into my building immediately and just
14 started asking questions and making sure my clients were
15 safe and trying to get as much information as to what
16 was going on, and I just immediately just started
17 working with my team and discussing, you know, and
18 trying to get as much information as possible at that
19 time.

20 Q. And so what did you find out?

21 A. I found out that -- my team told me that the
22 cops have showed up or whoever showed up there and that
23 they started seeing patients being brought across the
24 street to Memorial. They didn't know at that time what
25 was going on. They just know that clients were being

1 evacuated.

2 And at this time my side -- we didn't know what
3 was going to happen with my side, so I just started
4 having a conversation with my team in regards to, okay,
5 just making sure that everyone was calm, making sure
6 that everyone was safe, and we just started preparing
7 transfer documents from my clients without being told to
8 do so because I didn't know how this evacuation was
9 going to affect our side.

10 Q. Did you have any discussions with any of the
11 Fire Rescue people that were on the scene?

12 A. Not at that time, no. Throughout that morning
13 I had discussions with officers, and some Memorial staff
14 tried to come to my side to say that they were here to
15 evacuate my side, and I told them no and that I would
16 make all decisions related to my facility, and if my
17 clients needed to be relocated, they would be done so
18 accordingly, and they left.

19 Q. Okay. And do you remember any of the officers
20 that you spoke with?

21 A. No.

22 Q. And do you remember any of the Hollywood
23 Memorial staff that you spoke with?

24 A. No. I was communicating with Tammy Tucker, who
25 is Dr. Tucker, during the relocation process of me

1 relocating my clients, but not prior to me making a
2 decision to relocate my clients, and we were just
3 discussing relocation efforts.

4 Q. Okay. So you said that when you got there,
5 none of your patients had yet been removed from the
6 facility; is that right?

7 A. That is right.

8 Q. Had they been moved to different locations
9 within the facility?

10 A. No.

11 Q. Were they all still in their rooms?

12 A. They were -- well, it's in the morning time, so
13 at that point they're in the hallways, in the activity
14 rooms and different places.

15 Q. Okay. Did you have any discussions as to why
16 the rehab center was being evacuated?

17 A. Well, it was all over the news, so that's
18 really the most information I had was what the news was
19 reporting at that time. It was really chaotic and I
20 didn't have an opportunity to really speak with anyone
21 from the other side in regards to exactly what was
22 happening, so it was really just what I was seeing on
23 the news.

24 Q. You weren't able to speak to anyone from the
25 other side, you mean from the Rehab Center?

1 A. Yeah, like Jorge or --

2 Q. Do you know who was actually on staff or at the
3 facility when the evacuation of the rehab side started?

4 A. I don't know specifically who. I do know that
5 Bravo was already activated, so I'm assuming Bravo team
6 was already there. I do not know specifically who that
7 team consisted of.

8 Q. So at least at this point in time, you did not
9 have any discussions with anyone from the Rehab Center
10 as to why those patients were being evacuated?

11 A. I did not know specifically as to why. I did
12 not discuss that with anyone on that side.

13 Q. Do you know whether anyone had objected to or
14 raised questions or concerns about the evacuation of the
15 rehab side?

16 A. I do not have that information.

17 Q. Did you -- at any point during this morning did
18 you ever go to the second floor of the Rehabilitation
19 Center?

20 A. I did not.

21 Q. You indicated that staff from Memorial came
22 over and talked to you about evacuating the residents of
23 the psychiatric facility and you told them no; is that
24 right?

25 A. That's correct.

1 Q. And did they tell you why they wanted to
2 evacuate the patients from the psychiatric facility?

3 A. They did not say why. They just kind of
4 bombarded and intrusively came over, and if I had to
5 assume, I apologize for assuming, they were just
6 assuming that everyone from the facility needed to be
7 evacuated.

8 Q. Now, at some point the residents from your
9 facility were evacuated; is that right?

10 A. They were relocated, that is right.

11 Q. Explain to me then how that happened and who
12 made that decision.

13 A. I made the decision to relocate them because I
14 was not sure how the evacuation from next door was going
15 to affect my clients, so we started the relocation
16 process early that morning, I don't have the exact
17 times, anywhere from that 8:00 time frame, and many of
18 them were able to be discharged back home, because they
19 were ready for discharge, and those that were not ready
20 for discharge were relocated accordingly, whether it was
21 Memorial Hospital, Larkin Community Hospital, they were
22 relocated accordingly.

23 Q. Did you, at any point, have any discussions
24 with the Fire Rescue or the police about the need to
25 remove your patients from the building?

1 A. We were discussing -- I don't know if it was a
2 sergeant, I believe, who was in charge at the time. We
3 were discussing the need to relocate because of the
4 shared services between my building and the nursing
5 home, we do have shared services, and the only thing
6 they requested from me was a relocation list of patients
7 to indicate where the clients were going to go, and I
8 provided that to them, a list of each client and where
9 they were relocated to, and once I did that, they were
10 fine with the decisions that were made in regards to the
11 clients being relocated.

12 Q. Do you remember who the sergeant was?

13 A. I don't.

14 Q. Now, did the police or Fire Rescue at any point
15 tell you that you needed to get the patients out of the
16 building?

17 A. No. I automatically assumed that that was
18 going to be the case because we had shared services, so
19 it was an automatic decision that was happening, so as
20 soon as I said, you know, "We're working on transferring
21 and relocating the clients," they were like, "Okay, just
22 let us know where they're going," and that was the gist
23 of the decision and the conversation.

24 Q. All right. Now, the patients from the rehab
25 facility were all triaged by the hospital or do you know

1 whether they were or not?

2 A. I have had conversations with Jorge and the
3 Director of Nursing informing that they were conducting
4 rounds and doctors were doing rounds accordingly
5 throughout the hurricane, during and after.

6 I do not know the specifics as to the triage
7 because I was not there, but I did have conversations
8 regarding after-the-fact in regards to rounds and vitals
9 being taken accordingly from the Medical Director and
10 also the nurses.

11 Q. You mean before the evacuation took place, is
12 that what you're saying?

13 A. Before, during, right.

14 Q. And this would be from facility staff that were
15 taking those vitals, is that what you're saying?

16 A. The facility staff did not communicate that to
17 me. After-the-fact I was informed this information by
18 Jorge, the Administrator.

19 Q. So as it relates to the patients from the
20 psychiatric facility, none of them were part of the
21 triage process that was implemented by the hospital, by
22 Memorial Hospital as it relates to the rehab patients;
23 is that right?

24 A. That's right.

25 Q. They were all transferred on their own without

1 any outside medical review or evaluation?

2 A. That's right.

3 Q. And some of them were discharged to family and
4 some of them went to other facilities. Did they go to
5 other Larkin facilities?

6 A. They went to different facilities based on
7 patient rights and patient choice and nearest facility,
8 which was Memorial, so I'm not sure how many -- I
9 believe we had several go to Memorial and we had several
10 go to Larkin Community Hospital in South Miami.

11 Q. So were they actually admitted to the
12 facilities, to the hospitals, I mean, for inpatient
13 treatment?

14 A. Yes. Yes.

15 Q. How many were admitted for inpatient treatment,
16 do you know?

17 A. I believe maybe three to Memorial, if I'm not
18 mistaken, three to four to Memorial Hospital, and I
19 believe seven to Larkin Community Hospital in South
20 Miami.

21 Q. And have you reviewed the medical records from
22 any of those patients that were admitted?

23 A. My patients?

24 Q. Yes.

25 A. Have I reviewed? No.

1 Q. Do you know why they were admitted to the
2 hospital?

3 A. Because they were not ready for discharge.

4 Q. But --

5 A. They're inpatient psychiatric patients so you
6 don't discharge until they're ready.

7 Q. Okay. So three to four to Memorial, seven to
8 Larkin, and the rest were discharged then?

9 A. Discharged accordingly, yes. And that's
10 approximate.

11 Q. All right. You mentioned that the police had
12 asked you to provide a list of their clients. When did
13 that take place, was that during the process or was it
14 afterwards?

15 A. Right. During the process when we -- when I
16 discussed with them that I will be relocating my
17 clients, they requested a list and I provided that to
18 them, I believe it was to the sergeant who was in charge
19 of the scene at that time. I apologize. I do not know
20 his name.

21 Q. That was sometime then in the morning?

22 A. In the morning of the 13th.

23 Q. So you provided him a list and where they were
24 all being transferred to?

25 A. That is correct.

1 Q. And how were the logistics of the transfers
2 worked out?

3 A. It was based on several components, patient
4 rights, where they lived, you know, if they had any, you
5 know, other conditions that required them to be like in
6 a medical inpatient facility, whether they were
7 long-term clients versus a client that was a three- to
8 four-day admission, so different components.

9 Q. Was there anybody other than you or your staff
10 that was involved in making those transfer decisions
11 with the family and the patients?

12 A. Just my Director of Nursing and my nursing
13 staff was, of course, involved, and we also involved our
14 doctors that were assigned to the cases to make sure
15 they were aware and then of course the clients' loved
16 ones, if they had support systems, were also involved in
17 that decision.

18 Q. But nobody from the Fire Rescue or the police
19 or Memorial Hospital or anybody like that was involved
20 in those decisions; is that right?

21 A. That's right.

22 Q. Okay.

23 A. They did assist with getting the clients over
24 to their facility once the decision was made that that's
25 where they were being transferred to. Memorial did

1 assist with making sure the transfer occurred safely.

2 Q. What other interactions did you have with the
3 hospital staff or representatives on the morning of the
4 13th?

5 A. I spoke to Sandy Sosa a couple of times
6 throughout that morning prior to arriving and just
7 basically giving her an update and letting her know I
8 was on my way there, and once I arrived, I did call her
9 to inform her, "Sandy, I just arrived here. I'm not
10 sure what's happening but things are pretty chaotic,"
11 and I told her, you know, "I'm at my facility. I
12 haven't spoken to anyone. I'm not sure what's going
13 on."

14 And Sandy did come to the facility at some
15 point in the morning, I'm not sure what time, but she
16 did come to our facility at some point in that morning
17 to make sure that, you know, her support -- that she was
18 there.

19 Q. I know you said this earlier, but Sandy is with
20 Larkin Community Hospital?

21 A. Community Hospital, the CEO.

22 Q. South Miami?

23 A. Uh-huh.

24 Q. Did she then get involved with police or Fire
25 Rescue or hospital staff as it relates to the evacuation

1 of the patients from the Rehabilitation Center?

2 A. It's my understanding she did not get involved
3 and she was not really allowed to really go to the other
4 side. They had really blocked it and restricted it.
5 They didn't let anyone walk over, let anyone wander.
6 They completely blocked off the building.

7 Q. Do you know if anyone else from Larkin Health
8 Systems was interacting with the police or the first
9 responders during this time frame?

10 A. I do not know. The only other person that was
11 there on-site from Larkin Healthcare System was Mark
12 Early. He was on the nursing home side. I'm not sure
13 what his involvement was during the process, but he was
14 on that side.

15 Q. Do you know whether anyone from Larkin Health
16 Systems, any of the entities affiliated with Larkin
17 Health Systems ever raised objections to the police or
18 the first responders about the evacuation of the Rehab
19 Center?

20 A. I do not have that information.

21 Q. There have been some other witnesses who have
22 testified in this proceeding regarding the evacuation
23 process. I want to make sure that I understand any
24 testimony or opinions that you're going to express at
25 the hearing regarding the evacuation. Are there any

1 other observations that you have regarding --

2 A. I -- the only thing I observed, because I just
3 immediately went over to my side just to make sure
4 everything was in place and working with my team, is my
5 immediate observation was, as I stated before, things
6 were extremely chaotic.

7 I also, at one point in the morning, I'm not
8 sure what time frame, witnessed clients, elderly clients
9 being brought over to the Memorial side and being placed
10 in the sun, and I'm not sure for how long. It was just
11 extremely a lot going on. I didn't understand it and I
12 couldn't grasp it because it was just way too many
13 people. There were a lot of people and a lot of
14 involvement, and that was my immediate observation.

15 MR. SMITH: And I may explore that with her, so
16 I may draw more detail out about what the scene
17 was as she saw it, the sky, the sidewalks, just
18 the general scene.

19 BY MR. MENTON:

20 Q. So let me see if I can draw it out then. At
21 this point do you know who was in control?

22 A. At that point I did not know who was in
23 control.

24 Q. At this point do you know who was in control?

25 A. No. I really -- I really don't know. I do

1 know that there were just individuals from Memorial,
2 just hundreds of them just coming in and going out. I
3 couldn't tell you if the officers were in control, if
4 Memorial was in control. There just didn't seem like
5 there was any kind of systematic approach or
6 organization to what was happening.

7 Q. But do you know that there wasn't some
8 organized approach to what was happening?

9 A. I mean, it doesn't seem like there was, I
10 guess. It just -- there was just way too many people,
11 way too many things going on. I don't know who really
12 was in charge.

13 Q. But you didn't talk to any first responders,
14 right?

15 A. I didn't speak to first responders, no.

16 Q. You didn't speak to any of the hospital staff
17 other than when they came to talk to you about
18 evacuating your patients; is that right?

19 A. That's right.

20 Q. And did you talk to the police about the
21 process that was being implemented?

22 A. I didn't speak to them about the process. I
23 spoke to them about my relocation of my clients just
24 because that's what was happening at that moment on my
25 side, and that's the only thing I had control over is

1 what was going on and what decisions had to be made on
2 that side, so I didn't really know much about the other
3 side other than what I could observe in regards to
4 people being taken out and brought over to, you know,
5 the parking lot area in Memorial.

6 Q. And you mentioned patients in the sun. How
7 long -- how many patients and how long were they in the
8 sun?

9 A. I don't know how long they were in the sun.
10 All I know is that I could see from my -- my outside,
11 because my building is on the west side of the building,
12 and I could see them just being brought over and placed
13 on the outside of the parking lot. At some point, I
14 don't know when, they were relocated underneath the
15 parking lot garage. I don't know how long they were
16 outside of that garage.

17 Q. Do you know whether that impacted any patients?

18 A. I don't. I don't know.

19 Q. Do you know where those patients came from? I
20 mean, they came from the Rehab Center, but I mean --

21 MR. SMITH: I'm just getting ready to make the
22 objection. Are you talking about residents
23 or --

24 BY MR. MENTON:

25 Q. They weren't psych patients, these were rehab

1 patients, right?

