IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 9:25-CV-80526-DMM

GOOD SAMARITAN MEDICAL CENTER, INC., et al.,

Plaintiffs,

v.

THE LEAPFROG GROUP,

Defendant.

LEAPFROG'S REVISED DEPOSITION DESIGNATIONS

The Leapfrog Group, by and through their undersigned counsel, hereby submit the following updated written deposition designations and objections.

1. Table 1: Leapfrog's Revised Designations, Plaintiffs' Counter-designations, Leapfrog's objections to Plaintiffs' Counter-designations, Leapfrog's Reply-designations, and Plaintiffs' objections to Leapfrog's Reply-designations of Regina West as played on January 20, 2026, during the trial in this matter.

Leapfrog reserves the right to us all designated testimony, either designed affirmatively or by the Plaintiff Hospitals, in any post-trial submissions. Leapfrog's affirmative designations are highlighted in yellow, Plaintiff's counter-designations are highlighted in blue, and Leapfrog's reply-designations are highlighted in pink.

Key to Objections	
AA	Asked & Answered/Duplicative
C	Compound
CU	Cumulative
H	Hearsay
IH	Improper Hypothetical
L	Leading
LF or F	Lacks Foundation
M	Mischaracterizes Testimony
MD	Mischaracterizes Document
N	Non-Responsive
O	Inadmissible Opinion or Conclusion
PK	No Personal Knowledge/Lacks foundation
R	Relevance
S	Calls for Speculation
T	Time Wasting
UP	Unfair Prejudice
V	Vague & Ambiguous

Table 1: Leapfrog's Deposition Designations of Regina West - 9/25/2025								
Leapfrog's Affirmative Designations		Objections to Leapfrog's Designations	Plaintiffs' Counter-Designations		Objections to Plaintiffs' Counter-Designations	Leapfrog's Reply Designations		Objections to Reply Designations
From: Page:Line	To: Page:Line		From: Page:Line	To: Page:Line		From: Page:Line	To: Page:Line	
13:4	14:10	No Objection						
17:5	17:10	Objection. R, T.						
17:18	18:12	Objection. R, T/CU.	17:11	17:14	No objection.			
18:24	19:1	Objection. R T/CU.						
25:22	26:21	Objection. V, LF, R.						
27:19	27:21	Objection. R, T.						
40:4	42:11	Objection. LF, V. R.						
47:2	47:7	Objection. LF, V, R, T/CU.						
51:22	52:13	Objection. C, M, L, R, T/C.						
57:1	57:14	Objection. S, R, T.						
72:14	74:16	Objection. V, R, T/CU.						

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Table 1: Leapfrog's Deposition Designations of Regina West - 9/25/2025								
Leapfrog's Affirmative Designations		Objections to Leapfrog's Designations	Plaintiffs' Counter-Designations		Objections to Plaintiffs' Counter-Designations	Leapfrog's Reply Designations		Objections to Reply Designations
From: Page:Line	To: Page:Line		From: Page:Line	To: Page:Line		From: Page:Line	To: Page:Line	
76:20	76:22	No Objection.						
85:11	85:17	Objection. V, R, T/CU.						
85:20	88:15	No Objection.						
96:21	97:4	Objection. R, T/CU.	95:19	95:24	No objection.			
			96:10	96:20				
97:11	97:17	No Objection.						
97:19	97:25	Objection. V, R, T/CU.						
98:11	98:18	Objection.. AA. V, R, T/CU.						
109:21	110:21							
111:18	111:22							
112:19	112:25	Objection. R, T/CU.						
113:2	113:6	Objection. R, T/C.						

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From: Page:Line	**To: Page:Line**		**From: Page:Line**	**To: Page:Line**		**From: Page:Line**	**To: Page:Line**	
113:8	113:13	Objection. R, T/CU.						
116:2	116:24	Objection. C, LF, V, S, R, T/CU.	67:25	68:6	No objection			
			243:1	243:17	No objection	202:9	202:13	Objection. M, LF, R, T/CU.
124:6	124:23	Objection. R, T/CU, H.	177:6	177:11				
			177:16	177:22				
132:22	133:5	Objection. R, T.						
157:5	157:22	Objection. S. R, T/CU.						
158:7	158:24	Objection. R, T.						
159:12	159:22	Objection. R, T, H						
160:15	161:24	Objection. R, T.						
165:8	165:12	Objection. C, LF, V, R, T/CU.						
170:9	170:18	Objection. C, R.						
172:5	175:24	Objection. V, R, T.						

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From: Page:Line	To: Page:Line		From: Page:Line	To: Page:Line		From: Page:Line	To: Page:Line	
181:19	181:23	Objection. LF, R, T/CU.						
186:18	186:21							
187:20	189:8	Objection. R, T/CU.						
200:10	200:14	Objection. V, R.						
200:16	200:20	Objection. V, R.						
202:22	203:5	Objection. V, R.						
205:1	205:8	Objection. IH, R.	205:18	205:21	Completeness			
205:10	205:17	Objection. R, T.						
208:22	209:15	Objection. R, T/CU.						
220:8	220:19	Objection. R, T/CU.						
221:10	222:3	Objective. LF, M, MD, V. R, T/CU.						

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From: Page:Line	**To: Page:Line**		**From: Page:Line**	**To: Page:Line**		**From: Page:Line**	**To: Page:Line**	
222:12	223:9							
223:14	224:17	Objection M. LF, R, T.						
245:17	245:23	Objection. R.						
249:4	249:16	Objection. C. R, T/CU.						
253:2	254:9	Objection. V, M, LF, S, R, T/CU, P.						
265:4	266:2	Objection. LF, S, O.						

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2026, a true and correct copy of the foregoing was served on all counsel or parties of record via the ECF filing system.

By: /s/ *Jura C. Zibas*
JURA C. ZIBAS

TRANSCRIPT

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
CASE NO.: 9:25-CV-80526-DMM

GOOD SAMARITAN MEDICAL CENTER, INC.,
DELRAY MEDICAL CENTER, INC.,
PALM BEACH GARDENS COMMUNITY
HOSPITAL, INC. d/b/a PALM BEACH
GARDENS MEDICAL CENTER,
ST. MARY'S MEDICAL CENTER, INC.,
AND WEST BOCA MEDICAL CENTER, INC., et al.,

Plaintiffs,

v.

THE LEAPFROG GROUP,

Defendant.

_____/

VIDEOTAPED DEPOSITION OF GINA WEST
(CONFIDENTIAL)

DATE TAKEN: Thursday, September 25, 2025
TIME: 9:09 a.m. - 4:41 p.m.
PLACE: Quest Workspaces West Palm Beach
515 North Flagler Drive
Suite 350 - Conference Room A
West Palm Beach, Florida 33401

Stenographically Reported By:
Barbie Gallo, RMR-CRR
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Job No.: 421988

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ALSO PRESENT:
Benny Dorlouis, videographer

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Thereupon,
the following proceedings began at 9:09 a.m.:

* * *

THE VIDEOGRAPHER: We're now on the video record and the time is 9:09 a.m. This is the video deposition of Regina West taken in the matter of Good Samaritan Medical Center, Inc. et al. Versus The Leapfrog Group.

This deposition is being held at 515 North Flagler Drive West Palm Beach Florida on September 25th, 2025. The videographer is Benny Dorlouis, and the court reporter is Barbie Gallo, both in association with Lexitas.

Will counsel please announce their appearances for the record.

MS. BLAIR: Kim Blair on behalf of the defendant, Leapfrog Group.

MR. TAKAGAKI: Marc Takagaki on behalf of the plaintiffs and the witness, and I'm joined by my colleague, Mary Beth Maloney.

THE STENOGRAPHER: If you would, raise your right hand, and I'll swear you in.

Do you swear or affirm that the testimony you're about to give in this matter will be the truth, the whole truth and nothing but the truth

so help you God?

THE WITNESS: I do.

THE STENOGRAPHER: Thank you.

THEREUPON,

REGINA WEST,

Being by me first duly sworn to tell the whole truth testified as follows:

DIRECT EXAMINATION

BY MS. BLAIR:

Q. Hi, Ms. West. As you know, my name is Kim Blair. I represent the defendant, Leapfrog Group, in this matter.

Could you please state and spell your name for the record.

A. My name is Regina West, R-e-g-i-n-a, W-e-s-t.

Q. And have you ever been deposed before?

A. Yes.

Q. How many times?

A. One time.

Q. Okay. And I'm going to go over just a few ground rules with respect to your deposition, many you've probably heard from your own lawyers. But obviously this is a question and answer format, and, therefore, Barbie is taking down everything I say and

1 everything you say, so I'm going to do my best not to
2 talk over your answers, and I'd ask that you not talk
3 over my questions for the sake of the court reporter.
4 Is that okay?
5 A. Yes.
6 Q. It's not an endurance test. If at any time
7 you need to take a break, just ask and we will take as
8 many breaks at whatever time you want. The only caveat
9 being that to the extent a question is pending I'm
10 going to ask that you answer that question before we
11 take a break.
12 Is that okay?
13 A. Yes.
14 Q. Again, Barbie is taking down everything that
15 you say and I say, and so all of your answers must be
16 verbal. She can't take down a shrug of shoulders, an
17 "uh-huh," "huh-uh."
18 Is that okay with you?
19 A. Yes.
20 Q. And from time to time your lawyer will make
21 an objection. Unless he instructs you not to answer,
22 I'm going to ask that you answer the question as asked.
23 Is that okay?
24 A. Yes.
25 Q. And I promise you that from time to time I

1 will ask questions that you might not understand. If
2 you don't understand those questions, please ask me to
3 rephrase them and I will do so. To the extent you've
4 answered any of my questions, I'm going to assume you
5 understood those questions.
6 Is that fair?
7 A. Yes.
8 Q. And I want to start by just kind of asking
9 you to go -- well, let's talk about the deposition you
10 just told me about. You've given testimony one time in
11 a deposition?
12 A. That's correct.
13 Q. Was that in your professional or personal
14 capacity?
15 A. Professional.
16 Q. And how long ago was that deposition?
17 A. Maybe 15, 20 years ago.
18 Q. Okay. And if you can recall from 15, 20
19 years ago, generally what was the type of case that it
20 was?
21 A. It was a med/mal case.
22 Q. And I assume you were not a party to that
23 case individually, correct?
24 A. Correct.
25 Q. And where were you working at the time you

gave that deposition?

