

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- - - - -
ADRIAN SCHOOLCRAFT,
Plaintiff,
-against- Index No.
10CIV-6005 (RWS)

THE CITY OF NEW YORK, DEPUTY CHIEF
MICHAEL MARINO, Tax Id. 873220,
Individually and in his Official
Capacity, ASSISTANT CHIEF PATROL
BOROUGH BROOKLYN NORTH GERALD NELSON,
Tax Id. 912370, Individually and in his
Official Capacity, DEPUTY INSPECTOR
STEVEN MAURIELLO, Tax Id. 895117,
Individually and in his Official
Capacity, CAPTAIN THEODORE LAUTERBORN,
Tax Id. 897840, Individually and in his
Official Capacity, LIEUTENANT JOSEPH
GOFF, Tax Id. 894025, Individually and
in his Official Capacity, stg. Frederick
Sawyer, Shield No. 2576, Individually
and in his Official Capacity, SERGEANT
KURT DUNCAN, Shield No. 2483,
Individually and in his Official
Capacity, LIEUTENANT TIMOTHY CAUGHEY,
Tax Id. 885374, Individually and in his
Official Capacity, SERGEANT SHANTEL
JAMES, Shield No. 3004, and P.O.'s "JOHN
DOE" 1-50, Individually and in their
Official Capacity (the name John Doe
being fictitious, as the true names are
presently unknown)(collectively referred
to as "NYPD defendants"), JAMAICA
HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV,
Individually and in his Official
Capacity, DR. LILIAN ALDANA-BERNIER,
Individually and in her Official Capacity
and JAMAICA HOSPITAL MEDICAL CENTER
EMPLOYEES "JOHN DOE" # 1-50, Individually

(Continued)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown),

Defendants.

- - - - - x

220 42nd Street
New York, New York
May 30, 2014
10:28 a.m.

VIDEOTAPED DEPOSITION of ANTHONY J. MAFFIA, a Witness on behalf of one of the Defendants, JAMAICA HOSPITAL MEDICAL CENTER, in the above-entitled action, held at the above time and place, taken before Margaret Scully-Ayers, a Shorthand Reporter and Notary Public of the State of New York, pursuant to Order and the Federal Rules of Civil Procedure.

* * *

1 A. MAFFIA

2 I'm sorry.

3 Q. Was the fourth one performance
4 evaluations at the hospital for doctors?

5 A. Yes [indicating].

6 Q. Is that correct?

7 A. Yes. Sorry.

8 Q. Does the hospital have any
9 procedures, protocols, or practice with
10 respect to doing evaluations on the
11 performance of doctors that work for it?

12 A. Yes.

13 Q. What are those?

14 A. They get a yearly evaluation.

15 Q. Is there a policy document that
16 describes what that yearly evaluation
17 covers?

18 A. The evaluation which I'm
19 somewhat familiar with has the tenet of
20 what the evaluation is about; what the
21 doctor is evaluated on. It kind of
22 serves as the policy and the evaluation
23 tool.

24 Q. Can you explain that answer?

25 A. In other words, on the

1 A. MAFFIA

2 evaluation there are things that the
3 doctor was evaluated on and that serves
4 as the policy.

5 Is there a policy they get a
6 yearly evaluation, the answer is yes.

7 Q. So there is a form of
8 evaluation used to evaluation doctors?

9 A. That's correct, right.

10 Q. And the form covers certain
11 subject matters; is that correct?

12 A. Yes.

13 Q. And are you telling me that the
14 hospital policy about what the factors
15 are in order to assess the performance of
16 the doctors who works at the hospital are
17 set forth in the form?

18 A. Yes.

19 MR. SMITH: I request the
20 production of the form, Jamaica
21 Hospital evaluation that was employed
22 to evaluate doctors for the period
23 2007, '8, '9.

24 MR. RADOMISLI: Taken under
25 advisement. Please follow up in

1 A. MAFFIA

2 writing.

3 Q. Have you looked at that form
4 recently?

5 A. Yes, just perused it briefly.

6 Q. When?

7 A. During one of our conversations
8 with the attorneys.

9 Q. What do you recall about the
10 form?

11 A. It has certain items that the
12 physicians are evaluated on.

13 Q. What are the items?

14 A. Their ability to relate to
15 patients, ability to relate to staff, the
16 ability to work on an interdisciplinary
17 team, those are some of the items.

18 Q. I would like to know all of the
19 items.

20 A. I couldn't recount them all.

21 Q. Do you have them here today?

22 A. I don't have them.

23 Q. So you're not ready to testify
24 about the subject matter of the
25 evaluation process for doctors at Jamaica

1 A. MAFFIA

2 psychiatrist.