2 A. That is correct.

3 Q. And you don't know whether they were first
4 floor, second floor, what their conditions were, what
5 their --

6 A. I don't have that information.

7 Q. And you don't know whether they had been
8 evaluated by the police or first responders or the
9 hospital part of this process?

10 A. I don't know the specifics of how that was
11 handled.

12 Q. Do you know anything about the arm banding
13 process that was utilized?

14 A. I don't know how that was -- I heard about it
15 afterwards, but I do not know the specifics of how that
16 was decided or how that took place.

17 Q. So you don't know whether that was part of an
18 organized process that was being implemented by the
19 hospital?

20 A. I don't.

21 Q. So you don't have any specific information of
22 any patients who didn't or were improperly cared for
23 during this process, do you?

24 A. I have had individuals communicate to me
25 after-the-fact. During, I did not have that

1 information. There's individuals after-the-fact that
2 was part of the nursing home and was there to witness
3 that communicated their beliefs regarding how some of
4 the clients were evacuated out, I have that information,
5 secondhand information, and that was provided to me
6 after the event.

7 Q. So you don't have any firsthand information,
8 anything you heard would have been from some of the
9 nursing home staff?

10 A. The information was from nursing home staff
11 that communicated that after-the-fact.

12 Q. And who was that, that communicated that?

13 A. Joselin Rosario, who is the Director of
14 Environment of Care, she communicated to me
15 after-the-fact, and this could be, you know, days later,
16 weeks later, I'm not sure exactly when.

17 She was extremely distraught because these are
18 clients that she has cared for for some time and that
19 she considers family. Some clients who were
20 wheelchair-bound were being asked to walk. A particular
21 client specifically who had recently had hip surgery was
22 being, I believe, asked to stand or transferred in a
23 certain way, and she recommended them to put this client
24 like on a stretcher, she knew this patient just had
25 surgery, "She's in rehab as we speak, there's no way you

1 can expect this client to walk." I've heard that being
2 expressed aftermath, you know, with just really
3 concerned individuals who were caring for these clients
4 for some time.

5 Q. Do you know who that patient was?

6 A. I don't know who the patient was.

7 Q. Were there any other instances that Joselin
8 mentioned to you?

9 A. That was just -- I mean, she mentioned that she
10 felt heart broken because she didn't understand why the
11 staff was really not asked to step in to help and to get
12 involved because they know the clients better than
13 anyone, and all they had to do was involve them and they
14 could have answered their questions regarding which
15 clients walk, which clients don't walk, which clients
16 are in rehab, you know, which clients are in isolation,
17 not in isolation, and it was hard for her to understand
18 why they were just not involved in the process, you
19 know, because they could have helped, so it was just a
20 very disheartening thing for her to witness.

21 Q. Do you know if Joselin was on the Alpha or the
22 Bravo team?

23 A. Joselin was on the Alpha team. However, she
24 went back after as well. I am not sure when she
25 arrived, but she also went back and placed herself

1 basically in Bravo as well. She went back to the
2 nursing home.

3 Q. So the Alpha team would have been the one that
4 was the shift that began on September 12th and ended
5 sometime in the morning on September 13th?

6 A. On Friday it began which was September --
7 Alpha --

8 Q. 9th?

9 A. -- 9th and ended Monday, Alpha.

10 Q. Actually, --

11 MS. SMITH: Friday the 8th.

12 Q. Friday is the 8th?

13 A. Friday the 8th, and I believe it was activated,
14 if I'm not mistaken, in that last 7 p.m. shift.

15 Q. Run that by me again. I'm confused. I
16 confused you and myself there.

17 A. Alpha before/during was activated on Friday I
18 believe around 7 p.m., and most of the Alpha was
19 relieved by Bravo on Monday.

20 Speaking from my side, most of my Bravo was in
21 the building by noon-1:00. I left at 1 p.m. when my
22 Director of Nursing arrived. I am not sure what time
23 the nursing home leaders left on Monday. I don't have
24 that information.

25 Q. So she would have left, similar to you,

1 sometime midday Monday probably?

2 A. Probably.

3 Q. And would have been off then until -- when did
4 she come back on?

5 A. I'm not sure when she came back on, but it's my
6 understanding, from what she has communicated to me,
7 that she went back to the facility even before. She
8 really did not follow the -- she just went back to the
9 facility because she lives nearby and she went back to
10 the facility to just be there and to help out and
11 assist.

12 Q. So you don't know when she went back?

13 A. I don't.

14 Q. Was it after the evacuation was started?

15 A. I don't know, but she was one of the ones who
16 expressed that she was there and she witnessed.

17 Q. Anybody else express that to you?

18 A. No. No. I apologize. I apologize. I have
19 heard Director of Nursing, Maria, she expressed as well
20 how chaotic and how -- I believe she told me she had
21 asked if she could help and she was told no, so she also
22 -- I've heard her express her concerns during the
23 evacuation process as well.

24 Q. Now, Maria also was on Alpha, wasn't she?

25 A. She was on Alpha.

1 Q. So she wasn't there when the first responders
2 and the Hollywood Memorial people came to the scene?

3 A. I'm not sure what time she arrived on
4 Wednesday, what time in the morning. I know she did get
5 back there to the building on Wednesday. I just don't
6 know what time she arrived.

7 Q. What else did Maria tell you about it?

8 A. She just was expressing that it was -- it was
9 chaotic and that they were trying to help and to assist
10 and, you know, they -- she was told no, that they had it
11 under control, and it was just very disheartening to her
12 to want to do more and she really felt like she couldn't
13 because she was -- everything was just kind of being
14 done so quickly.

15 Q. Did she mention any specific patients to you
16 that she observed that she thought were not handled
17 correctly?

18 A. Not specific patients. She also just mentioned
19 a whole isolation versus non-isolation situation, that
20 they had patients mixed in with isolation and with
21 non-isolation, and then she was like, "No, this patient
22 is on isolation," and she had her concerns when she seen
23 them accordingly, but there was no specific client that
24 she gave me, like the name of this person. It was
25 just --

1 Q. Did she tell you who she interacted with in
2 terms of offering assistance and was told no, was that
3 police or first responders?

4 A. I don't. I don't remember.

5 Q. Okay. Anybody else convey to you their
6 concerns about the process and how it was handled?

7 A. I've spoken to Jorge throughout the last couple
8 of months regarding, you know, his feelings of what
9 happened when he arrived there. And yes, of course, he
10 expressed to me that it was just a very chaotic
11 situation and, you know, things were just happening
12 just, you know, very quickly and he really had no say.
13 He didn't know really what was happening, and everything
14 was just happening very quickly. But also, he didn't
15 have specifics in regards to certain clients. It was
16 just in general, the situation as a whole.

17 Q. Okay. And again, do you know when Jorge
18 arrived?

19 A. I do not know what time. I believe he also
20 arrived on Wednesday. I just don't know what time.

21 Q. Was he there when you got there?

22 A. He was.

23 Q. Anybody else that has conveyed to you their
24 thoughts or concerns about that process?

25 A. No, not that I recall.

1 Q. Now, there had been some, I guess, media
2 reports and I guess even a series that was done that
3 talked about, you know, the process and some of it was
4 from the perspective of the facility. Were you involved
5 with any of the development of those reports?

6 A. I'm sorry. I don't know what you're asking.
7 What reports?

8 Q. Well, there was a TV series that was on one of
9 the local channels that talked about, you know, what
10 happened at the facility. Were you consulted or did you
11 participate in that effort?

12 A. I have not -- the only thing I participated in
13 was I did do an interview regarding my efforts and phone
14 calls, but I'm not sure I --

15 Q. Right. I have -- I've seen the interview. Is
16 that the only media involvement that you've had as it
17 relates to this was that interview?

18 A. Yes.

19 Q. And how did you come to do that interview?

20 A. I was just -- I was just asked --

21 MR. SMITH: Just objection as to if it's
22 attorney/client privileged, in other words, if
23 it's discussions with attorneys, you don't have
24 to discuss. You can say, "I'm not going to tell
25 you what I discussed with my attorneys." If

1 it's outside of that, you can tell him.

2 BY MR. MENTON:

3 Q. As long as -- it's only the attorneys that were
4 there. If there were others --

5 A. So then yes, it was just the attorney.

6 Q. Now, I think I asked you with respect to your
7 discussions with Joselin. Is Joselin still employed
8 by --

9 A. She is not.

10 Q. Okay. And do you know where she is?

11 A. I do not.

12 Q. When was the last time you spoke with her?

13 A. I'm not sure exactly the date, but I did speak
14 to her prior to her last day, which I believe was a
15 little over a month ago. She did reach out to the
16 facility requesting a recommendation letter, but I did
17 not speak to her personally.

18 Q. Maria and Jorge, they're still employed?

19 A. They are not.

20 Q. Neither of them are employed by Larkin at this
21 point?

22 A. They are not.

23 Q. Do you know where they are?

24 A. No, I don't. Home?

25 Q. You don't know whether they've taken other

1 positions somewhere?

2 A. I do not know that.

3 Q. When was the last time you've spoken with Maria
4 or Jorge?

5 A. It's been over a month for Maria. I seen Jorge
6 very briefly I want to tell you probably three weeks
7 ago. We really did not speak much, just checked on him,
8 asked him how he was doing.

9 Q. Were you interviewed by the police about the
10 circumstances at the facility?

11 A. I was not.

12 Q. Do you know whether Maria and Jorge were?

13 A. I don't know.

14 Q. You didn't talk with them about any discussions
15 that they had with the police?

16 A. I did not discuss that with them. I don't know
17 if they were interviewed. I don't know the details in
18 regards to their communication.

19 Q. Did you speak with Maria and Jorge about the
20 circumstances that led up to the evacuation?

21 A. In regards to the A/C being --

22 Q. Yeah, just the events that led to the facility
23 being evacuated.

24 A. Well, we communicated throughout the hurricane
25 in regards to updates accordingly. Jorge and I was

1 communicating the most. I really didn't speak to Maria
2 during the hurricane. My communication was with Jorge,
3 James, and some Joselin because we share those roles.

4 But in regards to after everything happened, I
5 did not speak to them one-to-one. I've been involved
6 with some of the meetings that we've had and some of the
7 discussions relating to the events, and I've been
8 involved in, you know, the conversations, but I didn't
9 speak with them, you know, specifically regarding the
10 events leading up to.

11 Q. And you said "meetings that we've had." What
12 are --

13 A. Well, after everything took place, AHCA came to
14 my side and I was there during AHCA's involvement in the
15 building. Jorge spent a whole day there with us on
16 Wednesday. We were there throughout the day making sure
17 that he was communicating with his team and
18 communicating with, you know, clients, making sure they
19 arrived safely to their facilities, so I was involved in
20 that because I was there on Wednesday all day.

21 But in regards to specifically sitting down
22 with Jorge and having a conversation with him regarding
23 what took place or leading up to it, that's never
24 occurred.

25 Q. Okay. Subsequent to that Wednesday the 13th,

1 have you been involved in any meetings with other
2 employees or staff of Larkin or the facility?

3 A. No. I was involved with some of the media that
4 we have been involved in, but in regards to staff from
5 the nursing home, I was involved, yes, in one meeting
6 and that meeting did take place at the nursing home and
7 it was just an update as in regards to individuals who
8 had questions regarding them losing their jobs and what
9 next steps were and a meeting was held in regards to
10 giving them updates regarding, you know, next steps and,
11 you know, possible layoffs and, you know, their
12 benefits, they had questions and answers regarding their
13 benefits, so that meeting was held and provided
14 information to individuals that attended the meeting,
15 and I did go to that meeting.

16 Q. So that was a meeting after the police had
17 released the facility back?

18 A. Yes. Yes.

19 Q. It would have been three weeks or so after?

20 A. Yes. Approximately.

21 Q. And who was at that meeting, do you know?

22 A. Yes. Dr. Jack Michel did go that meeting and
23 Jorge went to that meeting and Maria went to that
24 meeting, and then employees, I'm not sure who they are,
25 they went to that meeting as well from the nursing home.

1 Q. Is that the only meeting then that you attended
2 after September 13th?

3 A. Yes. Yes.

4 Q. And have you had any discussions with
5 Dr. Michel about the evacuation of the facility and the
6 circumstances that led up to the evacuation?

7 MR. SMITH: And again, just objection as to
8 attorney/client communications, so if you had
9 discussions with Dr. Michel and you were both
10 represented by an attorney in those discussions,
11 you have the right to assert a privilege that
12 you won't discuss attorney/client
13 communications.

14 A. Those are the only meetings that have taken
15 place is with the attorney/client.

16 MR. MENTON: Well, and I certainly respect
17 that. I just think, for the record, I want to
18 make sure, so you represent her as well or the
19 psychiatric facility?

20 MR. SMITH: I do, and there's other
21 attorneys -- I don't even know if she's
22 referencing a meeting with me, with Julie
23 Allison, with other corporate counsel for
24 Larkin. You know, I just don't know which -- I
25 know there's a lot of attorneys involved in

1 this, and I just wanted to alert the witness
2 that if it's an attorney/client meeting that's
3 just attorneys and their clients, then that's
4 privileged. If it's a meeting outside of that
5 and you met with Dr. Michel or anybody else, you
6 need to respond to it.

7 A. No, right. I've never -- I've never just had a
8 meeting with myself and Dr. Michel without having the
9 attorneys in the room, no.

10 MR. MENTON: And that's fine. I'll respect
11 that. I just want to make sure because it is
12 corporate -- the corporate structure here is a
13 little bit different in the sense that the
14 entity that's named in the Administrative
15 Complaint I'm not sure is necessarily her
16 employer or, you know, where those lines of
17 representation begin and end, but I mean, --

18 MR. SMITH: I can tell you I've been
19 retained to represent the Hollywood Hills,
20 Larkin Behavioral, and the Larkin Community, and
21 the employees of those entities to the extent it
22 involves the events surrounding Hollywood Hills.

23 MR. MENTON: Okay.

24 MR. SMITH: And again, there's other
25 attorneys that represent those entities as well.

1 MR. MENTON: All right.

2 BY MR. MENTON:

3 Q. So other than those meetings with attorneys
4 present, have you had any other discussions with
5 Dr. Michel regarding the events post the evacuation on
6 September 13th?