A. In Woodville, Virginia.

Q. And I assume at a hospital, correct?

A. It was in a long-term care facility.

Q. All right. Can you tell me a little bit about your education starting with after high school?

A. I received an associate's in nursing. I received a bachelor's degree in healthcare administration and a master's degree in healthcare administration.

Q. In what year did you get your master's degree in healthcare administration?

A. Approximately 2000.

Q. And in terms of your work history did you ever work as a bedside nurse?

A. I worked as a home health nurse.

Q. And when did you work as a home health nurse?

A. Between 1996 and 2002.

Q. Okay. So you worked as a home health nurse while you were getting your education?

A. It was right after my education and in between a long-term care facility position.

Q. Okay. So what year did you graduate with your bachelor's degree?

A. 1997.

Q. Okay. So can you just describe to me your work history beginning in 2000 after you got your healthcare administration master's degree?

A. I served as a senior director of quality; following that, a chief quality officer; an administrative director of quality; and a market director of quality.

Q. Okay. So the senior director of quality, where was that at?

A. At Carilion New River Valley Medical Center.

Q. And where is that located?

A. In Christiansburg, Virginia.

Q. And how long were you at that job?

A. Approximately three years.

Q. And where did you go after Carilion?

A. I went to Genesis Healthcare System.

Q. And what was your title at Genesis?

A. Chief quality officer.

Q. And is Genesis an acute care facility?

A. Yes, it is.

Q. And Carilion I think you said? Am I saying that right?

A. Is in Zanesville.

Q. Was that an acute care center as well?

A. Correct.
Q. And how long were you at Genesis?
A. Approximately six and a half years.
Q. And where did you go after Genesis?
A. To Tucson, Arizona.
Q. And where did you work in Tucson?
A. Northwest Medical Center.
Q. Again, is that an acute care facility?
A. It is.
Q. And how long were you at Tucson, in Tucson, Arizona?
A. Approximately three years.
Q. And what was your job after Northwest Medical Center?
A. Yuma, Arizona.
Q. It was in Yuma, Arizona?
A. In Yuma, yes.
Q. Okay. And what was the name of your employer at Yuma?
A. Yuma Regional, Y-u-m-a.
Q. Oh, "Yuma." I'm not saying it right. Okay.
A. Regional Medical Center.
Q. And that was in Arizona?
A. Correct.
Q. And that was an acute care facility as well?

A. Correct.
Q. And where did you go after Yuma?
A. I came to the Palm Beaches.
Q. And what was your first job when you came to the Palm Beaches?
A. Market director of quality.
Q. For what system?
A. For Palm Beach Health Network.
Q. And what year did you take on that job?
A. 2019.
Q. Have you had any other jobs for the Palm Beach Health Network other than the market director of quality?
A. I have covered individual hospitals as the director of quality.
Q. Which individual hospitals have you covered?
A. Delray Medical Center, Good Samaritan Medical Center, St. Mary's Medical Center.
Q. Those three?
A. Yes.
Q. And what years were you at Delray as director of quality?
A. An approximate, this is an estimation, between 2019, October 2019 through June of 2020.
Q. And did you go right from Delray to

1 Good Samaritan?
2 A. I did.
3 Q. So you started at Good Samaritan in 2020?
4 A. Yes.
5 Q. And when did you leave as director of
6 quality for Good Samaritan?
7 A. It was around July of 2023.
8 Q. And since July of 2023 have you been the
9 director of quality at St. Mary's?
10 A. Correct.
11 Q. And if we go back to 2023 when you were at
12 Carilion in Virginia -- was that the name of the
13 hospital?
14 A. Carilion.
15 Q. Carilion. I'm sorry. I can't read my own
16 handwriting.
17 Carilion. Was that the name of the
18 hospital?
19 A. Yes.
20 Q. Was it a system?
21 A. It was part of a system.
22 Q. And you were the senior director of quality
23 for that individual hospital, correct?
24 A. That's correct.
25 Q. Do you know whether or not Carilion when you

1 **were there as the senior director of quality**
2 **participated in the Leapfrog Hospital Survey?**
3 A. I don't recall.
4 **Q. When you were at Genesis, was that the name**
5 **of hospital, Genesis?**
6 A. Yes.
7 **Q. Was that a healthcare system?**
8 A. Yes, it was.
9 **Q. And were you the chief quality of director**
10 **of the entire stem?**
11 A. Yes.
12 **Q. How many hospitals were in that system?**
13 A. Originally there were two. That became one.
14 **Q. And what were the name of those two**
15 **hospitals?**
16 A. They were both Genesis Healthcare System.
17 They were on different campuses.
18 **Q. Okay. And you were there for six and a half**
19 **years, so at any time during the six and a half years**
20 **you were with Genesis Healthcare Systems did either of**
21 **those hospitals participate in the Leapfrog Hospital**
22 **Survey?**
23 A. I don't recall.
24 **Q. And then after that you went to Northwest**
25 **Medical Center, correct?**

A. Correct.
Q. And that's in Tucson, Arizona, correct?
A. Correct.
Q. And you were there for three years?
A. Yes.
Q. Northwest Medical Center, is that a standalone hospital or part of a system?
A. It's part of a system.
Q. And you were the market director -- were you the administrative director of quality, administrative director of quality for that?
A. I was also the chief quality officer.
Q. For that individual hospital, Northwest Medical Center, correct?
A. That's correct.
Q. Do you know whether or not Northwest Medical Center participated in the Leapfrog Hospital Survey while you were the chief quality officer?
A. I don't recall.
Q. And then you went to Yuma Regional Medical Center, correct?
A. Yes.
Q. And while you were at Yuma -- well, is Yuma Regional a standalone hospital?
A. Yes.

1 Q. When you were at Yuma, did Yuma Regional
2 Medical Center participate in the Leapfrog Hospital
3 Survey?
4 A. I don't recall.
5 Q. When you became the market director of
6 quality for Palm Beach Health Network for 2019, all
7 five of the hospitals that make up the Palm Beach
8 Health Network were participating in the Leapfrog
9 Hospital Survey, correct?
10 A. To my recollection, yes.
11 Q. What did you do to prepare for your
12 deposition here today?
13 A. I reviewed policies, looked at outcomes, I
14 looked at emails.
15 Q. Do you recall any of the emails you reviewed
16 in preparation for your deposition today?
17 A. I don't recall the content.
18 Q. Did you review the Leapfrog Hospital Survey
19 in preparation for your deposition here today?
20 A. I did not.
21 Q. Did you review the Leapfrog methodology in
22 preparation for your deposition today?
23 A. I did not.
24 Q. Did you review any news articles related to
25 this lawsuit in preparation for your deposition here

1 today?
2 A. I did not.
3 Q. Did you review any press releases that were
4 issued by Palm Beach Health Network in connection with
5 this lawsuit in preparation for your deposition today?
6 A. I did not.
7 Q. Did you review notes and minutes from QMOR
8 meetings in preparation for your deposition today?
9 A. I did not.
10 Q. Did you review meeting minutes from QIPSC
11 meetings in preparation for your deposition today?
12 A. I did not.
13 Q. And so when you talk about policies, what
14 policies do you recall reviewing in preparation for
15 your deposition here today?
16 A. I recall reviewing standard precautions,
17 medication administration. Those two stand out.
18 Q. And when you say "standard precautions," is
19 that a specific policy that you're talking about?
20 A. Yes.
21 Q. And when you say that you reviewed outcomes,
22 what are you referring to?
23 A. Reviewed outcomes for HAI prevention.
24 Q. Did you review the HCAHPS scores for any of
25 the hospitals in preparation for your deposition today?

A. I did not.
Q. Did you meet with your -- I do not want to know anything you said with your lawyers, but did you meet with your lawyers to prepare for your deposition?
A. I did.
Q. How many times did you meet with your lawyers?
A. I met three times.
Q. When was the first time you met with your lawyer?
A. I don't recall the exact date.
Q. Approximately how long did, combined, did these three meetings last?
A. Approximately twelve hours.
Q. Did you review any deposition transcripts from this litigation in preparation for your deposition?
A. I did not.
Q. Did you review the Complaint that was filed in this action in preparation for your deposition?
A. I did not.
Q. Did you speak with any of plaintiff's experts in preparation for your deposition?
A. I did not.
Q. Did you speak with any of the CEOs from any

of the five Palm Beach Health Network hospitals in connection with your deposition here today?