3 Q. You are not answering my
4 question.

5 Is there anywhere in Jamaica
6 Hospital policy some sort of
7 authorization to hold a patient before
8 the patient is psychologically evaluated?

9 A. I'm sorry. I can't answer
10 that, I don't know.

11 Q. In this case Schoolcraft was
12 brought to the hospital on the night of
13 October 31, 2009, and he was
14 psychologically assessed the following
15 day.

16 Is there anything in Jamaica
17 Hospital policy that authorizes it or
18 permits any of its employees to hold a
19 patient against the patient's will before
20 the patient has been evaluated for
21 involuntary admission?

22 A. I don't believe that I know
23 that.

24 Q. Does hospital policy require
25 physicians to consider the safety of the

1 A. MAFFIA

2 community in making involuntary admission
3 decisions?

4 A. The admission decision is based
5 on the 9.39 regulation from the mental
6 hygiene law which is again a danger to
7 self or others. The physician makes that
8 determination.

9 Q. So does the hospital policy
10 require physicians to protect the
11 community?

12 MR. RADOMISLI: Objection to
13 form.

14 You can answer.

15 A. Yes.

16 Q. What are the factors involved
17 in making an involuntary commitment
18 decision?

19 A. The physician has to evaluate
20 the patient as it states in the law.
21 They have to determine if the patient is
22 a danger to himself or others.

23 Q. Are you capable of providing me
24 with information about how that decision
25 is made on a particularized basis?

1 A. MAFFIA

2 A. No, because the psychiatric
3 assessment is done by the physician.

4 Q. Is there any time requirement
5 in the hospital policy governing when a
6 second evaluation must be done in order
7 to maintain a patient's status as an
8 involuntary?

9 A. I think that's in the policy.
10 Let me check the policy. I think it's
11 "The admitting doctor will be responsible
12 for" --

13 THE REPORTER: You have to slow
14 down.

15 Q. You don't have to read it out
16 loud. Take a look and tell me whether or
17 not there is such a requirement.

18 A. Yes. It's conducted.

19 Q. What is the requirement?

20 A. Conducted within 48 hours of
21 admission.

22 Q. So the second evaluation has to
23 be done within 48 hours of admission?

24 A. Uh-huh.

25 THE REPORTER: Yes?

1 A. MAFFIA

2 question.

3 Q. These are references to
4 categorizing the various work categories
5 either within or outside of the Americans
6 with Disabilities Act Essential Job
7 Functions?

8 A. Yes.

9 Q. Who was the one that filled out
10 or prepared these forms with respect to
11 individual psychiatrists in the
12 Psychiatric Department of Jamaica
13 Hospital?

14 A. Who does the evaluations?

15 Q. Yes.

16 A. The physicians are evaluated by
17 the unit chief.

18 Q. Who were or was the unit chief
19 in October 2009?

20 A. I believe this was a Dr.
21 Edelman, Martha Edelman, E-D-E-L-M-A-N.

22 Q. Does this evaluation apply to
23 doctors or psychiatrists who work in the
24 emergency room as well and doctors or
25 psychiatrists that work in the various

1 A. MAFFIA

2 wards?

3 A. Yes.

4 Q. Does the evaluation process
5 track the number of patients that a
6 doctor sees during a period of time?

7 A. No.

8 Q. Does the evaluation process at
9 Jamaica Hospital track the amount of
10 revenue that a physician generates or
11 assists in generating for purposes of
12 assessing the performance of the doctor?

13 A. No.

14 Q. Does the evaluation process
15 keep track of whether or not a physician
16 or psychiatrist in the Psychiatric
17 Department maintain levels of training?

18 A. Well, there is a -- yes, it
19 does.

20 Q. Where is that on the form?

21 A. There is a skill competency
22 check on the second page and....

23 Q. What are you referring to,
24 specifically?

25 A. I'm sorry. It says "Skills."

1 A. MAFFIA

2 So those competencies would have to be
3 fulfilled.

4 If you also look at "Learning
5 Resources."

6 Q. What page are you at?

7 A. I think it looks like page 6.

8 Q. What are those?

9 A. So those would be things that
10 the supervisor would assess and evaluate
11 the physician on.

12 It says, "the application of
13 knowledge and of skills appropriate to
14 care of patients."

15 Q. Where were you just reading
16 from?

17 A. I'm sorry under, "Criteria for
18 Success."

19 Q. Yes.

20 A. Number 1.

21 Q. Thank you.

22 Is the process for evaluating
23 Dr. Bernier the same as the process for
24 evaluating Dr. Isakov?

25 A. The process, yes.