7 A. No. Not that I recall, no.

8 Q. How about prior to September 13th, were you
9 communicating with Dr. Michel regarding your efforts to
10 obtain additional cooling devices or what was going on
11 at the facility?

12 A. My communication was really with Sandy Sosa.
13 It wasn't directly with Dr. Michel. It was with Sandy
14 Sosa. As I stated, we did have a healthcare system way
15 of communicating and updating individuals accordingly,
16 you know, "Everything is okay, our A/C went out." But
17 in regards to the communication ongoing, it was more so
18 with Sandy Sosa.

19 Q. And just from an organizational standpoint, do
20 you report to Sandy Sosa or are you just part of an
21 affiliated network?

22 A. It's part of the healthcare system. I make the
23 day-to-day, you know, operational decisions. But in
24 regards to the healthcare system, Sandy Sosa would be my
25 point of contact to meet with or have discussions with.

1 It's not directly to Dr. Michel. It will be to Sandy
2 Sosa.

3 Q. But did you report to Ms. Sosa or do you report
4 to anyone?

5 MR. SMITH: Object as vague. Report as to
6 what?

7 BY MR. MENTON:

8 Q. I mean, who has the ability to fire and hire
9 you?

10 A. Sandy Sosa.

11 Q. Sandy Sosa. She's the one that hired you?

12 A. Well, she's the one who promoted me into my
13 position, yes.

14 Q. And when you do end-of-the-year reports, do you
15 get an evaluation at the end?

16 A. Yes.

17 Q. Who does that come from?

18 A. Sandy Sosa.

19 Q. And do you know how that organization works as
20 it relates to the Rehab Center?

21 A. I don't.

22 Q. So Jorge, you don't know who he reports to
23 or --

24 A. I don't know the structure of --

25 Q. But there's no overlap between the psych

1 facility and the rehab facility from a corporate
2 structure, do you know?

3 A. In regards to?

4 Q. That's not a good question. I guess I'm just
5 trying to understand. The Rehab Center is a separate
6 corporate entity and you don't know how that is set up
7 from a reporting standpoint, from an employee
8 standpoint?

9 A. All of the entities are separate businesses,
10 separate NPI, separate leadership. In regards to who he
11 reports to and how that is structured, I don't have that
12 information. But in regards to all the facilities under
13 the healthcare system, they each have their CEO, their
14 clinical team and their own operational license and they
15 run accordingly. In regards to how his structure worked
16 outside of his facility on the larger scale, I don't
17 know how that really works.

18 Q. Well, you mentioned earlier James Williams and
19 I think one other person, the facility people that did
20 work for both of the entities, is that -- did I get that
21 right?

22 A. Yes.

23 Q. And are they employees of the Rehab Center or
24 are they employees of the psychiatric facility?

25 A. They are employees or they were employees of

1 the nursing home, and it was a share because the
2 building is in the same -- the two facilities are in the
3 same building. There were some overlap in some of the
4 services, and Engineering was one of them and the
5 cleaning services was another one of those.

6 Q. Were those the only then staff that were shared
7 between the two facilities?

8 A. Staffing-wise, yes, but services like food and
9 nutrition, because the cafeteria or the preparation of
10 food was done on the nursing home side and the linen,
11 also, was done on that side, so that's Environment of
12 Care piece and the Engineering piece. Those are the
13 only shared services.

14 Q. Okay. During the time after the power went off
15 in the building, were you monitoring the internal
16 temperatures in your facility?

17 A. Like taking temperatures? I did not take
18 temperatures.

19 Q. Do you know if anybody was doing that, you
20 know, for your facility?

21 A. I do not know if they were doing it on my side.
22 We were monitoring by just making sure the clients were
23 safe, making sure the clients were comfortable and
24 making rounds. That's how we were doing it on our side.

25 Q. Do you know whether anyone was monitoring the

1 temperatures in the rehab facility?

2 A. It's my understanding that James Williams was
3 doing that on the rehab side, on the first and second
4 floor. I was not on that side so I don't know
5 specifically, but it's my understanding that James was
6 doing the temperatures on the first and second floor.

7 Q. Okay. He was doing it for the rehab but not
8 for the psych. Why wasn't he doing it for the psych?

9 A. I'm not sure if he was doing it on our side. I
10 wasn't there. On Monday at 1:00 I left and I returned
11 back on Wednesday, so I'm not sure if he did it with my
12 young lady who does my compliance and my safety on my
13 side. I don't have anything written that was being
14 done.

15 Q. So you haven't seen anything written done by
16 Mr. Williams as relates to monitoring temperatures for
17 the psychiatric facility?

18 A. On my side, no.

19 Q. Have you seen anything written that was done by
20 Mr. Williams as it relates to the rehab?

21 A. I have not seen it. I know that that was
22 reported that he was doing the temperatures. Now, the
23 machines, the portable A/C's do have the temperatures on
24 the outside of the machines.

25 Q. The machines --

1 A. A/C spot coolers.

2 Q. Oh, okay. Do you know how far those are
3 accurate? You don't know anything?

4 A. I don't know.

5 Q. Was that what Mr. Williams was monitoring, do
6 you know?

7 A. That's my understanding that he was monitoring
8 those -- the temperatures on the spot coolers.

9 Q. Was he recording that somewhere?

10 A. I am not sure.

11 Q. And do you know what he found as part of his
12 monitoring of those?

13 A. I do not know.

14 Q. Now, you said that you were monitoring the
15 patients within your facility. What were you doing, how
16 were you doing that?

17 A. The nurses were doing rounds with our clients.
18 We were doing rounds, we were making sure the clients
19 were comfortable, doing groups with them. That's normal
20 because we do groups and activities with them ongoing
21 because I have psychiatric clients on my side, both
22 adult and adolescents, and our leadership team was doing
23 rounds as well.

24 Q. Did any of the patients or any of their
25 families complain that it was hot?

1 A. Not that I am aware of. It was not brought to
2 my attention.

3 Q. So nobody ever brought to your attention any
4 concerns by patients or their families that it was hot
5 inside the building?

6 A. By families? No. And families also did not go
7 to the facility, I believe, until -- to do visitation
8 until, if I'm not mistaken, I believe Tuesday was the
9 first time that they might have come back for visitation
10 because the roads were clear, if I'm not mistaken,
11 Wednesday late afternoon to be able to drive, so I
12 believe the first visitation might have been on Tuesday,
13 if I'm not mistaken.

14 Q. And nobody reported any concerns to you about
15 the heat?

16 A. Like patients or their --

17 Q. Uh-huh.

18 A. No.

19 Q. Now, we can go ahead and take a break and I'll
20 go through these exhibits a little bit more, but before
21 we do that, were you communicating with the rehab
22 representatives during this time when the
23 air-conditioning was off about the efforts to restore
24 power?

25 A. Yes, I was.

1 Q. And who were you speaking with?

2 A. I was speaking with Jorge and with James, those
3 were like my primary source of communication, and I was
4 aware that James was communicating with FPL and his
5 efforts with FPL, and they were aware that I was making
6 calls to higher -- you know, higher government,
7 emergency hot lines, so they were aware.

8 Q. Did they ever communicate to you that they were
9 concerned about the temperature within the facility?

10 A. We didn't really talk about specifically in
11 regards to, "Oh, my goodness, this is concerning" in the
12 sense of -- we were just communicating on how we can get
13 this resolved, who is doing what, what efforts were
14 being -- taking place. That was the main source of
15 communication in between the team in regards to what
16 efforts were being done to make sure that we got this
17 resolved.

18 Q. So they didn't communicate to you any concern
19 about the patients that were in the facility and the
20 exposure they had to the conditions in the facility?

21 A. They didn't specifically say anything about the
22 patients. We communicated in regards to "How are things
23 going? Is everything okay?" and then we communicated
24 really on the efforts altogether, like the efforts
25 regarding who is making what phone calls, what updates

1 we had, who is escalating what, so that was the main
2 source of communication.

3 Q. Did you ever have any discussions with them
4 that, you know, "If the power doesn't get turned on
5 soon, we're going to have to get these people out of
6 here"?

7 A. I communicated with Jorge at some point
8 throughout -- I'm not sure which day it was. I told him
9 that, "Listen, we have to get this resolved. If we
10 don't get this resolved, what are our options? what are
11 the next steps for us?"

12 I did communicate that to Jorge at some point.
13 I don't know if that was on Tuesday, but I did
14 communicate with Jorge at some point "We really need to
15 get this resolved. I don't know what our options are
16 here. We need to make some decisions if we don't get
17 the help that we are waiting for." So that did take
18 place, yes.

19 Q. And what did Jorge say?

20 A. I don't -- I don't know if he said -- I really
21 don't recall exactly what he said in regards to "We're
22 going to get this done. We're praying everything is
23 going to be okay." Like I don't know that there was
24 anything specifically said about "I agree with you" or
25 "This is what's going to happen." It just was so much

1 going on at one time. I'm not sure specifically what
2 his response was at that time.

3 Q. Does the psychiatric facility have a different
4 Comprehensive Emergency Management Plan than the rehab
5 facility, do you know?

6 A. Yes.

7 Q. And do you know anything about the rehab
8 facility's Comprehensive Emergency Management Plan?

9 A. I do not.

10 Q. Did you ever have any discussions with Jorge
11 about evacuation to sister facilities in the event of a
12 power outage?

13 A. I did not.

14 Q. Did you ever -- did you ever discuss with him
15 about evacuation to related or affiliated facilities
16 because of the lack of power?

17 A. I did not.

18 Q. So you don't know -- do you know whether
19 anybody from the Rehabilitation Center considered
20 evacuating to affiliated or other facilities?

21 A. I don't know, and I just know that all of us
22 were, you know, experiencing similar situations such as
23 the whole community was experiencing with, you know,
24 power outages and just keeping the patients safe and
25 sheltering in place.

1 I know that -- the only thing I can tell you is
2 that we did what we could do and we were working
3 together and making sure that the patients were safe and
4 making sure that we could make the best decisions in the
5 moment living in this hurricane and this situation, that
6 I can tell you, and I was there for that.

7 In regards to at what point those decisions
8 were discussed or not, I was not involved in that. I
9 don't know that. I just know that we truly did what we
10 could do to put things in place to make sure our clients
11 were safe. I do know that.

12 Q. Do you know who was responsible for installing
13 and hooking up the spot coolers?

14 A. It's my understanding that James is the one,
15 he's Engineering, who placed all the spot coolers
16 accordingly, and then the team would fill it up with the
17 water, because you have to keep the water, you know, at
18 a certain level, but James, and he might have had some
19 other help from his engineering team, I don't know who
20 those individuals were, but James definitely was the
21 leader in regards to placing those coolers.

22 Q. And did he choose the locations as to where
23 they would go?

24 A. I'm not sure. On my side we just placed one on
25 each side.

1 Q. And were the coolers still operating when you
2 got to the scene at 7 a.m.?

3 A. Yes.

4 Q. And did they continue operating throughout the
5 time that you were there on the 13th?

6 A. Yes.

7 Q. And I think I asked you earlier, but you never
8 actually went into the rehab facility on the morning of
9 the 13th; is that right?

10 A. I -- after -- after the evacuation, I tried to
11 walk over with Sandy Sosa to walk her over, but that was
12 like after-the-fact, like hours later. I did not walk
13 in there as it was occurring or during.

14 Q. Did you walk in then when you went over with
15 Sandy?

16 A. I walked in after, like hours later.

17 Q. Okay. And what time was this?

18 A. I don't know. I have no idea what time it was.
19 I just walked her over just to kind of show her where
20 everyone was kind of located at, but I don't know what
21 time that was.

22 Q. And where did you go in the facility?

23 A. I walked her through the first door double
24 doors, walked her to the other side, and then we were
25 stopped by officers because there was yellow tape, and

1 that's when they were informing us that that side was
2 restricted, so I walked her to the first floor to show
3 her where Jorge and Mark Early were standing and then I
4 just went back to my side.

5 Q. Jorge and Mark Early were in the building, in
6 the first floor of the building?

7 A. They were on the first floor, and if I remember
8 correctly, they were on the first floor right outside
9 the facility, right outside, because they had like a
10 tent placed outside, and I believe that's where they
11 were at when I walked Sandy over.

12 Q. So you didn't go to the second floor?

13 A. No.

14 Q. What was the temperature like in the building?

15 A. I don't know. I -- I don't even -- it was
16 warm. I don't know the exact temperature, but it was
17 very quickly I walked over, because the first floor is
18 just separated by double doors, so I walked over fairly
19 quickly to where they were at and walked right back
20 over.

21 Q. Did Sandy walk back with you then?

22 A. She did.

23 Q. Do you know whether she got into the building
24 herself separately or later or was she ever in the
25 building?

1 A. From my understanding, she was on my side the
2 majority of the day because they had so many
3 restrictions, you could not even walk to the second
4 floor, you couldn't walk past a certain point. They had
5 yellow taped everything.

6 Q. Do you know how the exhaust for the spot
7 coolers was hooked up?

8 A. I do not.

9 Q. Don't know anything about that?

10 A. (Shaking head.)

11 Q. Was that something that James was responsible
12 for doing?

13 A. I'm not sure. I mean, he's the Director of
14 Engineering. He's the one who placed them accordingly
15 with the team, so I don't know if he's the one who was
16 responsible for the installation of it. He does have a
17 team of engineering that he works with, but I'm not sure
18 -- I don't know who was responsible for what.

19 Q. Why don't we take a break. I'll go through
20 these notes and see if we can figure out what I need to
21 ask you about that. We'll take ten or 15 minutes.

22 (A recess was taken from 12:55 p.m.-1:10 p.m.,
23 after which the following proceedings were had:)

24 MR. MENTON: All right. Let's go back on the
25 record.

1 BY MR. MENTON:

2 Q. Ms. Anderson, I just want to make sure a couple
3 of areas whether you're going to be offering any
4 testimony. From what I've heard from you, I don't think
5 that you will, but I just want to make sure. You're not
6 going to be presenting any testimony regarding any of
7 the patients who passed away within the Rehabilitation
8 Center?

9 A. No.

10 Q. You don't have any details on why or how or
11 what the circumstances were on that?

12 A. No.

13 Q. Okay. In terms of the --

14 MS. SMITH: You mean other than what she said
15 so far today? I think she said what people told
16 her and we tied it up with people, but I don't
17 want that question to exclude her from "I've
18 been told that it was chaotic" and that type of
19 thing.