A. I did not.

Q. Did you speak with Maggie Gill in connection with your deposition here today?

A. I did not.

Q. Did you speak with Ricky Ramirez in connection with your deposition here today?

A. I did not.

Q. Were you involved in the gathering of documents to be produced in this litigation?

A. Yes, I was.

Q. And what did you do to gather documents to be produced in this litigation?

A. I --

MR. TAKAGAKI: I just want to object here just to caution the witness not to reveal certain privileged conversations that --

THE WITNESS: Okay.

MR. TAKAGAKI: -- you might have had with counsel. She already said that, but I just want to --

BY MS. BLAIR:

Q. Yes. I don't ever -- just to be clear for this record, the whole time we're here today I don't

1 want to know anything about any discussions you've had
2 with any of your lawyers. So I'm asking about what you
3 did to gather documents responsive to my client's
4 document request in this matter.
5 A. Under the direction of counsel I gathered
6 certain documents and requested them from each
7 hospital. I gathered them for St. Mary's Medical
8 Center and then I uploaded into a share site for
9 counsel.
10 Q. Did you receive the requests for production
11 that were issued in this litigation?
12 A. I did not.
13 Q. And, again, I don't want to know anything
14 about what you said with your attorneys. So did you
15 gather meeting minutes -- well, strike that.
16 Did you gather materials related to QMOR
17 meetings for production in this case?
18 A. Yes, I did.
19 Q. Did you gather documents related to QIPSC
20 meetings in connection with this litigation?
21 A. Yes.
22 Q. Did you search through your emails to
23 produce documents responsive in this litigation?
24 A. No.
25 Q. Did you gather -- for example, we are told

that Delray keeps handwashing logs related to their hand hygiene policy. Did you gather the completed hand hygiene logs to be produced in this litigation?

MR. TAKAGAKI: Objection to form.

A. I did not.

BY MS. BLAIR:

Q. Did you have any discussions with anyone else at Palm Beach Health Network about gathering documents responsive to the document requests in this litigation?

A. I spoke with other hospital leaders in regards to what counsel had requested.

Q. And, again, I don't want to know about what your counsel requested. But what other leaders did you speak with in order to gather documents?

A. I spoke with CEOs and directors of quality.

Q. And did you rely on those CEOs and directors of quality to gather documents specific to their hospital to respond?

A. That is -- that is correct.

Q. I want to talk a little bit about your role at Palm Beach Health Network specifically. So you were hired in 2019, correct?

A. Correct.

Q. How did you come to get the job at

Palm Beach Health Network? Did you apply? Did you see an ad? Were you recruited? How did that work?

A. I don't recall the exact methodology.

Q. But you relocated to get to -- from Arizona to Palm Beach, correct?

A. Correct.

Q. And you don't recall if a recruiter reached out or the hospital reached out?

A. I don't really recall.

Q. And Yuma Regional Medical Center, was that a Tenet hospital?

A. It was not.

Q. And so was your employment with Palm Beach Health Network the first employment you had with Tenet hospital?

A. That's correct.

MR. TAKAGAKI: Objection to the form.

A. That's correct.

BY MS. BLAIR:

Q. Do you recall who you interviewed with at Palm Beach Health Network when you were applying for the job?

A. I remember interviewing with Libby Flippo and some of the other leaders.

Q. So let's start with Libby Flippo. Who is

1 **Libby Flippo?**
2 A. The market chief nursing officer.
3 **Q. Is she still the market chief nursing**
4 **officer?**
5 A. She is not.
6 **Q. And when did she stop being the market chief**
7 **nursing officer?**
8 A. I don't recall.
9 **Q. And you said you spoke with Libby Flippo and**
10 **other Palm Beach leaders. Who were the other leaders**
11 **that you recall interviewing with?**
12 A. I don't recall.
13 **Q. Do you recall whether or not you interviewed**
14 **with Maggie Gill?**
15 A. Yes, I do recall.
16 **Q. And was Maggie Gill the president of**
17 **Palm Beach Health Network in 2019?**
18 A. Correct.
19 **Q. Do you have any memory that Palm Beach**
20 **Health Network actually branded as Palm Beach Health**
21 **Network in 2022?**
22 MR. TAKAGAKI: Objection to form.
23 A. I don't recall.
24 BY MS. BLAIR:
25 **Q. Okay. But it's your memory that when you**

began working in the Palm Beach area in 2019 you were working for Palm Beach Health Network?

MR. TAKAGAKI: Objection to form.

A. That is correct.

BY MS. BLAIR:

Q. And were your paychecks written from Palm Beach Health Network in 2019?

MR. TAKAGAKI: Objection to form.

A. I don't get a paycheck.

BY MS. BLAIR:

Q. Okay.

A. It goes direct deposit.

Q. Okay. Do you know who the payer is with respect to -- who the payer was in 2019 that was direct depositing your pay?

A. Delray Medical Center.

Q. And today in 2025 is that still the case?

A. That is not the case.

Q. Who is the payer of your direct deposit today in 2025 for the pay that you get from your job?

A. Good Samaritan Medical Center.

Q. What are your job duties as the director of quality for Palm Beach Health Network?

A. I'm the market lead.

Q. And what does that mean?

A. That means I coordinate with the other directors of quality.

Q. And what do you coordinate?

A. Could be new measures that have been introduced by CMS, meetings and reports.

Q. You said new reports?

A. Reports.

Q. Reports.

Do you put together patient safety plans for the network?

A. I do not.

Q. Does each individual hospital have a patient safety plan?

MR. TAKAGAKI: Objection.

A. To my knowledge.

BY MS. BLAIR:

Q. Does Tenet Healthcare home office have a patient safety plan for the network overall that the Palm Beach hospitals follow?

MR. TAKAGAKI: Objection to form.

A. I don't recall.

BY MS. BLAIR:

Q. Have you ever been involved in your role as the director of quality at Palm Beach Health Network in putting together patient safety plans for any of the

1 **five hospitals?**
2 A. I have not.
3 **Q. Have you ever had the occasion as the market**
4 **lead for Palm Beach Health Network to review the**
5 **patient safety plans for each of the five hospitals?**
6 A. Yes, I have.
7 **Q. And what is your role in reviewing the**
8 **patient safety plans for each hospital?**
9 A. I coordinate with the patient safety officer
10 to ensure that the plan has been reviewed and updated
11 annually and it has been approved through our governing
12 body.
13 **Q. And when you say "our governing body," what**
14 **are you referring to?**
15 A. The hospital's governing body.
16 **Q. The individual hospital's governing body,**
17 **correct?**
18 A. Correct.
19 **Q. Palm Beach Health Network does not have a**
20 **governing body, correct?**
21 A. Correct.
22 MR. TAKAGAKI: Objection to form.
23 A. That's correct.
24 BY MS. BLAIR:
25 **Q. And who, for example, is the patient safety**

officer at Delray?

A. Joe Gerasci.

Q. And do you know what the -- are you familiar with what the job duties of the patient safety officer is at each of the individual hospitals are?

A. At a very high level.

Q. And what is your understanding at a very high level?

A. They mitigate risk. They are owners of the patient safety plan. They manage the event recording system. And they manage the complaint process.

Q. What is the complaint process?

A. If a patient has a concern, they can elevate that to that department.

Q. Okay. And so these patient safety officers, do they keep logs of the complaints they get from patients?

MR. TAKAGAKI: Objection to form.

A. That is correct.

BY MS. BLAIR:

Q. And then who -- structurally do you know who the patient safety officers for the individual hospitals report to?

A. Yes.

Q. Who do they report to?

A. They report either to the chief nursing officer or to the director of quality.

Q. And in the case of, let's just say, Delray, Joe Gerasci, do you know who he report to?

A. Yes.

Q. Who does he report to?

A. Chief nursing officer.

Q. Do the patient safety officers put out reports?

A. Yes.

Q. And do you know what the titles of those reports are?

A. I don't recall the title.

Q. Do you know what the consistency of the reporting is? Is it monthly weekly quarterly?

A. At least quarterly.

MR. TAKAGAKI: Objection to form.

BY MS. BLAIR:

Q. And to the best of your knowledge as the market lead for quality for Palm Beach Health Network, are these reports, at least quarterly reports put out for all five of the hospitals by patient safety officers?

A. That's correct.

Q. Do you recall whether you gathered those

documents in connection with the production request in this matter?

A. I don't recall.

Q. So if we think about the structure and your role at Palm Beach Health Network, you are the market lead, correct?

A. Correct.

Q. And all five hospitals have a director of quality, correct?

A. Correct.

Q. And underneath the director of quality do you know how many reports or what type of reports directors of qualities for each individual hospital have?

MR. TAKAGAKI: Objection to form.

A. Could you clarify the question?

BY MS. BLAIR:

Q. Sure.

So at least in some circumstances you said patient safety officers would report to the director of quality for an individual hospital, correct?

A. Correct.

Q. But in the case of Delray he reports to the chief nursing officer, correct?

A. Correct.

Q. Do you know what -- and let's just take Delray. Let's just be specific so it's not too confusing with all five.

With respect to Delray, do you know who, titles, reports to the director of quality for Delray?

A. Yes.

Q. And who is that?

A. There is a quality coordinator, peer review nurse, infection prevention manager. I think that's it.

Q. Okay. And then in some cases, and not in Delray, so in other hospitals the patient safety officer would report to the director of quality?

