

1 that your understanding?

2 A. Yes, sir.

3 Q. Okay. And so in your experience in the  
4 medical field, new inpatient intakes would include the  
5 doctor taking a history, a medical history from the  
6 patient; is that right?

7 A. Yes, sir.

8 Q. So that would have to be done during this  
9 period of time too, or at least supposed to be done

10 A. Yes, sir.

11 Q. -- right?

12 Mr. Hawkins, were there times when Dr. Desai  
13 didn't warn you or didn't tell you that he was pulling  
14 the scope out of a patient at Southwest Medical  
15 Associates?

16 A. Yes, sir.

17 Q. Okay. Please describe for us what happened  
18 when Dr. Desai didn't warn you that the scope was  
19 coming out when he was performing a procedure at  
20 Southwest Medical Associates.

21 A. He pulled the scope out, and it was so fast, I  
22 didn't have my hand on it to control it, the end of it,  
23 because that's the -- we call it the business end  
24 because that's where the camera is at. And once you --  
25 and it's also got the inflatable cuff on it so it

1 can -- it does all the bending left, right, up, and  
2 down. And so that's the end that you really guard.  
3 The rest of the tube is pretty safe.  
4 But he pulled it out so fast, I didn't have my  
5 hands on the scope, and it acted like a whip and went  
6 up like this (indicating) and I was able to catch it  
7 before it hit the floor because it would have been off  
8 the gurney. And it still had feces in it, and they had  
9 these little brown dots that went up the wall and  
10 across the ceiling.

11 Q. So -- I want to make sure I understand this.  
Dr. Desai pulled -- removed the scope out from  
13 the patient so quickly that you weren't able to catch  
14 it.

15 A. No. He pulled it -- yeah, he pulled it  
16 like -- most doctors would pull it underhand. He must  
17 have pulled it overhand and did it like this.

18 Q. Pulled it overhand, did it like this, and he  
19 did it so quickly, that it sprayed feces up across the  
20 wall and up over the ceiling.

21 A. Yeah. Luckily, it was just little brown dots.  
22 But little brown dots means it's feces, so ...

23 Q. And this -- and this was in -- was this in  
24 Room 6?

25 A. Yes, sir.

1 Q. The GI room at Southwest Medical Associates?

2 A. Yes, sir. That's the only room they'd let him  
3 work in.

4 Q. And how high were the ceilings at Southwest  
5 Medical where this happened?

6 A. Eight or 9 feet, I guess.

7 Q. Did you have to personally clean it off the  
8 walls and the ceiling?

9 A. The walls, not the ceiling.

10 Q. Why didn't you clean it off the ceiling?

11 A. They had a janitorial staff for that. I'm not  
12 climbing up a ladder.

13 Q. Okay. Did it get cleaned off that day?

14 A. I think it was like two days later.

15 Q. Two days later?

16 A. Had to bring it up to the management.

17 Q. Had to bring it up to management that it  
18 happened.

19 A. That it -- yeah, that it needed to be redone.  
20 They were acoustical tiles.

21 Q. This is management of Southwest Medical  
22 Associates?

23 A. For the surgery center.

24 Q. Was this a big secret at Southwest Medical

25 Associates that this had happened?

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1 A. Oh, no, sir. It was -- spread like wildfire  
2 after that.

3 Q. Do you know whether the executives at  
4 Southwest Medical knew about this?

5 A. I didn't tell them. I'm sure somebody should  
6 have. The room nurse should have told them.

7 Q. Did you become aware that Dr. Steve Evans  
8 became aware of this?

9 A. Personally, no, sir, I don't know.

10 Q. Well, do you recall the meetings -- the staff  
11 meetings that you told us about earlier that you would  
12 have every Friday?

13 A. Yes. He was told that, but it was after the  
14 fact that -- it had already happened, and it was  
15 brought up at a meeting.

16 Q. Okay.

17 MS. MICHEL: Objection, hearsay, your Honor.

18 MR. EGLET: I'm asking about what happened at  
19 a staff meeting, Judge.

20 MS. MICHEL: But the witness is responding  
21 with --

22 THE COURT: Wait, wait, wait. Go ahead.

23 MS. MICHEL: But the witness is responding

24 with what was said at a meeting.

25 THE COURT: Okay. I will sustain as to what

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1 was said at the meeting.

2 MR. EGLET: Very good. Thank you, your Honor.

3 BY MR. EGLET:

4 Q. Was there a staff meeting that occurred  
5 sometime after this incident you just described?

6 A. Yes, sir.

7 Q. Okay. At that staff meeting, was Dr. Steve  
8 Evans, the director of Southwest Medical Associates and  
9 a vice president for HPN present at that meeting?

10 A. Yes, sir.

11 Q. And was the issue of Dr. Desai pulling the  
12 scope out so fast that he flung feces all over the  
13 walls and the ceilings discussed at that meeting?

14 A. Yes sir. It was brought up.

15 Q. And do you know whether any action was taken  
16 by anyone at Southwest Medical when this happened?

17 A. No, sir, I don't know.

18 Q. Did you tell me earlier at another time that  
19 the charge nurse wrote him up, wrote Dr. Desai up for  
20 this, and submitted it to management?

21 A. There was another incident, the room nurse --  
22 the room nurse, not the charge nurse but a room nurse  
23 wrote him up when he dragged the scope out across her

24 arm, naked arm with a colonoscope. He was supposedly  
25 written up for that.

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1 Q. With feces on it?

2 A. Yes, sir.

3 Q. And blood on it?

4 A. Well, it has feces. No, we hardly ever had  
5 blood on anything. Unless they had hemorrhoids.

6 Q. Now, were any actions taken by Or. Evans that  
7 you're aware of with respect to Dr. Desai as a result  
8 of this incident, either of these two incidents?

9 A. Not that I know of, sir.

10 Q. To your knowledge, did anyone at Southwest  
11 Medical, HPN, or Sierra do anything to address the  
12 issue where Dr. Desai pulled the scope out of a  
13 patient's rectum so fast at Southwest Medical that  
14 feces flung all over the walls and ceilings?

15 A. Not to the best of my knowledge, sir.

16 Q. Did you have a belief at that time about  
17 whether Southwest Medical, HPN, or Sierra would allow  
18 Dr. Desai to perform any more procedures at Southwest  
19 Medical after the incident where he pulled the scope  
20 out so fast it flung feces on the wall and the coiling?

21 MS. MICHEL: Objection. Foundation.

22 MR. EGLET: I asked him did he have a belief

23            what would happen.

24            THE COURT: I'll overrule.

25            THE WITNESS: I didn't think anything would