20 BY MR. MENTON:

21 Q. Well, do you know whether any of those comments
22 related to any of the patients that actually passed
23 away?

24 A. I wouldn't be able to say that. I don't know
25 if it was contributed to the actual deaths, I'm not an

1 expert in that, but I just know what it was informed to
2 me after the fact in regards to how chaotic it was and
3 the clients being mixed in with others and some of their
4 medical elements that they had going on and the
5 evacuation process. That was shared with me by Joselin
6 and so I don't --

7 Q. Did she indicate that that related to any of
8 the patients who actually passed away?

9 A. No.

10 Q. And I assume you're not going to be presenting
11 any testimony regarding the patient care within the
12 Rehabilitation Center itself?

13 MR. SMITH: Other than what she's testified
14 about, she's not going to offer testimony as a
15 clinician that was providing patient care.

16 Q. I mean, you don't have any information as to
17 how often they were monitoring temperatures or vitals or
18 anything like that of patients at the Rehab Center?

19 A. Only what was reported after-the-fact, but not
20 during or -- I was not involved in that process, no.

21 Q. You don't have any direct knowledge of how they
22 were hydrating patients or how often or anything like
23 that?

24 A. It was reported to me after-the-fact that they
25 were doing rounds and obviously providing clients with

1 water around the clock, but I was not directly there or
2 involved in that, but I was informed that, yes, this was
3 happening around the clock.

4 Q. And who informed you of that?

5 A. Some of the same. Joselin was one of those
6 individuals who was directly involved in that process
7 and who was providing the water. She informed me her
8 team, which is Environmental Care individuals, were also
9 involved in that process. Jorge Carballo also shared
10 with me that the team was doing rounds ongoing and
11 providing water.

12 Q. Anybody else other than Jorge and Joselin?

13 A. Jorge, Joselin, those were my main source of
14 communication. Maria, the Director of Nursing, shared
15 events in regards to the care they provided as well, not
16 specific, but my main source of communication was Jorge
17 and Joselin in regards to that portion of it.

18 Q. Do you have any information in terms of how
19 many staff were in place on the evening of
20 September 12th or who they were?

21 A. I don't know who the staff was. I know we had
22 Alpha and Bravo activated accordingly, and I do know
23 when we do Alpha and Bravo, you're overstaffed because
24 of the way the shifts work and not knowing when the
25 storm is going to end, so we normally staff up to make

1 sure that you have enough coverage throughout the --
2 before the storm, during, and after. I don't know the
3 specifics in regards to who those individuals were on
4 that side.

5 Q. But do you know what the numbers were as it
6 relates to the Rehab Center?

7 A. I do not.

8 Q. Do you know what, if any, training was given to
9 the staff regarding monitoring the patients or looking
10 for signs of dehydration?

11 A. I don't know what training was provided. Other
12 clinicians, I'm not sure if that's included in their
13 training, but I don't know in regards to in-house what
14 additional training was conducted.

15 Q. Do you have any knowledge or information
16 regarding the late entries that were made into the
17 facility records after the evacuation took place?

18 A. You know, I don't know the details in regards
19 to that. I can tell you in a situation where you're
20 living an actual possible Category 4 and 5 and you're
21 preparing and you're making rounds and you're in the
22 moment, your priority at that moment is not the
23 documentation. Your priority is your client and making
24 sure they're safe and making sure you're doing
25 everything that you need to do to make sure they're

1 comfortable and they're safe and they have the resources
2 they need. So I don't know the specifics regarding the
3 late entries, but I do know that we did not stop. We
4 were working around the clock. We were making rounds,
5 and we were there, Alpha and Bravo, and it was just
6 nonstop. The efforts were endless. That I do know.

7 Q. Well, you are aware that there were some late
8 entries made into the facility records regarding some of
9 the patients who passed away?

10 A. I did know that after. I did not know during.
11 I was made aware of that after.

12 Q. And how did you become aware of that?

13 A. I had heard the news talk about it.

14 Q. Have you had any discussions with any of the
15 staff that were involved in making those late entries?

16 A. No.

17 Q. Have you had any discussions with the
18 Administrators or the ownership of the facility
19 regarding those late entries?

20 A. No.

21 Q. Do you know who it was that made the entries?

22 A. I don't.

23 Q. We talked about the evacuation process. Are
24 there any other facts or testimony that you intend to
25 present regarding the evacuation process that we haven't

1 discussed already?

2 MR. SMITH: I may ask different questions, but
3 go ahead, if you know of anything else.

4 A. Not that I've already -- I mean, I believe I
5 mentioned everything that I recall in regards to what I
6 observed.

7 BY MR. MENTON:

8 Q. During the morning of the 13th, did you ever
9 express concerns to any of the police or first
10 responders regarding how the evacuation was taking
11 place?

12 A. I did not. Not that I recall, I did not. It
13 was really just -- there was so much going on and I was
14 really trying to do what I needed to do on relocating
15 with my client and speaking with my team, I did not
16 recall having those.

17 Q. Do you know whether anybody on behalf of Larkin
18 Health System or the Rehab Center expressed any concerns
19 to the first responders, the hospital, or to the police
20 regarding the way the evacuation was being conducted?

21 MR. SMITH: Objection. It's been asked and
22 answered. You can go ahead.

23 A. I don't. I don't know specifically what took
24 place as I was not there on that side. I know what I
25 observed.

1 MR. SMITH: I'm referencing your prior
2 testimony. I just don't want there to be a
3 misunderstanding. She's testified in this
4 deposition about what other people told her --

5 THE WITNESS: Yeah.

6 MR. SMITH: -- concerning the evacuation
7 and various concerns that people reported.

8 BY MR. MENTON:

9 Q. Other than what you've already said, there's no
10 other facts at this point that you can recall being
11 conveyed to you about the evacuation process or what
12 people --

13 A. Not that I have not already reported. From
14 what was expressed from other individuals that were
15 there and living it, I don't have any other information
16 to add.

17 Q. Did you have any involvement in providing the
18 response to the inquiries from the U.S. Congress that
19 was sent regarding the rehab facility?

20 A. I believe some of the questions did refer to
21 the calls that were made to the Governor, and I did
22 respond to those accordingly.

23 Q. Okay. Were you involved in drafting the
24 response or editing it?

25 A. I was involved in responding to areas that

1 involved my calls and the factual information, but in
2 regards to anything that was related to specifics to the
3 nursing home and details of the nursing home, that was
4 done by the individuals responsible for that side.

5 Q. And who would those have been, Jorge and --

6 A. Jorge and Maria. I'm not sure if there was
7 anyone else.

8 Q. Let's go first to Exhibit 66, which is the call
9 log. You already mentioned the first call that you made
10 to the Governor's office at 5:34 on Monday, --

11 A. Yes.

12 Q. -- it looks like. And the call, is -- the
13 summary over here, is this based upon an actual
14 recording or is this your memory of what you think you
15 said on these?

16 A. It's to the best of my recollection in regards
17 to what I left on the voicemail.

18 Q. Okay. And so you went back through your phone
19 records to see all the calls that you made during this
20 time frame that were related to this situation at the
21 facility?

22 A. Yes.

23 Q. And does this log then summarize all of the
24 calls that you identify?

25 A. I believe it includes most of them, especially

1 during this time frame of Monday all the way through, I
2 believe, Wednesday or Tuesday evening.

3 Q. So just so I'm clear here, your calls, the last
4 one, I think, is on the 12th at 4:41 p.m.?

5 A. The last call that I received, I believe, yes,
6 it was that. Let me double-check.

7 Q. So the first two-and-three-quarters pages are
8 the summary of all the calls at least that you were able
9 to identify from your phone records that you made or
10 that were made to you directly?

11 A. Yes.

12 Q. Okay. And then after the call at 4:41 p.m. on
13 the 12th, you pick up with -- you have calls from
14 others, other phones; is that right?

15 A. There's other individuals that are included in
16 this phone log. Jorge is included. I believe James and
17 Joselin both are included. Mark Early, Sandy Sosa --
18 and this is information provided to me to be able to
19 create this log with the most and best information,
20 factual information possible in order for us to be able
21 to get an idea, relive what took place and the sequence
22 that it took place.

23 Q. And who provided that information to you?

24 A. Different individuals based on the information
25 on the -- so if it was a call made by Jorge, then Jorge

1 provided the information to me. If it was a call
2 received by Mark, then he provided the information. It
3 depends on who the individual was.

4 Q. Let me take a quick look here then. The first
5 call that you made at 5:34, you got a message or you
6 left a message on the Governor's cell phone?

7 A. I did.

8 Q. What did the greeting say, "This is Governor
9 Scott, please leave a message" or --

10 A. I don't remember what the greeting stated. I
11 do know that this was his cell phone because this number
12 was provided to myself and many others during the
13 nightly calls pre-Hurricane Irma, and I'm not sure what
14 the greeting said, but it did give me the opportunity to
15 leave a message, and this is to the best of my ability
16 remembering what was stated in the message.

17 Q. So this is your recollection of what you left
18 on the voice message to the Governor?

19 A. (Nodding head.)

20 Q. And right after that, it looks like you made a
21 couple of calls to the emergency information line, 5:36,
22 5:39. Did you speak with anyone on those calls?

23 A. The first time I spoke to someone was -- the
24 first time I spoke to someone was on Monday,
25 September 11 at 5:39 p.m. I spoke to an individual by

1 the name of George.

2 Q. And where did you get these numbers for the
3 emergency information line?

4 A. This 1-800 number was also provided to us I
5 believe during the nightly calls with Governor Scott.
6 And when I called that number, the 1-800 number, I was
7 then provided with the 850 number and that's when I was
8 actually able to get a live person on the phone for the
9 first time at 5:39 p.m. September 11th.

10 Q. Well, you got somebody at 5:36 who gave you the
11 number?

12 A. Yes, that gave me the number -- the emergency
13 line I called gave me the number and told me --
14 instructed me to call 850-815-4925.

15 Q. And then you spoke to George on that line and
16 did you tell him that any of your -- any of the patients
17 were in danger or experiencing emergency conditions?

18 A. No, I did not because that was not the case. I
19 explained to him that we were a hospital and also a
20 nursing home was in the same building. I tried to
21 explain the population to the best of my ability
22 informing that there were between the both facilities
23 over 162 patients which included elderly, some on
24 oxygen, adult mental health and adolescent mental health
25 clients and that we had no A/C and that we had contacted

1 FPL, I provided a ticket number to FPL, and then he
2 proceeded to tell me that he would provide me with an
3 update, that he has my information and that this will be
4 escalated and that he would call me back with an update.

5 Q. All right. Then you called him back at 6:57?

6 A. That's correct, because I didn't hear back from
7 him. An hour or so had passed and I did not hear back
8 from him, so I did call him back at 6:57 to see if he
9 had any updates.

10 Q. Now, on all three of these entries here
11 beginning at 5:36, you have that at no time during this
12 phone call did anyone inform you to call 911. Why did
13 you put that on there?

14 A. Why did I put that on there?

15 Q. Yeah.

16 A. Well, because I had seen something on the media
17 that stated that I was informed to call 911 and that was
18 not correct. So I wanted to make sure that was very
19 clear that at no point did anyone tell me to call 911.

20 Q. No one told you that if you had patients in
21 distress to call 911?

22 A. No one told me to call 911, but I did not call
23 -- I need to make very clear that my calls were not
24 because I had patients in distress. My call was made
25 because this was instructed to me during our nightly

1 calls and we were not getting the help from FPL and the
2 community that we needed to get, so I was escalating
3 this to hope and I believed that someone was going to
4 help me by making these calls. That's why I made these
5 calls.

6 Q. Okay. And again, these calls you were making
7 from your home?

8 A. From my cell phone.

9 Q. Not from the facility though?

10 A. No, not from the facility.

11 Q. You weren't at the facility at the time?

12 A. I was not. I was making them from my cell
13 phone.

14 Q. And then 7:29 p.m. you got a call back from the
15 emergency hotline?

16 A. Yes, I did informing me that they were working
17 on our emergency. I then again proceeded to provide
18 information on both facilities just to kind of emphasize
19 the situation and once again was told that my
20 information was being taken and it was noted and that I
21 would be provided with an update.

22 Q. It looks like two hours later you contacted
23 them again?

24 A. That is correct.

25 Q. And you got a call back at 9:57?

1 A. Yes, from the emergency line.

2 Q. Did they tell you when the power was going to
3 be turned back on or when FP&L was going to go out
4 there?

5 A. They didn't say when. They said that my
6 request was being worked on and was being escalated and
7 that they did understand the urgency of my request, but
8 they did not tell me a specific, you know, time that FPL
9 would be there, but they did assure me that my request
10 was being worked on and that they had all the
11 information they needed and they were aware.

12 Q. Did you convey to them at that point that there
13 were patients at risk if power didn't get turned back
14 on?

15 A. I explained the population being served,
16 elderly and some on oxygen and mentally ill clients,
17 adult and adolescents and that we were a hospital and a
18 nursing home located in the same building and that we
19 needed to be made a priority.

20 Q. Now, you didn't actually call FP&L yourself,
21 did you?

22 A. I did not.

23 Q. You never did?

24 A. I never did. However, I was being updated
25 every time FPL was called, which was many times.

1 Q. You were being updated by the emergency --

2 A. No. By James Williams.

3 Q. Okay. Now, on the morning of the 12th at 9:58,
4 it looks like you contacted the hotline again, and at
5 this point they indicate to you that there were many
6 hospitals that were having problems; is that right?

7 A. They did, and they named -- to be specific,
8 they said Broward Health, Memorial Healthcare were also
9 experiencing very similar issues due to Hurricane Irma,
10 and they mentioned these were larger healthcare systems
11 experiencing these issues.

12 I communicated to a representative I understand
13 that, I just need to express that we are also a hospital
14 and we also need to be made a priority, and they
15 expressed to me that they understand and that they're
16 working on it.

17 Q. Did they tell you when FP&L was going to be out
18 there?

19 A. They never said exactly when. They always used
20 the words "this is being escalated, we understand the
21 urgency," you know, "we have all your information," you
22 know, "we're working on it," never said specifically
23 when someone would be out there.

24 Q. Did you indicate to them that you had any
25 patients that were in distress?

1 A. I did not indicate that because that was not
2 the case. I just indicated that we were a hospital and
3 a nursing home in the same building that had elderly,
4 some on oxygen.