MR. TAKAGAKI: Objection to form.

A. That only occurs in Palm Beach Gardens Medical Center.

BY MS. BLAIR:

Q. Okay. And do you know why the patient safety officer reports to the chief nursing officer in the other four hospitals as opposed to the director of quality?

MR. TAKAGAKI: Objection to form.

A. I don't know. It was set up like that when I got there.

BY MS. BLAIR:

Q. So that was not your decision, correct?
A. No.
Q. How often do you meet with the quality directors at the five hospitals?
A. It depends on the need.
Q. Do you have any formal meetings like regular formal meetings with the directors of quality at the five hospitals?
A. I do.
MR. TAKAGAKI: Objection to form.
BY MS. BLAIR:
Q. Sorry. And how often do those occur?
A. Depends on the need. And we have started a meeting with the group chief nursing officers and that is monthly.
Q. Okay. And so when you say "we have started meeting with the group of chief nursing officers," do you mean you and the quality directors?
A. Correct.
Q. And what is the purpose of those meetings?
A. To share information, to problem solve if we need to.
Q. And what type of information do you share?
MR. TAKAGAKI: Objection to form.
A. We share outcomes.

BY MS. BLAIR:

Q. And when you talk about outcomes, are you talking about HAIs?

A. Could be one of the things.

Q. And what other outcomes could there be?

A. The structural measures.

Q. Any other type of outcomes?

A. There are. They just don't come to mind right now.

Q. And when you say "structural measures," what are you referring to?

A. New CMS measures.

Q. Can you be specific as to the new CMS measures that you're referring to?

A. Yes.

Q. There are quite a few. What are you referring to?

A. There's new age-friendly measure and a new safety measure.

Q. Do you talk about outcomes as they relate to like PSI 90s?

MR. TAKAGAKI: Objection to form.

A. We do that in our QIPSC meetings. Quality improvement patient safety meeting.

BY MS. BLAIR:

Q. What about any of the other PSIs, are those discussed at these meetings that you're now having with the directors of quality as well as the chief nursing officers?

MR. TAKAGAKI: Objection to form.

A. No.

BY MS. BLAIR:

Q. Do you have any direct reports?

A. Yes.

Q. And who are your direct reports?

A. I have a quality coordinator.

Q. Who's the quality coordinator?

A. Michael Germain.

Q. Anyone else?

A. I have a quality manager.

Q. And who is that?

A. Erica Kerns (phonetic).

Q. Is that with K?

A. Yes.

Q. Anyone else?

A. Peer review nurse.

Q. And who is that?

A. Loraina Mills (phonetic).

Q. Anyone else?

A. Yes, cardiac program manager.

Q. And that is whom?
A. Heather Wehmeyer.
Q. Anyone else?
A. Vascular program manager.
Q. And who is that?
A. Sarah Saleh.
Q. With respect to really the quality coordinator, Michael Germain what are his duties?
A. His duties are to coordinate the sepsis bundle compliance, ensuring education and follow-up, validation, making sure abstracted measures having been completed, and he also completes validation of Joint Commission audits.
Q. And what about the quality manager, Erica Kerns?
A. One of her major duties is ensuring that data has been collected for Joint Commission required measures, the clinical contract measures, follow-up with the dashboard measures and ensuring that that is placed in a presentation, analyzed, recommendations are made, reported up through QIPSC.
Q. And when you say "put into a presentation," is that a slide deck?
A. It's a slide deck.
Q. And is that slide deck then presented at

QIPSC meetings?

A. Yes.

MR. TAKAGAKI: Objection to form.

BY MS. BLAIR:

Q. And did you gather those slide decks from '23 to 2025 to be produced in this litigation?

A. Yes.

Q. And you talked about dashboards a minute ago. Can you tell me what are you referring to when you refer to dashboards?

A. Joint Commission required data, clinical contracts, KPIs and some other various department measures.

Q. Yeah, my question was bad so I apologize. Is the dashboard called anything?

A. It's called a dashboard.

Q. Okay. Is -- are there reports that are printed out from the dashboard?

MR. TAKAGAKI: Objection to form.

A. There are no reports printed from the dashboard.

BY MS. BLAIR:

Q. Other witnesses have talked about a scorecard. Do you know what that refers to in terms of what you do as the director of quality for Palm Beach

Health Network?

MR. TAKAGAKI: Objection to form.

A. Can you further clarify it?

BY MS. BLAIR:

Q. Yeah. I am told there is a quality scorecard that exists. And I'm curious whether or not in your role as the quality director of Palm Beach Health Network you are responsible in any way for scorecards?

MR. TAKAGAKI: Objection.

A. I'm responsible for quality management operations report being given to senior leaders.

BY MS. BLAIR:

Q. So that's the QMOR report, correct?

A. That is correct.

MR. TAKAGAKI: Objection to form.

THE VIDEOGRAPHER: I'm sorry, Counsel. Something happened to your microphone. I'm not sure if it fell off.

MS. BLAIR: Oh, yeah, it's no longer attached.

BY MS. BLAIR:

Q. So what -- in your area as the quality director of Palm Beach Health Network, are you unfamiliar with the term "scorecard"?

MR. TAKAGAKI: Objection to form.
A. I'm not unfamiliar with the term "scorecard."
BY MS. BLAIR:
Q. In your capacity as the director of quality for Palm Beach Health Network what is your understanding of the term "scorecard" as it relates to your job?
MR. TAKAGAKI: Objection to form.
A. That's broad.
BY MS. BLAIR:
Q. Okay. Does Palm Beach Health Network produce scorecards for quality?
MR. TAKAGAKI: Objection to form.
A. If you could further clarify.
BY MS. BLAIR:
Q. I really can't. Are you familiar with the term "scorecard" as it relates to Palm Beach Health Network quality?
MR. TAKAGAKI: Objection to form.
A. We don't have a document that's called a "scorecard."
BY MS. BLAIR:
Q. Okay. Have you ever heard anybody associated in any way with Palm Beach Health Network

use the term "scorecard"?

MR. TAKAGAKI: Objection to form.

A. I haven't.

BY MS. BLAIR:

Q. Okay. So if people have testified about reviewing scorecards, you don't know what they're referring to, is that fair?

A. That's --

MR. TAKAGAKI: Objection to form.

A. That's correct.

BY MS. BLAIR:

Q. In terms of the peer review nurse or the peer -- is it a peer review nurse that reports to you?

A. Yes.

Q. Ms. Mills, correct?

A. Yes.

Q. What are her job responsibilities?

A. She collects information after cases have been referred to her. She completes a timeline, and then she works with the medical director who chairs the peer review committee to review the cases.

Q. And what kind of cases are referred to her?

A. It would be --

MR. TAKAGAKI: Objection.

A. It would be any type of request from any --

1 any really any staff member within the hospital to
2 review a case at the provider level.
3 BY MS. BLAIR:
4 **Q. And when you say "the provider level," does**
5 **that mean the nursing level?**
6 A. It's a physician or a mid level.
7 **Q. And then the quality manager, Erica Kerns,**
8 **what are her responsibilities?**
9 A. She oversees the dashboard and the measures
10 that go into that. She will complete -- she'll gather
11 the information, ensure that it's complete, develop
12 presentations for the Quality Improvement Patient
13 Safety Committee.
14 **Q. And what measures go into the dashboard?**
15 MR. TAKAGAKI: Objection to form.
16 A. Joint Commission required data, clinical
17 contract, key performance indicators. And there are
18 other ones as well.
19 BY MS. BLAIR:
20 **Q. What are the key performance indicators that**
21 **are put into the dashboard?**
22 MR. TAKAGAKI: Objection to form.
23 A. Some of those would include measures that
24 have been reviewed upon by the clinical contract
25 representative and the hospital. Information is

gathered and analyzed. Recommendations are made from the data that's collected.

BY MS. BLAIR:

Q. Is CPOE one of the key performance indicators that's on the dashboard?

A. It's not.

Q. What about BCMA, is that a key performance indicator on the dashboard?

A. It's not.

Q. What about hand hygiene, is that a key performance indicator that's on the dashboard?

A. It's not.

Q. Is CPOE on the dashboard in any capacity even if it's not a key performance indicator?

MR. TAKAGAKI: Objection to form.

A. No.

BY MS. BLAIR:

Q. Same question with respect to BCMA, is it on the dashboard in any capacity even if it's not a key performance indicator?

A. No.

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

Q. Do you in any way track hand hygiene on behalf of the five hospitals?

MR. TAKAGAKI: Objection.
A. I don't personally.
BY MS. BLAIR:
Q. Does anybody that reports to you at Palm Beach Health Network track hand hygiene for the five hospitals?
MR. TAKAGAKI: Objection to form.
A. No one that reports to me.
THE STENOGRAPHER: I'm sorry. I didn't hear.
A. No one that reports to me.
BY MS. BLAIR:
Q. What would you say your purpose as the job as the quality director of Palm Beach Health Network is?
MR. TAKAGAKI: Objection to form.
A. To ensure that the quality improvement plan exists, that it's reviewed, updated and current, that we're following it, that it's been standardized across the market.
BY MS. BLAIR:
Q. And when you say "across the market," how do you define "market"?
A. The five hospitals in the Palm Beach Health Network.

Q. Would you agree with me that one of the purposes of your job as the quality director for Palm Beach Health Network is to ensure patient safety across the five hospitals?

MR. TAKAGAKI: Objection to form.

A. It's all of our jobs to ensure patient safety.

BY MS. BLAIR:

Q. Who do you directly report to?

A. I report to Ricardo Ramirez in the market role and -- he's the market chief nursing officer.

Q. Correct.

A. And to the chief nursing officer at St. Mary's Medical Center in my role at the hospital.

Q. Who is the chief nursing officer at St. Mary's Medical Center?

A. Gerri DeStefano is the interim at the moment.

Q. And I understand a new chief nursing officer is about to be hired at St. Mary's, correct?

A. Correct.

MR. TAKAGAKI: Objection to form.

That's okay. Just take a breath so I can object first.

MS. BLAIR: Yes. He's going to object to

every question.

MR. TAKAGAKI: Objection. Object to that.

MS. MALONEY: He's going to object to the form of the questions.

BY MS. BLAIR:

Q. Maggie Gill is the president of PBHN?

A. That is correct.

Q. And does Ricky Ramirez report to Maggie Gill?

A. I am not sure how that relationship is.

Q. Okay. Do you know who Maggie Gill reports to?

A. Yes.

Q. Who does Maggie Gill report to?

A. Saum Sutaria.

Q. And who is Saum Sutaria?

A. President of Tenet.

Q. And when you say "president of Tenet," do you mean Tenet health system, correct?

A. That's correct.

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

Q. Do you oversee QMOR for Palm Beach Health Network?

MR. TAKAGAKI: Objection.

A. In some capacity.
BY MS. BLAIR:
Q. In what capacity do you oversee QMOR for Palm Beach Health Network?
A. Once the report has been established I create templates for all five hospitals. We follow a Tenet script to report our outcomes. I schedule meetings with the CEOs and the other senior leaders. And we review the outcomes.
Q. Do you run the QMOR meetings?
MR. TAKAGAKI: Objection to form.
A. I run local meetings.
BY MS. BLAIR:
Q. And so for QMOR, is it right that there is a QMOR -- and that's a committee. Let me ask this.
Is QMOR a committee?
A. It is not.
Q. Okay. How would you define QMOR?
A. As a report.
Q. Okay. Are there meetings that occur around the QMOR report?
A. Yes.
MR. TAKAGAKI: Objection.
BY MS. BLAIR:
Q. And do those meetings occur at the

1 **Palm Beach Health Network level?**
2 MR. TAKAGAKI: Objection.
3 A. That's correct.
4 BY MS. BLAIR:
5 **Q. And do the meetings around the QMOR report**
6 **also occur at the individual hospital level?**
7 A. Not to my knowledge.
8 **Q. And when you say you run the local meetings,**
9 **what are you referring to there?**
10 A. I was referring to the market meetings.
11 **Q. And, again, the market being the five**
12 **hospitals that make up Palm Beach Health Network,**
13 **correct?**
14 A. That's correct.
15 **Q. When you say you then have a Tenet script to**
16 **report the outcomes, what are you referring to when you**
17 **say "Tenet script"?**
18 A. There are certain elements of investigation
19 that we have to go through and ensure that we have
20 reviewed all of the different areas.
21 **Q. And does the Tenet script come from the**
22 **Tenet home office at the healthcare level?**
23 MR. TAKAGAKI: Objection to form.
24 BY MS. BLAIR:
25 **Q. I'm sorry. The health network level.**

A. Would you mind repeating that?
Q. Sure. When you refer to a Tenet script, is that something created at the Palm Beach Health Network level, or is that something that comes from the home office level?
MR. TAKAGAKI: Objection.
A. It comes from the home office level.
BY MS. BLAIR:
Q. And to the best of your knowledge, have you produced all of the QMOR reports for this litigation from 2023 through 2025?
MR. TAKAGAKI: Objection to form.
A. That is correct.
BY MS. BLAIR:
Q. And how often do the meetings around the QMOR report occur?
MR. TAKAGAKI: Objection to form.
A. Mostly monthly.
BY MS. BLAIR:
Q. Every month?
A. Yes.
Q. And who is -- who attends the meetings surrounding the QMOR report?
MR. TAKAGAKI: Objection.
A. Senior leadership.

BY MS. BLAIR:

Q. And when you say "senior leadership," are you referring to the senior leadership of each of the five hospitals?

A. Correct.

Q. Does the senior leadership of Tenet Healthcare also attend?

MR. TAKAGAKI: Objection.

A. Correct.

BY MS. BLAIR:

Q. And who do you consider to be senior leadership of each of the five hospitals?

A. The officers.

MR. TAKAGAKI: Objection.

A. The officers.

BY MS. BLAIR:

Q. And those would be any chief officers, correct?

MR. TAKAGAKI: Objection. Are you asking just in general who senior leadership is or the ones who attend?

MS. BLAIR: I'm asking her in general.

MR. TAKAGAKI: In general.

BY MS. BLAIR:

Q. Who do you consider to be senior leadership

of the five hospitals?

A. The officers.

Q. And when you say "officers," are you referring to anybody that holds a chief officer title?

A. Correct.

Q. And of those officers, which of those officers attend the QMOR -- the meetings around the QMOR report?

MR. TAKAGAKI: Objection.

A. They're all invited.

BY MS. BLAIR:

Q. Are there any regular attendees of these meetings, these monthly meetings surrounding the QMOR report?

MR. TAKAGAKI: Objection to form.

A. Yes.

BY MS. BLAIR:

Q. And who are they?

A. Maggie Gill, CEOs, the CNOs, CFOs and COOs.

Q. When you say "chief nursing officers," would that also include Ricky Ramirez?

MR. TAKAGAKI: Objection to form.

A. Yes.

BY MS. BLAIR:

Q. And so just so I'm clear, it's not a

specific committee, the Q -- there's no QMOR committee, correct?

MR. TAKAGAKI: Objection.

A. Correct.

BY MS. BLAIR:

Q. And QMOR, then, refers just to this report, correct?

MR. TAKAGAKI: Objection to form.

Are you talking about how you've been referring to it?

MS. BLAIR: Yeah, I want to make sure I'm understanding her testimony.

BY MS. BLAIR:

Q. Right, there's no committee, there's no QMOR committee?

A. Correct.

Q. But there's a QMOR report, correct?

MR. TAKAGAKI: Objection. Asked and answered.

A. Correct.

BY MS. BLAIR:

Q. Thank you.

The QMOR report, does that get sent to Tenet health home office?

MR. TAKAGAKI: Objection.

A. It does not.
BY MS. BLAIR:
Q. Does the QMOR report get incorporated in any way into the patient safety plans of the five hospitals?
MR. TAKAGAKI: Objection. Calls for speculation.
A. Not to my knowledge.
BY MS. BLAIR:
Q. In your view as the director of quality for the market, what do you believe is the purpose of the QMOR report?
A. It has strategic measures that hits targets and our current performance to those targets.
Q. So is it fair to say that the QMOR report is a way that these five hospitals benchmark themselves against the targets that you have for them?
MR. TAKAGAKI: Objection to form. Mischaracterizes her testimony.
A. Could you repeat the question?
BY MS. BLAIR:
Q. Sure. I thought you testified -- this QMOR report has targets in it, correct?
A. Correct.
MR. TAKAGAKI: Objection.

Q. And the QMOR report is an output about how each of these five hospitals is doing with respect to those targets, correct?

MR. TAKAGAKI: Objection.

A. Correct.

BY MS. BLAIR:

Q. And so would you agree with me that the QMOR report is a way in which the hospitals are benchmarking themselves as to how they're doing against those targets that are set, correct?

MR. TAKAGAKI: Objection.

A. We're reviewing how well we're doing against the targets.

BY MS. BLAIR:

Q. Thank you.

Now I want to talk a little bit about QIPSC. What does QIPSC stand for?

A. Quality Improvement Patient Safety Committee.

Q. So is that actually a committee?

A. Yes.

Q. And is that committee at the Palm Beach Health Network level?

MR. TAKAGAKI: Objection to form.

A. It is not.

BY MS. BLAIR:

Q. So there is five separate QIPSCs for each of the five hospitals that make up the Palm Beach Health Network, correct?

A. That's correct.

Q. Do you participate in all five of those QIPSC committees?

MR. TAKAGAKI: Objection.

A. I do not.

BY MS. BLAIR:

Q. Do those QIPSC committees put out reports that are provided to you as the market lead of quality for Palm Beach Health Network?

MR. TAKAGAKI: Objection.

A. They do not.

BY MS. BLAIR:

Q. Do you ever have the opportunity to review reports from the local hospital QIPSC committees?

A. Yes.

Q. And for what purpose do you review the reports from the local QIPSC committee?

MR. TAKAGAKI: Objection.

A. I review them at least annually to complete an evaluation.

BY MS. BLAIR:

Q. And what are you evaluating?

MR. TAKAGAKI: Objection. Are you asking for each individual time she got it what she was looking at?

MS. BLAIR: No, I'm asking generally.

BY MS. BLAIR:

Q. You review it annually, correct?

A. Do you mind repeating the question? I'm so sorry.

Q. Sure.

You told me that you review the individual QIPSC reports annually, correct?

A. At least annually.

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

Q. And for what purpose do you review them annually?

MR. TAKAGAKI: Objection.