5 Q. All right. And it looks like right after you
6 talked to them, you called the Governor's cell phone
7 again?

8 A. I did.

9 Q. And then you called him again at 12:41?

10 A. I did.

11 Q. And did you hear back on either of those?

12 A. I did not.

13 Q. Okay. And were you expecting the Governor to
14 call you back?

15 A. Was I expecting the Governor to call me back?
16 No. I was expecting someone to call me back. It would
17 be very naive for me to think that Governor Scott was
18 going to pick up the phone and call me. I know he was
19 dealing with, you know, the whole state of Florida.

20 But when he provided his cell phone, to me,
21 that was an indication that someone would call me, that
22 there was some kind of systematic approach in place,
23 that if you're giving your cell phone, clearly, there's
24 going to be some kind of response when someone does pick
25 up the phone and call your cell phone. That's what I

1 believed. I didn't necessarily believe he was going to
2 call me but someone would.

3 Q. Well, did the -- to your knowledge, did the
4 facility, did you or the Rehabilitation Center, you or
5 the psychiatric hospital refrain from taking any actions
6 that were necessary because you hadn't heard back from
7 the Governor yet?

8 A. No. We did everything, I believed, that we
9 could do, and we were, you know, providing resources,
10 rounds, you know, trying to get whatever additional
11 support we could get from the community. I believe we
12 did what we could do, I mean, considering the situation.
13 It was in the middle of a hurricane and everyone was
14 experiencing very similar situations, and I believe, you
15 know, the team did a great job with just nonstop effort
16 and working around the clock, you know. I was there
17 myself for almost three nights sleeping there and making
18 rounds so --

19 Q. Did you ever call the local -- the Broward
20 County emergency op. center?

21 A. I did not. I called the 1-800 and I called the
22 850, but I did not call the local.

23 Q. And as far as you know, there weren't any
24 decisions or actions that were placed on hold while you
25 were waiting to hear back from the Governor or somebody

1 on his staff?

2 A. No. As far as I know, there was just no
3 indication to do anything differently than what we were
4 doing. The hope was that we would be made priority and
5 that we would get the help that we needed from FPL. We
6 were a hospital and a nursing home, so we were doing
7 everything that we could do with hopes that they were
8 going to, obviously, come out and resolve the situation.

9 Q. Okay. So shortly thereafter, you contacted
10 Yanet Lopez, Director of Safety for Larkin, to inquire
11 about spot coolers. What prompted that call?

12 A. When I seen that I was not receiving some of
13 the responses, I wanted to just reach out to anyone
14 possible just to make sure that we were -- that we had
15 any additional resources. If it was out there, I wanted
16 to make sure that we were, you know, tapping into it.

17 And we worked very closely with the Memorial
18 Regional Hospital. With our Behavioral Health clients,
19 I attend all of the acute care meetings in the
20 community, all of the provider care meetings in the
21 community, so I have a very nice working relationship
22 with Memorial Regional, so Janet is my Safety Director
23 at Larkin Behavioral and I reached out to her on -- was
24 that Tuesday? -- I believe it was on Tuesday and said,
25 "You know, listen, call the engineering person from

1 Memorial and see if they have any additional spot
2 coolers that they could loan us just to make sure that
3 we have enough and just to make sure that we place them
4 accordingly," and she did, and they did have four
5 additional that they were able to loan us.

6 Q. Okay. And were you aware that right about this
7 time there was a patient that was transported by the
8 Fire Rescue Department to the hospital from the rehab
9 facility?

10 A. I was not aware.

11 Q. So you didn't have any discussions with the
12 hospital then about the patient that had just been
13 transported over from the rehab facility or was
14 coming --

15 A. No.

16 Q. Was there any other facility that you called or
17 had Yanet call other than Memorial about the spot
18 coolers?

19 A. Yes. We reached out to Broward Coalition,
20 that's an organization that we're part of in the
21 community, and that individual from Broward then sent an
22 email to all of the members requesting if there was
23 anyone who had additional coolers that we could borrow.
24 No one responded. There was no additional resources at
25 that time. It was just Memorial who was able to provide

1 the four additional spot coolers.

2 Q. And what did you tell the Broward Coalition?

3 A. Yanet called and spoke to her representative at
4 Broward Coalition. I'm not sure of the exact
5 communication that took place.

6 Q. Is the email in the other exhibit?

7 A. I'm not sure if there's an email in here from
8 Broward. There should be. I don't see that email.
9 That was sent by Broward Coalition to members of their
10 coalition requesting additional spot coolers.

11 Q. Then you got a call later that day from AHCA,
12 and why did they call you?

13 A. The lady who called me, and I referred to her
14 as Susan but it was AHCA, basically called me to get an
15 update on our facility so they could update their
16 system, and that was Tuesday at around 4:41 p.m., and it
17 was a little setback during that phone call because
18 prior to this phone call, I had already made, as you can
19 see, so many other calls to state levels, to state
20 authorities, to emergency lines, and I was always told
21 that our information was being noted, that individuals
22 were aware, the systems were updated, and to receive
23 this call from AHCA on Tuesday at 4:41, them asking me
24 for an update on my facility so they could update their
25 system indicated to me that they had no idea what was

1 going on at our facility, which was a little distraught
2 for me because at this point if everyone is
3 communicating and everyone is aware of what's going on,
4 I would not have had to repeat everything all over again
5 to this representative from AHCA.

6 I gave her the information. I informed her
7 that we did not have A/C, and she informed me that she
8 would note this in her system and she would update the
9 system accordingly. I then asked her if I could please
10 conference in our engineering of -- Engineering
11 Director, James Williams, and she said yes, but she was
12 asking me for the FPL account numbers and I did not have
13 them on hand, so I proceeded to conference in James
14 Williams, and at that time James provided her with all
15 of our different FPL account numbers, and also, I
16 believe, the ticket number that we had placed with FPL
17 so that she could update her system, and she just
18 reassured me that she was updating the system and that
19 she would make sure that this gets, you know, taken care
20 of or that we get the assistance that we needed.

21 Q. Did she tell you when FPL was going to come
22 out?

23 A. No.

24 Q. And you said that you found this call to be --
25 caused you to be distraught. What did you do after you

1 got off the phone with her then?

2 A. Well, no, at that point I then just
3 communicated with my team and we had the additional fans
4 at that point in place, and we just continued -- James
5 continued, at this point, contacting FPL and just, you
6 know, making sure that the clients were safe, and they
7 were, so that was my last contact at that time with a
8 representative, but other calls were made to FPL even
9 after that.

10 Q. And you referenced there were more fans. I
11 think there was an Exhibit 10 to the next 65 has some of
12 that information about fans that were purchased.

13 A. Okay.

14 Q. Is this -- did you purchase these or is this
15 James or who --

16 A. I did not purchase these fans. I believe
17 between James and maybe another nursing home employee,
18 they purchased the fans. I'm not sure who that other
19 individual was, but it was not myself.

20 Q. And these were purchased looks like on the
21 12th?

22 A. On Tuesday.

23 Q. Is that right?

24 A. Yep. I believe so, Tuesday morning.

25 Q. At the West Kendall Home Depot. Do you know

1 when they got to the facility?

2 A. I do not know exactly what time they got to the
3 facility. I was not at the facility.

4 Q. Who, other than James, was involved in that
5 then? I mean, James wouldn't have gone down to West
6 Kendall, would he?

7 A. If that was the only facility that had fans, he
8 would have done whatever. I'm not sure who else was
9 involved with the purchasing.

10 MS. SMITH: Steve, can I just -- where are you
11 reading the 12th?

12 MR. MENTON: It's in the highlighted part.

13 MS. SMITH: Do you have a better version
14 than me that's highlighted differently? I'm not
15 questioning you. I can't see.

16 MR. MENTON: I think it's clearer in
17 another version that we have. I'm not sure I
18 can tell on this one.

19 THE WITNESS: I believe a timeline might say
20 something about purchasing of --

21 MS. SMITH: I'm not challenging it. I just
22 couldn't find it. Okay. We'll look into it.
23 Thank you.

24 MR. MENTON: Yeah. The date is what it is,
25 but I think that's what -- at least there was

1 some on the 12th. I'm pretty sure that's it.

2 A. On 9:30 a.m. on September 12th, the
3 Administrator asked directors to look for additional
4 fans to maintain -- it doesn't say exactly what time
5 they were purchased. It just says the time of the
6 request.

7 BY MR. MENTON:

8 Q. So that's the last -- that's all the phone
9 records then that you have of the communications, we've
10 been through that already, and then we pick up with
11 Mr. Williams. Now, the police grabbed the cell phones
12 of at least some of the Hollywood Hills people; is that
13 right?

14 A. That's my understanding.

15 Q. Do you know if they grabbed Mr. Williams'?

16 A. I do not know.

17 Q. They grabbed cell phones from a couple of the
18 other Administrators, didn't they?

19 A. I'm not sure.

20 Q. Did Mr. Williams then pull these records for
21 you and give them to you and then you put them in this
22 log?

23 A. He did, that's correct.

24 Q. And the summaries of the conversations would
25 have come from Mr. Williams?

1 A. That is correct.

2 Q. Now, it looks like there were a number of calls
3 made in early morning of September 11th, one by Joselin
4 and a couple by James. A lot of those are received
5 automated messages. Do you know what the automated
6 messages were?

7 A. I do not know. I just -- that means that they
8 did not speak to a live person, that they just received
9 like an automated message. I don't know what that
10 message stated.

11 Q. You don't know what the message stated?

12 A. No, I do not.

13 Q. And Joselin did the summary of the discussion
14 she had with FPL at 1:14 a.m.?

15 A. She did. She provided me with that
16 information.

17 Q. Did she provide that to you at the time of the
18 call or was this at the time that you were preparing
19 this chart a month or so ago?

20 A. When I was preparing this timeline.

21 Q. So she didn't contemporaneously convey to you
22 what the --

23 A. Exactly, no. I knew that the efforts and calls
24 were being made to FPL because that was being
25 communicated amongst the team, but the specific

1 conversation was when I was providing -- preparing the
2 table.

3 Q. And so Joselin is one of the staff that is
4 shared between the two facilities; is that right?

5 A. She is.

6 Q. Now, it says that she informed them that there
7 was an A/C issue but that you had electric but you
8 needed the A/C issue resolved. Did she explain that the
9 A/C issue was related to the loss of power, do you know?

10 A. I don't know. All I have is the information
11 that's here. In regards to -- she did explain to them
12 that -- because I believe, if I'm not mistaken, they
13 mention how "Oh, you have electric and there's people
14 without electric," and she said, "I understand that, but
15 we don't have A/C and we have elderly and we need to be
16 made a priority." I believe that that was what she was
17 trying to convey to them, "I understand that we don't --
18 we have electric but we do not have A/C and we have
19 elderly and elderly on oxygen and elderly that" -- so I
20 believe that's the message she was trying to convey.

21 Q. You haven't gone back and listened to any of
22 the tapes or anything of the calls with either the
23 Governor's office or FPL, have you?

24 A. No. I heard -- I heard -- from some of the
25 news and the media, I heard like some of the 911 calls

1 very briefly, but I've never heard any of the calls to
2 FPL.

3 Q. Okay. And then the next series of calls were
4 Mr. Williams calling FPL, and it looks like Joselin
5 called as well, and none of them were able to get
6 through between the time frame of -- or didn't speak to
7 anybody anyway from November 11th at 1:17 a.m. through
8 September 12th, 8:56 -- or 8:36 -- 8:44, sorry; is that
9 right?

10 A. Yeah. It's my -- from what I have, they spoke
11 to the first live person at FPL, spoke to them on Sunday
12 at 3:50 p.m. when the A/C first went out after they
13 created the online ticket, and then Joselin spoke to a
14 live person on Monday at 1:14 a.m., and I believe that
15 might have been the last time they spoke to an actual
16 live person, but they continued to call.

17 Q. Were Joselin and James at the facility during
18 the times they were making these calls, do you know?

19 A. I believe so. Yes.

20 Q. And then it looks like after the call on 8:44
21 a.m., that's when Mark called Sandy?

22 A. Mark called Sandy at 12:30 p.m.

23 Q. Right. And Sandy called you and this is where
24 you worked in getting the additional spot coolers?

25 A. No. Sandy didn't call me at this time. They

1 were working with each other on trying to get additional
2 -- and communicating with each other and Jorge in
3 regards to additional spot coolers. I spoke to Iris
4 Berges from Palm Springs throughout this time frame and
5 she reached out to her vendors, so there was just a
6 collaborative effort here amongst everyone trying to see
7 if we could secure additional spot coolers.

8 Q. Because I'm just looking at the one that says
9 Mark to Sandy and then the comment says Sandy requested
10 that you work with --

11 A. Larkin Behavioral.

12 Q. So the "I" there is you, right?

13 A. Right. So with Larkin Behavioral, but I didn't
14 receive a call at that time. We were just working on
15 trying to get the additional coolers.

16 Q. And then there's a series of calls from Jorge
17 to Mark Early at corporate. Why was Mark Early at
18 corporate getting involved at this point?

19 A. It was a collaborative effort amongst all of
20 the facilities. We were all communicating with each
21 other before, during, and after Irma. It's a healthcare
22 system, so if there's anything anyone can do to provide
23 resources or to help out or to, you know, do their part
24 to reach out to vendors, I believe everyone was trying
25 to do that.

1 Q. Then at 2:01 Mark texted Jorge requesting him
2 to call you ASAP to explore options for additional
3 coolers; is that right?

4 A. We were all working together during this time
5 frame to see if we could secure additional coolers.
6 Larkin South, Palm Springs, myself, Jorge, it was a
7 collaborative effort amongst everyone.

8 Q. What's the entry from James to Mark at 2:22, it
9 says, "Followed call to make sure that follow-up had
10 been made with FPL and Governor, was not able to reach
11 due to phone service being down," what does that mean?
12 I'm not sure.

13 A. So the call was made to James, right?

14 Q. To James or --

15 A. The call was made to James by Mark Early. He
16 was following up with James just to make sure that the
17 calls to FPL were being made.

18 Q. So did Mark Early also call the Governor or
19 James?

20 A. James did not. It indicates here that Mark
21 also did call, but he was not able to get through. It's
22 stated that no one was available and he was not able to
23 leave a message either. That's what I have here.