A. I review outcomes.

BY MS. BLAIR:

Q. And when you talk about outcomes, are you talking about HAIs?

A. It could be included in the report.

Q. Okay. What all outcomes are you referring to when you say you review these for outcomes?

MR. TAKAGAKI: Objection.
A. We have a reporting calendar. All measures within that reporting calendar gets reported up through QIPSC. I review all the measures from that reporting calendar.
BY MS. BLAIR:
Q. Do you, after you do your annual review of the QIPSC information that you get, at least annually, I'm not trying to put words in your mouth, do you create any sort of output? Do you create a report yourself based on your review of those reports?
MR. TAKAGAKI: Objection.
A. Yes, I do.
BY MS. BLAIR:
Q. And what kind -- what is the name of that report that you put out?
MR. TAKAGAKI: Objection.
Could you be more specific in terms of what year, which hospital, because this is a very general question right now?
BY MS. BLAIR:
Q. Ma'am, do you do a report for each individual hospital at least annually when you review the QIPSC reports?
A. I do not do individual reports.

Q. Okay. So you do one omnibus report for all five hospitals, correct?

A. That is correct.

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

Q. And what -- does that report have a name that you put out at least annually with respect, the omnibus report with respect to all five hospitals? Does it have a name?

A. It's the Performance Improvement Evaluation for that current year.

Q. And that Performance Improvement Evaluation for the current year is the Performance Improvement Evaluation for all five hospitals in one report, correct?

MR. TAKAGAKI: Objection.

A. That's correct.

BY MS. BLAIR:

Q. And did you produce the Performance Improvement Evaluation that you did from -- for 2023, 2024 in this litigation for production?

MR. TAKAGAKI: Objection. Are you asking if she produced it to the defendants in this case?

MS. BLAIR: I'm asking if she collected it.

BY MS. BLAIR:

Q. Did you collect the performance improvement education [sic] report for '23 and '24 for production in this litigation?

MR. TAKAGAKI: Objection.

A. I don't remember.

BY MS. BLAIR:

Q. What data, to the best of your knowledge as the market lead for quality for Palm Beach Health Network, what data are the local hospital QIPSC committees monitoring?

MR. TAKAGAKI: Objection.

A. Joint Commission required data, clinical contract, key performance indicators, infection prevention indicators and service line reports.

BY MS. BLAIR:

Q. Do the QIPSC committees have targets for the data that they're collecting? That might be a bad question, so I don't know if -- let me ask it another way.

You recall you told me about the QMOR report and there's targets that are in those, in that document about how the hospitals should be performing on certain targets, correct?

MR. TAKAGAKI: Objection. Mischaracterizes her testimony.

A. Can you repeat your question, please?
BY MS. BLAIR:
Q. Sure.
With respect to the QMOR report that we talked about a little bit earlier, there are targets you told me that are included within that report, correct?
A. Correct.
Q. Are there targets included within QIPSC reports?
A. Yes, that's a component.
Q. And who sets those targets?
MR. TAKAGAKI: Objection. Calls for speculation.
A. Committees approve the targets.
BY MS. BLAIR:
Q. And when you say the committees, you're referring to each of the five local QIPSC committees?
A. Correct.
Q. Does Tenet home office approve the targets in any way for the QIPSC committees?
MR. TAKAGAKI: Objection. Calls for speculation.
A. For the measures that carry over from the quality management operations report.

BY MS. BLAIR:

Q. So that's a "yes" with respect to the measures that carry over from the quality measures operations report, correct?

A. Correct.

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

Q. What about the measures that don't carry over from the quality measures operation report, do you know if Tenet health has any -- Tenet health on the home office level has any involvement in setting those targets?

MR. TAKAGAKI: Objection. Calls for speculation.

BY MS. BLAIR:

Q. I'm asking if you know. I don't want you to speculate.

A. Not to my knowledge.

Q. Thank you.

What types of reports -- as the market lead for quality for Palm Beach Health Network, are you familiar with the reports that the QIPSC committees put out?

MR. TAKAGAKI: Objection.

A. Yes.

BY MS. BLAIR:

Q. Do you know what the names of those reports are?

A. They vary by report.

Q. What are some of names of reports that you can recall as you sit here today?

A. Infection prevention would be one. There are more. They're just not popping to memory.

Q. It's not a memory test.

A. Okay.

Q. And we talked about you told me all of the data that you believe they're tracking, Joint Commission data, contract, KPIs, infection prevention indicators, service lines.

Are there any other type of data that you can think of that the local hospital QIPSC committees are tracking that you haven't described?

MR. TAKAGAKI: Objection.

A. There are also risk management reports.

BY MS. BLAIR:

Q. The reports that are put out by the QIPSC committees, are they all sent to you as the market lead for -- of quality for Palm Beach Health Network?

MR. TAKAGAKI: Objection.

A. They're not sent to me.

BY MS. BLAIR:

Q. Do you know who they're sent to?

MR. TAKAGAKI: Objection.

A. Yes.

BY MS. BLAIR:

Q. Who are they sent to?

A. Erica Kerns.

Q. And who is Erica Kerns?

A. The quality manager.

Q. And Erica Kerns reports to you, correct?

MR. TAKAGAKI: Objection.

A. That's correct.

MR. TAKAGAKI: Are you saying "Eric" or "Erica"? I just, I can't understand. I was asking --

MS. BLAIR: I'm saying "Erica." Is it "Eric"?

MR. TAKAGAKI: Oh, I thought you were saying -- I thought you said "Eric."

BY MS. BLAIR:

Q. Oh, I thought it was Erica. It's Erica, yes?

A. Yes.

Q. Okay. And what does Erica do with these reports.

MR. TAKAGAKI: Objection.
A. She ensures that they're compiled completely.
BY MS. BLAIR:
Q. Okay.
A. That they contain data analysis and recommendations and that the full report is ready for the quality improvement patient safety meetings.
Q. So when you say "the full report is ready for the quality improvement patient safety meetings," you're referring to those local level meetings, correct?
A. That is correct.
Q. So she will, Erica Kerns, reviews the data in preparation for each of the individual hospitals for preparation for the QIPSC committee meetings, correct?
MR. TAKAGAKI: Objection. Calls for speculation.
BY MS. BLAIR:
Q. I thought that's what you just told me so I want to make sure.
A. Can you repeat?
MR. TAKAGAKI: Objection.
BY MS. BLAIR:
Q. Sure.

Erica Kerns puts together -- reviews the information from the QIPSC committees and you said to ensure that a full report is ready for the quality improvement patient safety meetings, correct, that's what you said?

MR. TAKAGAKI: Objection.

A. Correct.

BY MS. BLAIR:

Q. And so I'm just trying to get a timeline. So they, the quality -- the QIPSC committees for each local hospital provides data to Erica Kerns that she reviews prior to the local QIPSC meetings?

MR. TAKAGAKI: Objection. Calls for speculation.

A. That is not correct.

BY MS. BLAIR:

Q. Okay. And I thought I was missing something so I'm just trying to understand the process and how it works.

For what purpose is Erica Kerns reviewing the data from the local QIPSC meetings?

MR. TAKAGAKI: Objection. Calls for speculation.

BY MS. BLAIR:

Q. Are you Erica Kerns' boss?

A. I am Erica Kerns' boss.

Q. Do you know why she's reviewing the data that you told me about from the QIPSC meeting?

A. Yes, I do.

Q. Okay. And why is she reviewing that data, for what purpose?

A. She coordinates it for St. Mary's Medical Center.

Q. Got it.

So your involvement is with respect to St. Mary's individually and not on the Palm Beach Health Network level --

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

Q. -- with respect to QIPSC meetings, correct?

MR. TAKAGAKI: Sorry.

Objection.

A. Correct.

MR. TAKAGAKI: We've been going for about an hour.

MS. BLAIR: Sure, would you like a break?

MR. TAKAGAKI: You want to take a break?

THE WITNESS: Sure.

MS. BLAIR: Sure.

THE VIDEOGRAPHER: Off the record, 10:10.

(A recess was taken from 10:10 a.m. to 10:26 a.m.)
THE VIDEOGRAPHER: Back on the record 10:26.
BY MS. BLAIR:
Q. Ms. West, are you involved in any way, whether at the Palm Beach Health Network level or at the local level, in the hospital, the plaintiffs hospitals' involvement in ratings for hospitals?
MR. TAKAGAKI: Objection.
BY MS. BLAIR:
Q. Do you know what I mean by "ratings"?
A. No. Can you clarify?
Q. So, for example, several of these hospitals have awards from Healthgrades®, for example. Are you aware of that?
A. Yes.
Q. And you're at -- in addition to your duties at Palm Beach Health Network, you also are the quality director for St. Mary's, correct?
A. Correct.
Q. Are you involved -- so we'll just take with respect to St. Mary's, are you involved in any way in St. Mary's' participation in Healthgrades®, for example?
MR. TAKAGAKI: Objection.
A. Could you clarify "participation"?

BY MS. BLAIR:

Q. Sure.

Well, in terms of the awards that -- and I want to talk -- we'll talk about St. Mary's specifically.

In terms of the Healthgrades® awards that are awarded to St. Mary's, do you as the quality director of St. Mary's have to provide any information to Healthgrades® in order to for St. Mary's to be evaluated for those awards?

A. I do not.

Q. In connection with the awards, Healthgrades® awards that are awarded to St. Mary's, does Healthgrades® perform any onsite visits to St. Mary's with respect to those awards, to your knowledge?

A. I can't speculate.

Q. Okay. So you don't know as you sit here today whether that occurs?

A. I do not know.

Q. Have you ever personally been involved with an onsite inspection by Healthgrades® in connection with any awards that have been awarded to St. Mary's?

A. Can you clarify "onsite inspection"?

Q. Sure. Well, I don't know if one occurs.

But do you know whether Healthgrades® comes

1 **to St. Mary's and performs any sort of onsite**
2 **verification when it is considering St. Mary's for a**
3 **Healthgrades® award?**
4 MR. TAKAGAKI: Objection.
5 A. I don't have knowledge of that.
6 BY MS. BLAIR:
7 **Q. Do you know whether or not St. Mary's**
8 **submits any information whatsoever to Healthgrades® in**
9 **order for Healthgrades® to evaluate St. Mary's with**
10 **respect to any of the awards it receives from**
11 **Healthgrades®?**
12 A. I don't have knowledge of that.
13 **Q. Do you know whether or not St. Mary's pays**
14 **Healthgrades® in any way with respect to the awards it**
15 **receives from Healthgrades®?**
16 A. I don't have knowledge of that.
17 **Q. Have you ever had any conversations with**
18 **anyone at St. Mary's related to the Healthgrades®**
19 **awards that St. Mary's receives?**
20 A. Not that I recall.
21 **Q. Are you involved in any way, and let's stick**
22 **with St. Mary's, with respect to any awards that**
23 **St. Mary's receives from U.S. News & World Report?**
24 A. I am not.
25 Q. Are you aware of any -- are you aware of any

1 of the five hospitals that are plaintiffs in this
2 litigation, the Palm Beach Health Network hospitals,
3 engaging in any ratings that require completion of a
4 survey other than Leapfrog?
5 MR. TAKAGAKI: Objection.
6 A. Not that I recall.
7 BY MS. BLAIR:
8 **Q. Are you aware of any ratings organizations**
9 **other than Leapfrog that rate hospitals specifically on**
10 **patient safety?**
11 MR. TAKAGAKI: Objection.
12 A. Would you mind repeating your question?
13 BY MS. BLAIR:
14 **Q. Yeah, let me go back.**
15 **As the director of quality for Palm Beach**
16 **Health Network and St. Mary's on a local level and**
17 **based on all your experience in the area of quality, is**
18 **there a distinction in your mind between quality and**
19 **patient safety?**
20 MR. TAKAGAKI: Objection. Compound.
21 A. Could you further clarify?
22 BY MS. BLAIR:
23 **Q. Sure. Would you agree with me that quality**
24 **and patient safety are not necessarily synonymous?**
25 MR. TAKAGAKI: Objection.

A. I guess I don't understand your question.
BY MS. BLAIR:
Q. Sure. What do you consider -- and you've been in the quality area for a very long time, correct?
A. Correct.
Q. What do you consider to be quality when we use that term as it relates to a chief quality officer or director of quality? What does quality at a hospital mean to you?
MR. TAKAGAKI: Objection.
A. Positive outcomes.
BY MS. BLAIR:
Q. Does it include patient safety?
MR. TAKAGAKI: Objection.
A. It can include patient safety.
BY MS. BLAIR:
Q. Does it include things other than patient safety?
A. I don't understand your question.
Q. Okay. And so there have been a lot of articles, peer-reviewed articles discussed by the experts in this case that talk about the difference between patient safety and quality. And I'm just asking you generally as the director of quality, do you see any distinction between quality and patient safety?

MR. TAKAGAKI: Objection. Lack of foundation. I don't think you've established with her that there are experts in this case that they've reviewed articles as you've testified to.

A. I haven't reviewed those articles.

BY MS. BLAIR:

Q. Understood.

A. We collaborate very well between patient safety and quality, so there's -- there's high collaboration.

Q. Understood.

And so, in your mind, are there members of the local -- well, let's just talk about the patient safety coordinator. So we talked about a patient safety coordinator previously. Do you recall that?

A. I do not.

Q. Let's see. What did we call him? Patient safety officer, do you recall that?

A. Yes.

Q. Okay. So the patient safety officer that is at these hospitals, is he part of the quality team?

MR. TAKAGAKI: Objection. Are you talking about each hospital or a single person?

BY MS. BLAIR:

1 **Q. We'll talk about, you told me there's a role**
2 **called patient safety officer, correct?**
3 A. Correct.
4 **Q. And the patient safety officer in some cases**
5 **at Palm Beach Gardens reports to the director of**
6 **quality, correct?**
7 A. That's correct.
8 **Q. And in other cases the patient safety**
9 **officer for the other four hospitals reports to the**
10 **chief nursing officer, correct?**
11 A. Correct.
12 **Q. So in terms of Palm Beach Health Network,**
13 **the patient safety officer, is he considered to be part**
14 **of the quality team for that hospital that he works?**
15 MR. TAKAGAKI: Objection.
16 A. Patient safety officer for the market is
17 Amy Buzzelli. It's a female.
18 BY MS. BLAIR:
19 **Q. All right.**
20 A. And she is a part of the Quality Improvement
21 Patient Safety Committee at St. Mary's Medical Center.
22 **Q. And her name is Amy Buzzelli, correct?**
23 A. Buzzelli.
24 MR. TAKAGAKI: Objection.
25 BY MS. BLAIR:

Q. And she's the patient safety coordinator for the market?

A. That is not correct.

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

Q. Okay. What is her role?

A. She is the patient safety officer.

Q. Okay. She's the patient safety officer for Palm Beach Health Network, correct?

A. That's correct.

Q. And who does she directly report to?

A. She directly reports to Ricardo Ramirez for the market.

Q. Ricardo Ramirez is a chief nursing officer for the market, correct?

A. Correct.

Q. So as the director of quality for Palm Beach Health Network, do you make a distinction at all between patient safety and quality?

MR. TAKAGAKI: Objection. Vague.

A. We work collaboratively together. We have distinct tasks.

BY MS. BLAIR:

Q. As the director of quality, do you oversee in any way the patient safety officer for the Palm

1 Beach Health Network?
2 A. I don't.
3 Q. Does the patient safety officer,
4 Amy Buzzelli, deal solely with patient safety issues?
5 MR. TAKAGAKI: Objection.
6 A. We collaborate.
7 BY MS. BLAIR:
8 Q. To the best of your knowledge, what are
9 Amy Buzzelli's job duties as the patient safety officer
10 of Palm Beach Health Network?
11 A. She manages the patient safety plan to
12 ensure that it has been maintained, reviewed and
13 approved annually. She manages the event reporting
14 system and she manages the complaint process.
15 Q. What is the event reporting system?
16 A. Anyone who finds an event that occurs
17 outside of what's expected can report it through that
18 system.
19 Q. And that's all five hospitals can report it
20 through that system?
21 A. Yes.
22 Q. And when you say "anyone who has an
23 event" -- "anyone who finds an event," anyone, what do
24 you mean by "anyone"?
25 A. Any staff member, any physician, anyone who

has access to the system.

Q. And when you talk about the fact that Amy Buzzelli manages the complaint process, what are you referring to? What is the complaint process?

A. Anyone can raise an issue to her department. It gets investigated, and the person who may have filed the issue gets a response back.

Q. And we talked earlier about the patient safety officers. Is there -- let me ask this. Is there a patient safety officer at each of the five hospitals?

A. Yes.

Q. Does Amy Buzzelli, in addition to her duties for the Palm Beach Health Network, is she a patient safety officer for any specific hospital?

A. Yes.

Q. Which one?

A. St. Mary's Medical Center.

Q. But she is also patient safety officer for the market, meaning the Palm Beach Health Network as well, correct?

A. She is collaborator like I am for quality. She does not have direct reports, such as the patient safety officers don't report to her from the other hospitals.

Q. And she reports to Ricky Ramirez, correct?
MR. TAKAGAKI: Objection.
A. That's correct.
BY MS. BLAIR:
Q. And so is there a separate complaint process for the market separate and distinct from the complaint process for each of the individual hospitals?
MR. TAKAGAKI: Objection.
A. There's not.
BY MS. BLAIR:
Q. So when you say she oversees the complaint process, all complaints go to the Palm Beach Health Network level?
MR. TAKAGAKI: Objection.
A. I'll clarify and say for St. Mary's Medical Center.
BY MS. BLAIR:
Q. For St. Mary's Medical Center.
Okay. So she oversees the complaint process for St. Mary's Medical Center, correct?
A. Correct.
Q. Does she oversee the complaint process for the Palm Beach Health Network as a whole?
A. She does not.
Q. But she does have a position as the patient

safety officer for the Palm Beach Health Network as a whole?

MR. TAKAGAKI: Objection.

A. She's the market lead.

BY MS. BLAIR:

Q. And what does it mean to be the market lead for patient -- as the patient safety officer?

A. Other patient safety officers do not report to her.

Q. So how does she lead the market as a patient safety officer?

MR. TAKAGAKI: Objection.

A. She collaborates with the other patient safety officers.

BY MS. BLAIR:

Q. Does she have any extra duties as the market lead patient safety officer that the patient safety officers at the local hospitals do not have?

A. Not to my knowledge.

Q. Are you aware that Leapfrog has a hospital survey that it puts out for hospitals to complete?

A. Yes, I am.

Q. Are you aware of any other organization that puts out a hospital survey related to patient safety other than Leapfrog?