24 Q. All right. And then Crystal Culbertson called
25 Harry De La Cruz at 2:53 and left an urgent message

1 requesting four to six spot coolers for the nursing
2 home. Who is Crystal Culbertson and how did she get
3 involved?

4 A. So Crystal was one of the vendors that the
5 healthcare system works with, and Harry is the
6 Purchasing Director for Larkin Community Hospital South
7 location, and he was involved by Mark Early requesting
8 that the vendors help in any way possible with securing
9 additional spot coolers. She's the Regional Director.

10 Q. All right. Was it you that got Mark Early
11 involved or was it Jorge?

12 A. I am not sure. I did not call Mark Early. I
13 believe the notes indicate that maybe Sandy Sosa might
14 have called Mark.

15 Q. And why were you -- why would the CFO be
16 getting involved?

17 A. It could be that he oversees the purchasing
18 department and he worked very closely with vendors
19 because he's the CFO, I'm not sure, but it could be that
20 he oversees the purchasing and the vendors and the
21 finance end of making sure that, you know, vendors --

22 Q. So you didn't directly interact with Mark Early
23 during this time frame?

24 A. I may have spoken to Mark probably one time
25 during the 24/48 time frame. I'm not sure exactly what

1 the conversation was. It might have been to discuss the
2 -- and that's not on here because I don't remember
3 exactly at what time, but I probably did speak to him
4 one time regarding the efforts of the spot coolers and
5 letting him know that we were all working together and
6 that we were trying to secure additional spot coolers.
7 I'm not sure what day or time that was.

8 Q. All right. And then the next page talks about
9 Joy Williams from the Regional Director from Premier,
10 Inc. What's Premier, Inc.?

11 A. It's a vendor as well.

12 Q. And it says he was provided with an update
13 regarding efforts to obtain additional spot coolers.
14 What was the update?

15 A. The notes just indicate that they were trying
16 to work on securing additional spot coolers. We never
17 received additional spot coolers from these vendors.
18 The attempt was being made from everyone, but we never
19 received additional spot coolers from the vendors, that
20 I do know, so the update was that they were working on
21 trying to secure the spot coolers.

22 Q. But you were never able to get anymore other
23 than the ones that we talked about earlier?

24 A. Memorial, that is correct.

25 Q. And then next you reference phone calls from

1 Jorge, T-Mobile phone records and a text at 9:43 -- or
2 9:46 was a text to Governor Scott, and did you -- this
3 is information that came directly from Jorge then in his
4 summary of what happened?

5 A. That is correct.

6 Q. And then there was a call from Susan Glass at
7 AHCA at 4:17, and that call, it looks like, was a little
8 bit before the call that you got from AHCA on that same
9 day?

10 A. Yes.

11 Q. Did you talk to Jorge about that or compare
12 notes about that conversation?

13 A. No. After-the-fact I shared that AHCA had
14 called me, and I'm not sure if it was later that day or
15 after everything occurred, the incident occurred
16 altogether and we did discuss how I received the call
17 and how he received the call. The only person that was
18 aware that AHCA called me on the spot was James and
19 that's because I conferenced him in.

20 Q. So at the time at 4:00 on the 12th, you weren't
21 aware of Jorge also being in contact with AHCA?

22 A. At that time I was not aware.

23 Q. Okay. Then Exhibit 65, which we started
24 talking about, is the timeline that incorporates those
25 calls, as well as some additional information regarding

1 what transpired during those time frames; is that right?

2 A. The timeline, that is correct.

3 Q. This is somewhat self-explanatory. Is there --
4 there is some information here that seems specific to
5 the Rehabilitation Center regarding the emergency
6 protocols being put in place and the distribution of the
7 spot coolers. Where did that information come from?

8 A. From various individuals. Jorge provided
9 information regarding the nursing home. James Williams
10 provided information regarding his calls. Joselin
11 provided information regarding her calls. Anything that
12 had to do with residents were provided by, I believe,
13 both Jorge and Maria Colon in regards to specific
14 information regarding the calls and the residents'
15 information.

16 Q. So if it relates -- well, the information
17 specific to the Rehabilitation Center would have been
18 information provided to you by Jorge and Maria or
19 Joselin?

20 A. Or James, right, that is correct.

21 Q. It wasn't something that you directly had
22 involvement in, just so I'm clear?

23 A. That is correct.

24 Q. Now, there was a time when a hold was put on
25 new admissions to the Rehab Center. Do you have any

1 information about why or how that was done?

2 A. I don't have the specific information. I was
3 provided that information during preparing of the
4 timeline, but I don't have the specific information.

5 Q. Do you know who made the decision to put a hold
6 on admissions?

7 A. I don't.

8 Q. Well, Exhibit 9, I think, is what's referenced
9 on Tuesday the 12th at --

10 A. Jorge Carballo. It says Jorge Carballo made
11 that decision. He's the Administrator.

12 Q. Who is Arnetta Carolina, Eduardo and James, it
13 looks like, that are referenced in the text messages
14 that are copied in Exhibit 9?

15 A. That is their nursing home team, different
16 staff of the nursing home. I don't know specifically
17 each of their roles. I mean, I know James, Director of
18 Engineering, but I don't know the roles of the others.

19 Q. And Exhibit 12 then is a copy of the text
20 message that was sent by Jorge to the Governor and it
21 talks about not having A/C dehydrates seniors and in
22 water boil zone. Did you have any discussion with Jorge
23 about dehydration of seniors or any of the residents in
24 the facility?

25 A. I did not.

1 Q. Do you know what prompted him to include that
2 in his email?

3 A. I do not.

4 Q. Or text?

5 A. I do not.

6 Q. So beginning on Wednesday the 13th, -- well,
7 right before the 13th, there's a reference to
8 Dr. Abraham and Physician Assistant Brian James making
9 rounds and Dr. Evancho making rounds in mid-morning,
10 Dr. Cadogan from Humana. Where did that information
11 come from?

12 A. From Jorge, the Administrator of nursing home.

13 Q. Do you know whether any of those people made
14 rounds on the second floor of the facility?

15 A. I don't.

16 Q. Then on the 13th there's a recollection of
17 events from Maria Colon based on limited discussion with
18 staff. Was Maria actually there on the night of the
19 12th and the morning of the 13th, do you know?

20 A. I believe Maria arrived back to the facility on
21 Wednesday morning. She was part of the Alpha team, so
22 she slept at the facility for the three nights.

23 Q. And then there's a summary of the patients who
24 passed away and the timing. That all came from Maria
25 putting that together?

1 A. Yes.

2 Q. Was there anyone else involved in that?

3 A. I believe most of that did come from Maria.

4 I'm not sure. Jorge provided me information on the
5 nursing home as well, but I believe most of the
6 information regarding the residents and the calls to 911
7 came from Maria Colon.

8 Q. Do you know where the information that she
9 pulled together came from?

10 A. It indicates here that this came from her
11 staff.

12 Q. But hadn't all the records been taken by the
13 police at that point? I mean, what records were they
14 using, do you know?

15 A. I don't know at what point the records were
16 taken. I'm not sure if she had any of that to reference
17 to at the time.

18 Q. So after the discussion of the individual
19 patients, it says that at 6:10 a call was made to
20 Director of Nursing. That would be Maria?

21 A. Maria is the Director of Nursing of the nursing
22 home.

23 Q. And by "nursing assistant," who do you know who
24 the nursing assistant was?

25 A. I do not know who that is.

1 Q. The Director of Nursing asked to speak to the
2 nursing supervisor. The nursing supervisor would have
3 been Sergio?

4 A. Serge.

5 Q. There's a reference here that Maria directed
6 that the patients be moved to the first floor because it
7 was cooler. Do you know if that actually happened?

8 A. I don't know. I was informed of that
9 information after-the-fact, that she had instructed that
10 information, but I don't know if that was happening or
11 what took place first. I wasn't in the building.

12 Q. This summary of the communication with Sergeant
13 Hubert, that came from Jorge; is that right?

14 A. I believe that was a communication between
15 Jorge and Serge, and yes, that came from Jorge.

16 Q. Sergeant Hubert, is that the one you spoke to?

17 A. I don't know and recall if it's the same
18 person. There were many officers on the premises at
19 that time.

20 Q. 6:45, Chief of Fire Department informed the
21 Director of Nursing a complete evacuation had been
22 ordered. Do you know who that was, the Chief of the
23 Fire Department that ordered that?

24 A. I do not.

25 Q. Did anybody from Hollywood Hills ever -- from

1 the Rehabilitation Center ever indicate to you that they
2 objected to the evacuation of the facility?

3 A. No, and I wasn't on the premises.

4 Q. Now, the statement here, "The building was
5 completely evacuated shortly after the Director of
6 Nursing and Administrator arrived and residents were
7 kept outside the building in the sun as instructed by
8 authorities until approximately 9 a.m.," where did you
9 get that information from?

10 A. Where is that at?

11 Q. It's right here on the --

12 A. I see what you're saying. This is Jorge's
13 information.

14 Q. Okay. So at least as far as you know, the
15 facility was evacuated by 9 a.m.?

16 A. As per his statement. I don't recall that
17 being -- you know, I don't know because I wasn't part of
18 it, but as far as Jorge's time frame goes, it says that,
19 yes.

20 Q. All right. And then the next couple pages
21 reference Mark Early, and this is what we talked about
22 before, Mark is the CFO for Larkin Community Hospital;
23 is that right?

24 A. He's a CFO, yes.

25 Q. And what are these pages here, what's this

1 summary, this is just --

2 A. This is his -- Mark provided this as an
3 overview of his calls and communications to the nursing
4 home regarding the spot coolers and efforts to get
5 resources as well, so this is his information.

6 Q. So this is something he prepared and then you
7 included in this timeline; is that right?

8 A. Yes. Yes. That is correct.

9 Q. And some of this, I think, was incorporated in
10 the phone log, but other than that, you don't have any
11 direct information about what's included here that he
12 prepared; is that right?

13 A. That is correct.

14 Q. And then the next two pages I think we talked
15 about briefly before were --

16 A. Email exchanges, and a lot of these emails are
17 just between the vendors, the Purchasing Department,
18 Mark Early regarding the efforts to secure additional
19 spot coolers.

20 Q. So this was -- did you pull this together or
21 is --

22 A. This was provided to me.

23 Q. By?

24 A. This particular was by Mark Early.

25 Q. So he just tracked down any emails he could

1 find about people trying to get spot coolers or
2 something to that effect?

3 A. I believe that's what he did.

4 Q. And the emails themselves are -- were they
5 included in here? No.

6 A. Let me check with the exhibits to see if
7 there's any emails. I don't see the emails. I just see
8 the actual -- I believe he pulled this, actually, from
9 an actual --

10 Q. In looking through the exhibits, Exhibit 13, I
11 don't see referenced in the narrative or the timeline,
12 but it looks like -- whose -- these are phone records?

13 A. Yes. And I believe -- so the phone records
14 that are like Exhibit 2 it's James Williams, Exhibit 3
15 James Williams, Exhibit 4 Joselin, Exhibit 5 and I
16 believe 6 is James Williams, Exhibit 7 Joselin, Exhibit
17 8 Joselin, Exhibit 9 is Jorge Carballo, Exhibit 10
18 Jorge, phone records are Jorge's, the actual Exhibit 13,
19 yes, that is Jorge Carballo.

20 Q. And these are all of his calls during this time
21 frame?

22 A. It starts on -- it looks like it's from
23 starting on September 11th through the 16th of
24 September, and in the back is my Verizon phone record as
25 well starting September 11th through the 13th, I

1 believe.

2 Q. So this would be after Mark Early's --

3 A. Yes. That's mine.

4 Q. And then is this your handwriting then where
5 you identify calls related to the --

6 A. Yes. First call, second call, third call,
7 that's my handwriting.

8 Q. And then what's this daily admissions page?

9 A. I believe that was provided by Jorge. One,
10 two, three, four, five, and that was five admissions, I
11 believe, that were sent over on Monday from Memorial.

12 Q. And why is this included in your timeline?

13 A. That was provided by Jorge because that was
14 something that he added on, he had contents on over
15 here. Let me see. Daily admissions he included here as
16 well, Monday at 5 p.m., five admissions approved and
17 expected for Memorial Regional, case managers and
18 families informed the facility is on spot coolers and
19 fans and A/C is not working, and that was on Monday.

20 Q. Okay. And what is the significance of that, to
21 your understanding?

22 A. I'm not -- I'm assuming he put this here to
23 show that Memorial was aware that -- and the case
24 managers were aware that we did not have A/C, that they
25 were informed, because this was indicated and shared

1 with case managers from the side because we were
2 receiving from them, not sending, so --

3 Q. Okay. Is there any significance to that, in
4 your mind?

5 A. I was not involved in the admissions, but if I
6 had to -- they send to our facility, so if our facility
7 was safe enough for them to send five admissions and
8 they were aware that we did not have A/C, so they made a
9 clinical decision to send to the nursing home and
10 trusted that their clients were going to be safe, so, I
11 mean, if I had to make an assessment, that would be my
12 assessment.

13 Q. All right. Then the next page, it's got a
14 number six on it. I'm not sure what that is.

15 A. Let me see. I believe that might have been
16 part of my phone records, the Verizon. I think that was
17 Page 6. I apologize. This might be out of order a
18 little bit. That was part of my phone records, my
19 Verizon phone records, and this is all included in my
20 time frame and also in the phone log as well. That's
21 Page 6 is a Verizon.

22 Q. Of your phone?

23 A. Yes, sir.

24 MS. SMITH: Do you want to reorder it so it's
25 with her phone records?

1 THE WITNESS: And I also have a clearer version
2 of this, Susan. What I sent, it's much clearer,
3 from Verizon. This was my initial and I had
4 made copies of this.

5 MS. SMITH: Let's go ahead and put it with
6 the other phone records so that it's in the
7 right order.

8 THE WITNESS: Okay.

9 MR. MENTON: Looks like there's a Page 5
10 missing. It goes from 4 to 6.

11 THE WITNESS: Page 4. Page 3. I believe
12 this was --

13 MS. SMITH: Off the record.

14 (A discussion was held off the record.)

15 MS. SMITH: We'll get it to you, Steve, if
16 it's not there.

17 BY MR. MENTON:

18 Q. All right. Next is an email from you
19 September 28th -- well, 25th, temperature logs for rooms
20 and hallways?

21 A. This was given to me. James Williams sat in
22 front of me and provided me this information in regards
23 to the temperatures he took on the nursing home side,
24 and this was a verbal communication and I typed it up
25 and sent it to Jorge.

1 Q. Okay. And where did you get this -- where did
2 he get this information, do you know?

3 A. He informed me that this information was
4 information that he had got from the spot coolers, the
5 temperatures in the spot coolers when he did his rounds.
6 He did not have this information written down anywhere.
7 This was information he provided to me to the best of
8 his recollection of taking the temperatures.

9 Q. He did not have any --

10 A. He did not. This was verbally expressed to me
11 and I typed it up for him and I sent it to Jorge and
12 Dr. Michel.

13 Q. And why were you involved in this then? I
14 mean, what prompted you to be the scrivener for this?

15 A. I was working on the time frame, and this was
16 just one of the items that was requested, and at this
17 time James was on my side, he did not have computer
18 access, so he came over to my side and I typed it for
19 him and he was sitting in front of me when I typed it.

20 MR. MENTON: Let's go off the record.

21 (A discussion was held off the record.)

22 MR. SMITH: It's been pointed out that on
23 this exhibit that there is a forward of an email
24 from Jorge Carballo to Michael Band Law Firm,
25 which is his criminal defense counsel, and that

1 it doesn't have any content, but the email
2 itself was an inadvertent disclosure. It
3 references some attachments that may or may not
4 be anything, but we would simply point out that
5 the disclosure is inadvertent, and we'd ask that
6 it just be redacted from the exhibit, and we
7 will redact it from our future disclosure of it.

8 BY MR. MENTON:

9 Q. Did James tell you anything more about the
10 temperatures that he says were the basis for the email
11 that you sent here?

12 A. No. He just said that he needed to provide the
13 temperatures that he had conducted and that it was based
14 on his memory and recollection and if I could send the
15 email for him, so he was sitting in front of me and he
16 just basically went through the different areas that he
17 conducted the temperatures on and this -- he said it was
18 within a 30-minute window from like 6 to 6:30. He did
19 it on the first and second floor in the hallways.

20 Q. How did he do it, was this the stuff reading
21 off the spot coolers, is that what you're saying?

22 A. Yes.

23 Q. So this is when he explained to you he was
24 reading the temperature off the spot cooler?

25 A. Yes.

1 Q. Okay. And why was he having you forward this
2 on to Dr. Michel and to Jorge?

3 A. I am not sure if that was part of the time
4 frame request or if someone had requested it. I am not
5 sure whether it was Jorge who requested it, and I just
6 helped him by sending the email because he didn't have a
7 computer at the time. His computer was removed. So I
8 sat with him and just typed it up for him.

9 Q. So you don't know anything more about that?

10 A. Where the request came from? No. He had just
11 said that he needed to send them the temperatures. I
12 don't know if one of the requests from like the
13 congressional or something like that had put that in one
14 of the questions in regards to whether any temperatures
15 were taken or noted. I'm not sure where maybe that
16 request came from.

17 Q. You don't know anything about the temperatures
18 that the police took inside the building on the morning
19 of the 13th, do you?

20 A. I do not. I do not.

21 Q. The next document is an email that was sent on
22 Tuesday at 11:53. Where did this come from and what
23 does this relate to?

24 A. So this is from -- I requested one of my
25 employees, because I was not in the building and I was

1 actually having issues sending emails from my phone, to
2 send an email to all of the providers in Broward County
3 that we work with, Baker Act receiving facilities,
4 informing them that we had made a decision to not accept
5 any new clients at this time because we were working on
6 securing additional coolers, spot coolers, and working
7 on getting FPL to come out and fix the A/C, and until
8 this was resolved, I did not want to accept anymore
9 clients, so we just wanted to make sure that the
10 providers were informed.

11 Q. So you're the one that directed that this be
12 sent, and this was sent on Tuesday the 12th at 11:53
13 a.m.?

14 A. That is correct.

15 Q. Do you know whether there was a similar notice
16 sent for the rehab facility?

17 A. I don't know if there was an email sent. I do
18 know that in this timeline Jorge indicates a reference
19 to making a decision to no longer accept admissions I
20 believe on Tuesday morning. I don't know if he sent an
21 email out. I did this because I'm a Baker Act receiving
22 facility and cops just show up to my facility with Baker
23 Act clients and so we also have like a bed board in
24 Broward County that is updated for admissions, so I just
25 wanted to make sure providers were aware if we don't

1 accept transfers or clients, this was the reason why.

2 Q. So what prompted you to send this out?

3 A. Because at this time I still had not received
4 any additional spot coolers. I received the spot
5 coolers from Memorial, I believe, a little after this,
6 probably like around 2 p.m., if I'm not mistaken, so I
7 did not want to accept anymore clients until I knew more
8 if FPL was going to be coming or if I was going to
9 receive additional spot coolers.

10 Q. So when you received additional spot coolers,
11 did you rescind this?

12 A. Did I rescind it? No. No.

13 Q. So this stayed in place until you transferred
14 all the patients out, basically?

15 A. That's correct.

16 Q. What was it that caused you to think that you
17 shouldn't be taking anymore patients?

18 A. Because I wanted to make sure that the patients
19 that I had in place were, you know, comfortable and I
20 wanted to make sure depending on, you know, the
21 temperatures and not having FPL come out, I just wanted
22 to make sure that I didn't exacerbate the situation by
23 adding more clients.

24 Q. Okay. Did you have any discussions with Jorge
25 or any representatives of the Larkin Health System

1 regarding your decision to quit accepting patients on
2 the 12th?

3 A. I made this decision as the Administrator of
4 the facility. I believe I may have communicated
5 after-the-fact with Sandy Sosa informing her that I was
6 no longer accepting clients. I'm not sure at what time,
7 but I did not get her approval to make this decision. I
8 made the decision as the Administrator of the facility.

9 Q. And you didn't talk to anybody about it before
10 you made that decision?

11 A. Not before. I believe after I communicated
12 with Sandy to let her know that we were not accepting
13 any clients.

14 Q. Okay. I mean, that's a pretty significant
15 decision to not accept anymore clients, isn't it?

16 A. Well, yeah, and I mean not knowing -- like I
17 said, at that point we were being told that our
18 situation was being escalated and we were being promised
19 that we were being, you know, made priority, and because
20 I didn't see anything happening, why accept any new
21 clients when we are able to maintain, you know,
22 everything in place the way it was, and I didn't want to
23 accept and put anyone else -- we were able to maintain
24 what we had in place at that moment, so I made a
25 decision just not to accept anymore clients.

1 Q. You didn't want to put anyone else at risk?

2 A. It wasn't at risk because my clients were not
3 at risk. My clients were not at risk at any point. My
4 clients were safe and my clients were never indicated as
5 anything different than being safe. I just knew that we
6 didn't have A/C so -- and the spot coolers that we did,
7 we placed, you know, accordingly, so I just wanted to
8 maintain.

9 Q. I may have asked you this. I apologize. Did
10 you talk with Jorge about whether he had made a similar
11 decision regarding the rehab facility?

12 A. I did not.

13 Q. Do you know whether a decision was made with
14 respect to the rehab facility to not accept new patients
15 around this time?

16 A. I don't know at what point I knew if it was
17 like after everything occurred that he made that
18 decision because of the information provided in the
19 timeline. We did not communicate. Jorge would have not
20 called me to say, "I'm not going to accept new clients"
21 or vice versa because that's not a decision I would need
22 his approval on, or vice versa, he would need my
23 approval on.

24 Q. Well, when you were putting together the
25 timeline, did you learn or did anybody tell you that a

1 similar letter was sent out by the rehab facility?

2 A. Not a letter. I did learn that he did make a
3 decision to not accept new clients, and I believe he
4 made a decision on Tuesday.

5 Q. Do you know when he made -- what time or was
6 it --

7 A. I believe it's indicated on --

8 MR. SMITH: It's in the exhibit -- can I just
9 help out here? It's 9:40 a.m. It's in the
10 timeline and it's Exhibit Number 9. I'm sorry.

11 MR. MENTON: No, that's good. That helps.
12 I didn't see that.

13 BY MR. MENTON:

14 Q. Yeah. This is the one we talked about. I did
15 ask about this earlier. This was on -- it doesn't have
16 a date on it, but that was at --

17 A. Yeah. I'm not included in that message. I'm
18 not a part of that message.

19 Q. You haven't -- have you read the depositions of
20 the AHCA representatives who fielded the calls that were
21 made -- that you made to Susan Glass and to Sharon?

22 A. What calls did I make to Susan? I didn't make
23 a call to Susan Glass.

24 Q. Or they made to you regarding -- when they
25 called you about, you know, getting an update on the

1 condition of the facility.

2 A. I don't remember reading those. I read
3 something, I believe, in one of the media outlets that
4 were released regarding those calls, but I don't
5 remember reading the actual order, any kind of report on
6 that.

7 Q. The depositions -- were you told what the AHCA
8 representatives said in their depositions about the
9 discussions that they had with you?

10 A. I don't recall. I don't recall that. I
11 remember seeing that in the media.

12 Q. Okay. Did you advise the agency during the --
13 Susan that you spoke to from the agency when she called
14 looking for an update, did you advise her at that time
15 of the condition of the patients in your facility?

16 A. I advised her that we had no A/C and that we
17 had elderly in the building because there was a nursing
18 home and also that we had mentally ill adults and
19 adolescents in the building and that we had not had A/C
20 and that we had escalated this and still no one had come
21 out to help resolve this issue.

22 Q. Did you advise her -- so you did provide her
23 information regarding the patients in the Rehab Center?

24 A. I advised her the population served. I did not
25 have specifics regarding any of the situations, the

1 clients, you know, their medical conditions. I don't
2 know that. But I just advised her that we had adults
3 and adolescent clients in the building and also elderly
4 and some on oxygen.

5 Q. Did you tell her that there was no one in
6 distress and that there was no need to call 911?

7 A. I don't remember saying that there was no one
8 in distress. I did not share with her that anyone was
9 in distress because I actually did not have that
10 information and there was no indication that anyone was
11 in distress.

12 Q. Did Susan tell you that she was returning the
13 call that you had made to Governor Scott?

14 A. She did not. She called and told me that she
15 was updating her system and wanted to get an update on
16 the facility.

17 Q. Okay. So you don't know if there's any
18 relationship to the call that she made to you and the
19 call that you made to the Governor?

20 A. Well, I would assume not because she had no
21 idea that my facility had no A/C so -- and after making
22 several -- several calls within a 24-hour time frame to
23 the Governor and to emergency lines indicating that we
24 had no A/C, I would have, at the very least, thought
25 that she would know that from calling me, but she just

1 wanted to update her system.

2 Q. Did you tell her that there was no need to call
3 911?

4 A. I don't know if I told her there was no need to
5 call 911. I don't recall that. I told her that we just
6 didn't have A/C and we need to be made priority, and I
7 conferenced in James Williams so that he could give her
8 the FPL numbers and we also provided her with a ticket
9 information to FPL.

10 Q. Okay. So you didn't advise her at any point
11 though that there was anybody in distress that needed
12 immediate attention, did you?

13 A. I did not.

14 Q. And do you know whether anybody from either the
15 psychiatric facility or the Rehab Center ever called the
16 Broward Emergency Operations Center?

17 A. Broward Emergency? Not that I am aware of, no.

18 Q. Do you recall ever informing anybody during the
19 calls that you had with either AHCA or the Emergency
20 Ops. Center at the state level that the lack of A/C was
21 adversely affecting patients?

22 A. I don't recall saying it that way. I just
23 recall stating the population we served and that we
24 needed to be made priority and the population we served
25 was elderly, some on oxygen, adults and adolescents.

1 Q. But you don't recall ever saying it was
2 adversely affecting any of the patients?

3 A. No. I don't recall saying that.

4 Q. Did you ever tell them like how hot it was
5 getting in the building or giving them any indications
6 as to --

7 A. No, I don't -- and I didn't know the exact
8 temperatures. I just knew that we had no A/C and we
9 needed someone to come out and help us resolve this
10 issue we had.

11 Q. Did you ever tell them that it was an urgent
12 or --

13 A. Absolutely, that it was urgent and that we need
14 to be made priority and that we had elderly, some on
15 oxygen, and they indicated that this was being escalated
16 numerous times, almost every call, that this was going
17 to be made urgent, that individuals were going to be
18 made aware. That was the response that I was getting on
19 the back end.

20 Q. We've been through these exhibits now that you
21 brought. Are there any other areas that you expect to
22 be testifying about at the hearing other than what we've
23 covered already today?

24 MR. SMITH: And if I can, just to help out,
25 areas I intend to ask her about, you've asked

1 her a little bit about it, but I'd ask her more
2 about the preparation for the hurricane, what
3 was done before, during, you talked a lot about
4 after, but the preparations that were made,
5 whether she feels they made reasonable
6 preparations, the -- I will ask her if she
7 believes the actions of the facility, both on
8 her side and the other side, were reasonable,
9 and I will probably share with her this
10 information that we anticipate will be in
11 evidence from -- and I'll just ask her to assume
12 it's true, from AHCA, that shows facilities and
13 numbers of days without power, and I'll ask her
14 the question of whether she feels that it was
15 unreasonable to await help given the context of
16 all the calls that she discussed and if that
17 appears to be out of the norm with other
18 facilities that lost power according to AHCA
19 records.

20 You asked her a question about refraining
21 from any actions, did they refrain from any
22 actions based on the Governor's calls or the
23 calls to the Governor and the state. I will ask
24 her questions about her and the facility's state
25 of mind in terms of what they expected, what

1 they thought, and would they have acted
2 differently if they had been told, "Sorry, we
3 may not be out there for days or weeks, you
4 know, you're on your own," would that have
5 affected the actions that they took.

6 I'll ask her whether or not the wholesale
7 evacuation of a nursing home to a hospital in
8 terms of the need to access A/C seems like a
9 reasonable action to say you're going to just
10 pick up and move an entire nursing home because
11 you happen not to have A/C and the hospital may
12 have A/C, the hospital next door.

13 So those are some questions -- also, I
14 don't know if we discussed hydration and
15 securing ice but, you know, I may ask her. It's
16 in the timeline. I think somewhere there's a
17 discussion of actions taken to make sure there
18 was usable ice in the facility.

19 So those are just some of the other things.
20 I may ask her about anything in the timeline. I
21 think the information is there. And same with
22 the calls. I think you've pretty much covered
23 it, but in case you didn't ask about one entry,
24 I just don't want to say, well, I didn't ask
25 about that one and she said there was nothing

1 else. I could ask her about any of them in the
2 timeline or the call log.

3 MR. MENTON: Okay.

4 MR. SMITH: I think that's about it.

5 BY MR. MENTON:

6 Q. Okay. Let me just follow-up on a couple of
7 those. With respect to preparations, I assume that you
8 feel like you made reasonable preparations in advance of
9 the storm?

10 A. I do. We started preparing as early as June
11 when hurricane season starts, and we do have a team of
12 individuals that work on preparation. The Director of
13 Engineering actually works very closely with my Director
14 of Safety, Janet Lopez, in preparation of ordering any
15 supplies that we may need, nonperishable food, water,
16 flashlights. We also conduct drills.

17 The particular drill we did prior to Hurricane
18 Irma was a blackout, you know, a loss of electricity
19 drill, and we prepare Alpha and Bravo leading up for
20 months prior just to make sure that we have enough staff
21 in place.

22 So I do believe, to the best of our ability, as
23 much as you can prepare for something like this, we did
24 and we did in-services and we indicated staff and I do
25 believe that we did.

1 Q. Do you think the preparations are any different
2 for a Rehabilitation Center dealing with elderly people
3 versus a psychiatric hospital?

4 A. I don't know exactly. I know that James shares
5 the responsibility for both facilities. James is the
6 Engineering Director, and he did participate in our
7 drills and our ordering of supplies and things like
8 that. I don't know specifics as to how they prepared
9 for the hurricane on the nursing home end specifically,
10 but I do know that there was some overlap because of the
11 facility as a whole being shared.

12 Q. There would be differences though in terms of
13 vulnerability of populations that the nursing home is
14 serving versus what the psychiatric hospital serves,
15 wouldn't there?

16 A. I don't know that. I'm not an expert in
17 nursing home and the populations specifically, the
18 elements of the clients in there, so I wouldn't know.

19 Q. So if you don't know if there's differences in
20 the population, the vulnerability of the population
21 served in the nursing home, you're not able to say that
22 all the reasonable steps necessary for a nursing home
23 were taken, can you?

24 A. I know that from what I can share with you is
25 that we did everything that we could do within our

1 means, and I know that because I was there and I
2 witnessed it. I'm not sure what the population served,
3 if anything differently is expected to be done. I don't
4 know.

5 Q. I mean, do you know whether, for example, the
6 hydration considerations for the elderly might be
7 different than the patients that you're serving in the
8 psych facility?

9 A. I don't know. I'm not --

10 Q. Does it -- I mean, obviously, the reason that
11 we're here is that eight people died on the 13th and
12 several died several days afterwards. That's one of the
13 main reasons we're here. Are you prepared to say that
14 all reasonable steps were taken to prevent those deaths?

15 A. I'm prepared to say that I know leaders that we
16 work with, I know that we have a great team, and I know
17 that from what I was privy to in the sense of
18 communication that everyone worked effortlessly around
19 the clock, everyone did what they could do to make sure
20 the clients were safe.

21 So I know I can speak on that in regards to
22 what was put in place and the communication that was
23 being done accordingly within the days prior leading up
24 it, preparing and being part of the nightly calls,
25 making sure that we had resources in place.

1 I know I can speak on that because I know I was
2 part of that process, and I've worked with the team for
3 a couple of years now leadership-wise and I know we have
4 a team that is passionate and caring and would do
5 whatever in their means to protect our clients.

6 Q. Well, I mean, you are aware, obviously, that
7 the cause of death for several of the residents was
8 attributed to heat stroke and exposure to excess heat,
9 you've heard that?

10 A. I've seen it on the media.

11 Q. Do you contest that those patients died as a
12 result of exposure to excess heat?

13 A. I don't -- I don't know that. I've seen it and
14 I've read it, but I can't speak on that.

15 Q. Well, can you speak to whether or not all steps
16 -- all reasonable steps were taken within the nursing
17 home to ensure that patients were not exposed to excess
18 heat?

19 A. I can speak on working with leadership for
20 several years now and believing in the team that we have
21 in place and being there for Alpha and knowing that
22 everyone worked effortlessly and around the clock. I
23 can speak on that.

24 I was not in the nursing home side. I can't
25 speak on that specifically, but I do know we have a

1 great team and a very caring team who spent hours and
2 hours and days there at the facility away from their
3 homes, away from their families taking care of their
4 residents.

5 Q. Are you aware of any other facility in the
6 state where there were multiple deaths attributed to
7 heat stroke?

8 A. I'm sure there was and it's just not being
9 discussed. I know a lot of facilities did not have
10 power for many, many days. I don't know the backing in
11 regards to facts of those numbers, but I know that we
12 were not the only facility that did not have power, and
13 some went many, many days without A/C, without
14 electricity, so everyone in the state of Florida was
15 affected by this hurricane.

16 Q. Right. You have an exhibit that your attorney
17 has just mentioned about facilities and their lack of
18 power, but do you know -- are you aware of any other
19 facility where there were multiple deaths attributed to
20 heat stroke?

21 MR. SMITH: Objection. Asked and answered.
22 She just answered that exact question.

23 MR. MENTON: She didn't answer the
24 question.

25 MR. SMITH: She did. She answered it.

1 MS. SMITH: She said, "I'm sure there was."

2 A. I'm sure there was.

3 BY MR. MENTON:

4 Q. Well, you say you're sure there were. Where,
5 which ones?

6 A. I don't know specifically because it's not
7 being reported. I just know we were not the only
8 facility without power and without A/C.

9 Q. I know you're the only facility without power.
10 What I'm trying to do --

11 A. I'm saying without A/C. We had power.

12 Q. And the reason why I asked the question again
13 is because you said you know there was, so I want to
14 know which ones --

15 A. No. I said I'm sure there was. I didn't say
16 -- I'm sure there was and it's just not being reported,
17 so I don't know the names of those facilities, no, I do
18 not.

19 Q. And why is it not being reported?

20 A. I don't know. I don't have that answer.

21 Q. Can I see that for a second?

22 A. (Handing documents).

23 MR. SMITH: And I'll ask assumption questions.

24 You don't need to drill her on "well, do you

25 know this, do you know that." I'm just going to

1 ask her to assume the information here is true
2 on the facilities and the number of days they
3 lost power and whether or not they evacuated.
4 Deputy McKinstry has already testified about
5 this document. She's attested to its veracity
6 and that the information is accurate that is
7 reflected that there were numerous nursing homes
8 without power for more days than Hollywood
9 Hills.

10 BY MR. MENTON:

11 Q. So what's your testimony then based upon that
12 assumption?

13 A. Based on what assumption?

14 Q. That there were multiple nursing home
15 facilities without power for periods equal to or longer
16 than Hollywood Hills.

17 A. You know, speaking on behalf of the hospital, I
18 just -- across the board, we knew that facilities did
19 not have, you know, power, A/C, so there was no
20 indication for us to have to, you know, relocate or
21 evacuate clients because they were safe and they were
22 comfortable and there was no indication at that time
23 that we had to do anything differently than what we did.

24 Q. Okay. All right. I think your counsel
25 indicated that one of the questions he was going to ask

1 you, whether evacuation of the nursing home was a
2 reasonable action because of the loss of
3 air-conditioning.

4 First of all, do you think you're in a position
5 to determine whether or not it was reasonable to
6 evacuate the nursing home facility on the morning of the
7 13th?

8 MR. SMITH: That's not the question I was going
9 to ask her. You can ask her that question, but
10 that's not the question that I told you I would
11 ask her. I was going to ask her the opposite of
12 that question, whether it was reasonable to
13 remain in place given the context of the
14 document that's in your hand and what the
15 Governor -- or what the state had assured them.

16 MR. MENTON: Okay. Can you read back my
17 question? I'll get the answer to that one
18 first.

19 (The portion referred to was read by the
20 reporter as above recorded.)

21 BY MR. MENTON:

22 Q. You can take out the predicate. I don't want
23 to bog it down as to how he's going to frame the
24 question.

25 Do you think you have enough information as to

1 the conditions within the Hollywood Hills Nursing Home
2 facility on the morning of the 13th to opine as to
3 whether it was reasonable to evacuate that facility?

4 A. No.

5 Q. No, you don't?

6 A. No, I don't have enough information. I was not
7 -- the nursing home, I was not, you know, there so --

8 Q. And I'll try to paraphrase the question that I
9 think your counsel indicated he's going to ask you,
10 which is whether or not you believe it was reasonable to
11 remain in place from the nursing home side given the
12 information that then was conveyed to the Governor's
13 office and what you knew about the FPL calls?

14 A. Yes. I feel like shelter in place was what we
15 -- what the facility thought was the best decision,
16 because like I stated earlier, it was -- all of the
17 state of Florida was experiencing Hurricane Irma and you
18 have elderly, you have Behavioral Health clients, and if
19 you're treating them and you're making sure that they're
20 stable and they're safe, for me, it's -- if you can keep
21 them in place in their setting versus abruptly
22 relocating them if there's no indication to do so, I
23 believe that was, you know, the decision that was made
24 and that's why the decision was made, because they were
25 being taken care of. There was no indication that an

1 evacuation needed to occur so --

2 Q. Okay. I assume you haven't reviewed the
3 depositions of any of the witnesses that have been taken
4 in this proceeding?

5 A. No.

6 Q. And you don't know the basis upon which the
7 Hollywood Memorial staff -- I keep calling it Hollywood
8 Memorial. I think they dropped Hollywood. It's
9 Memorial Hospital.

10 A. Regional?

11 Q. Yeah. Or that Fire Rescue ordered the
12 evacuation?

13 A. I've heard and seen in the media, but I've not
14 read any of the witnesses' deposition reports or
15 anything like that.

16 Q. I was a little confused by the indication that
17 you were going to testify about what you expected based
18 upon the calls that were made.

19 Have you addressed fully already today what you
20 expected as it relates to the calls that you placed to
21 the Governor's office and to the Emergency Ops. Center
22 and the discussions you had with the AHCA
23 representatives?

24 A. I believe we touched on it. I'm not sure if
25 more elaboration was going to be required, but I believe

1 we touched on my expectation was not necessarily that
2 Governor Scott was going to call me and return my call,
3 but I did expect if you give your cell phone out,
4 especially when you're expecting a Category 4 or 5
5 hurricane and the worst possible situation could occur,
6 that there was some kind of systematic approach already
7 in place, that someone was going to return your call and
8 someone was going to assist you with any issue that you
9 may have encountered, so I did expect a different
10 response.

11 I was very confident leading up to Hurricane
12 Irma. I participated in every one of the phone calls
13 and I was really impressed with the preparation, the
14 calls that were facilitated, and I felt confident, as an
15 Administrator of the hospital, that if anything happens,
16 if the local community is not going to help us and get
17 our needs met, clearly someone is going to because it
18 was just very organized, the cell phone was given, so
19 for me, that made me feel confident that if this is
20 what's happening and I'm being provided with numbers,
21 cell phone numbers, emergency numbers, that's because
22 there's something in place and clearly something is
23 going to get done. So yeah, I did expect something
24 differently, I did, and that's where my hope came from,
25 and it didn't happen.

1 Q. During those calls wasn't the point made that
2 emergencies are inherently local in nature and that
3 local authorities would be the ones that would be
4 addressing, you know, concerns at a local level?

5 A. I want to clarify again I did not make the
6 calls because -- I did not substitute call 911 to call
7 Governor Scott. That was not -- I didn't call Governor
8 Scott because I needed to -- I had an emergency where my
9 patients needed to be brought to a hospital. That was
10 not --

11 My purpose of calling Governor Scott was
12 because FPL was not responding, FPL wasn't coming soon
13 enough, and I believed that by calling him, there would
14 be some kind of, you know, push to make us priority or
15 push where there was some kind of insight that maybe,
16 you know, with his, you know, status and power that he
17 would be able to help us get things done because that
18 was the impression I got when you provided your cell
19 phone number. That's why I called. It was not because
20 I was replacing Governor Scott's call -- or replacing
21 911 to call Governor Scott. That was not why I called
22 him.

23 Q. Let me see -- if Governor Scott had not given
24 out his cell phone number, what would you have done
25 differently?

1 A. You know, that's like hindsight is -- I don't
2 -- I don't know. Like I said, my patients were never at
3 risk. There was no indication that I had to transfer
4 them out at any point prior to Wednesday.

5 I used that resource because that was what was
6 provided and I believed in that resource because that
7 was the hope that I was holding on to, my first time
8 being in a situation like that in regards to preparing
9 for such a hurricane. I'm not sure what would have been
10 done differently. My clients were safe. I was just
11 using that as a resource that was provided to me.

12 Q. Okay. So there's no specific action you can
13 indicate that you would have done differently if the
14 Governor hadn't given his cell phone number out?

15 A. I just continued to keep my clients safe as I
16 did, continued to push FPL and do everything that we
17 did.

18 Q. Okay. That's all the questions that I have.

19 MR. SMITH: I'd like to attach as 67 -- can we
20 leave her with the originals? 67 will be the
21 spreadsheet of facilities from AHCA.

22 (Thereupon, Plaintiff's Exhibit Number 67,
23 Spreadsheet of Facilities, was marked for
24 identification.)

25 MR. SMITH: We'll read.

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(The taking of the deposition was concluded at
3:15 p.m.)

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READ AND SIGN LETTER

December 31, 2017

Susan C. Smith, Esq.
Geoffrey D. Smith, Esq.
Smith & Associates
3301 Thomasville Road
Suite 201
Tallahassee, FL 32308

IN RE: AHCA v. Rehab Center at Hollywood Hills
DEPO OF: NATASHA ANGELA ANDERSON
TAKEN ON: December 19, 2017
AVAILABLE FOR READING UNTIL: February 10, 2018
U.S. LEGAL SUPPORT JOB NO. 1668401

Dear Ms. Smith:

The transcript of the above-referenced proceedings has been prepared and is being provided to your office for review by the witness.

We respectfully request that the witness complete his review within the next 30 days and return the errata sheet to our office.

Sincerely,

Lynda Royer, R.P.R.
Registered Professional Reporter

cc: S. Menton, Esq.

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