MR. TAKAGAKI: Objection.
A. Not anything that comes to mind today.
BY MS. BLAIR:
Q. And CMS -- are you involved in any way at the market level for Palm Beach Health Network in compiling data for CMS?
A. I am not.
Q. At the St. Mary's Medical Center level are you involved in any way in compiling information for CMS for St. Mary's?
A. I am not.
Q. Who at St. Mary's is involved in compiling data for CMS for St. Mary's?
MR. TAKAGAKI: Objection.
A. Could you repeat your question?
BY MS. BLAIR:
Q. Sure. St. Mary's Medical Center -- or I'm sorry.
CMS collects data for individual hospitals. You're aware of that, correct?
MR. TAKAGAKI: Objection.
A. Yes.
BY MS. BLAIR:
Q. Are you aware of whether or not St. Mary's is required to submit any data to CMS at CMS's request?

MR. TAKAGAKI: Objection.
A. Yes, I am.
BY MS. BLAIR:
Q. Okay. And are you aware of who at St. Mary's collects the data to provide to CMS at CMS's request?
A. I am not aware of who collects the data.
Q. Who would know who collects the data for -- at St. Mary's for CMS?
MR. TAKAGAKI: Objection.
A. Could you further clarify "data"?
BY MS. BLAIR:
Q. Sure.
For example, CMS collects data on HAIs, correct? Are you aware of that?
A. Yes.
Q. CAUTI, correct?
A. Correct.
Q. And CLABSI, for example, correct, CMS collects data, correct?
A. Correct.
Q. Do you know whether that data is collected from claims --
MR. TAKAGAKI: Objection.
BY MS. BLAIR:

Q. -- submitted by St. Mary's?
MR. TAKAGAKI: Objection.
A. I do know.
BY MS. BLAIR:
Q. Okay. And what do you know about that process?
A. It is not collected from claims.
Q. How is it collected?
A. It's collected --
MR. TAKAGAKI: Objection.
A. It's collected through data entry into NHSN.
BY MS. BLAIR:
Q. And do you know who is responsible at St. Mary's for ensuring that the data that is entered for St. Mary's through NHSN is accurate?
A. Could you repeat that?
Q. Sure.
The data -- CMS you told us, you said CMS collects data for St. Mary's through data that is entered through HSN [sic], correct?
MR. TAKAGAKI: Objection. Misstates her testimony.
BY MS. BLAIR:
Q. Let me ask another way.
You tell me. How, to your knowledge as the

1 **market lead director of quality, does CMS get access to**
2 **St. Mary's' data that is entered in NHSN?**
3 A. We enter it into NHSN.
4 **Q. Right. And is there anybody responsible at**
5 **St. Mary's for doing some sort of audit or verification**
6 **to make sure that the data that's being entered by**
7 **St. Mary's into NHSN is accurate?**
8 A. Yes.
9 **Q. And who is that?**
10 A. The market director of infection prevention.
11 **Q. And who is the market director of infection**
12 **prevention?**
13 A. Taylor Pool. She is also the director of
14 infection prevention at St. Mary's.
15 **Q. She's currently at St. Mary's?**
16 A. That's correct.
17 **Q. Was she previously at Good Samaritan?**
18 A. That is correct.
19 **Q. And at Good Samaritan, she was the director**
20 **of quality, correct?**
21 A. Correct.
22 **Q. And when did she switch from being the**
23 **director of quality at Good Samaritan to being the**
24 **director of infection prevention at St. Mary's, do you**
25 **know?**

A. Sometime around January of 2025.

Q. Do you know why she switched from being the director of quality at Good Samaritan to being the director of infection prevention at St. Mary's?

MR. TAKAGAKI: Objection.

A. I don't want to speculate.

BY MS. BLAIR:

Q. Have you ever had any conversations with her about her move?

A. Yes.

Q. And what did she tell you about why she moved from Good Samaritan to St. Mary's?

A. It was an advancement for her.

Q. Does Taylor Pool report to you in any capacity now that she's the director of infection prevention at St. Mary's?

A. She does not.

Q. Do you collaborate with her, though?

A. Yes, I do.

Q. So Taylor -- for St. Mary's -- is it -- to the best of your knowledge, is it the case that the directors of infection prevention at each of the five hospitals are responsible for ensuring the accuracy of data that is entered into the NHSN system?

A. That is correct.

Q. Do you have any involvement -- and let's just start at the local level. Do you have any involvement with respect to marketing for St. Mary's?

A. I do not.

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

Q. Do you have any involvement in marketing at the Palm Beach Health Network level?

MR. TAKAGAKI: Objection.

A. I do not.

BY MS. BLAIR:

Q. Do you have any involvement in public relations at St. Mary's?

MR. TAKAGAKI: Objection.

A. I do not.

BY MS. BLAIR:

Q. Do you have any involvement in public relations at the Palm Beach Health Network level?

A. I do not.

Q. You were at Delray Medical Center beginning in 2019, correct?

A. Correct.

Q. And are you aware that Delray Medical Center participated in the Leapfrog Hospital Survey in 2019?

A. I am not aware.

Q. Are you aware of any participation by Delray in the hospital -- in the Leapfrog Hospital Survey?

A. Yes.

Q. And what is your knowledge of Delray's participation in the Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection.

A. I don't recall today outside of we participated.

BY MS. BLAIR:

Q. Okay. When Delray participated, did you have any involvement in gathering documents responsive to the Leapfrog Hospital Survey?

A. I do.

Q. And can you tell me a little bit about what your involvement was in compiling documents to respond to the Leapfrog Hospital Survey when you were at Delray?

MR. TAKAGAKI: Objection.

A. I don't recall.

MR. TAKAGAKI: Can you be a little more specific as was she there during the survey submission?

BY MS. BLAIR:

Q. Ma'am, you were at Delray from 2019 through 2020. Through 2020, correct?

A. Correct.

Q. And you understand that the Leapfrog hospital survey is annual. Do you understand that?

A. I do.

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

Q. And do you understand that the submission for the Leapfrog Hospital Survey occurs in or around June every year?

A. I do.

Q. And tell me, again, when did you start at Delray, what month in 2019?

A. October.

Q. And so you would not have had any involvement in the Leapfrog Hospital Survey in October of 2000 -- or sorry -- in 2019 since the submission would have already occurred before you got there, correct?

A. Correct.

Q. And when did you leave Delray, what month?

A. On or around June of 2020.

Q. Okay. So there would have been only one Leapfrog Hospital Survey while you were at Delray that you were involved with, correct?

A. Correct.

Q. So with that foundation, what can you tell me about your involvement in Delray's response to the Leapfrog 2020 hospital survey in the time in which you were at Delray?

A. Sitting here today, I do not recall the involvement in the 2020 survey.

Q. Do you recall even in the most general sense how long it took Delray to complete the Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection.

A. I don't recall.

BY MS. BLAIR:

Q. So is it fair to say if I asked you questions, you really have no recollection of how Delray compiled information to respond to the Leapfrog Hospital Survey in 2020; is that correct?

A. That's correct.

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

Q. And then you moved on to St. -- to Good -- let me make sure I got this right.

You moved on to Good Samaritan for 2020 through 2023, correct?

A. On or around June 2020 through on or around July 2023.

Q. Okay. And so is it fair to say that you had no involvement with Good Samaritan's participation in the 2020 Leapfrog Hospital Survey?

A. Not that I recall.

Q. And you would not have been at Good Samaritan until June of 2020, correct?

A. Correct.

Q. And do you understand as you sit here today that the Complaint alleges the last year that any of these five hospitals participated in the Leapfrog Hospital Survey was 2021?

MR. TAKAGAKI: Objection.

A. I am not aware.

BY MS. BLAIR:

Q. Okay. Are you aware as you sit here today of any participation by Good Samaritan Medical Center while you worked at Good Samaritan Medical Center in the Leapfrog Hospital Survey?

A. Yes, I am.

Q. And can you tell me what you recall about Good Samaritan's involvement in the Leapfrog Hospital Survey for the 2021 hospital survey?

MR. TAKAGAKI: Objection.

A. I recall participating, coordinating data and entering data.

BY MS. BLAIR:

Q. Were you primarily responsible for Good Samaritan's submission of the 2021 Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection.

A. Yes, that I recall.

BY MS. BLAIR:

Q. How many people did you have helping you compile data to comply with the 2021 Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection.

A. I don't remember the exact number. I would estimate around six.

BY MS. BLAIR:

Q. Do you recall just generally what types of people these six people were that helped you compile information for the Leapfrog Hospital Survey in or around 2021?

MR. TAKAGAKI: Objection.

A. Yes.

BY MS. BLAIR:

Q. And who were they?

A. It would have been someone in finance, someone in infection control, a contract administrator. That's who I recall.

1 Q. Okay. And do you recall whether in or
2 around 2021 when you were participating for
3 Good Samaritan in the submission of the Leapfrog
4 Hospital Survey how many hours it took to comply with
5 the survey?
6 MR. TAKAGAKI: Objection.
7 A. Yes.
8 BY MS. BLAIR:
9 Q. And what is your recollection of how many
10 hours?
11 A. For myself, just me, between 40 and
12 60 hours.
13 For the other people that were involved,
14 such as contract administrator, it could have taken up
15 to two days, a few hours for the other people.
16 But I will say that in the other hospitals,
17 such as St. Mary's Medical Center, it took many more
18 hours. And it really varies by the person who's
19 completing it, how many times they've completed it
20 before, how quickly they can work. So that number is
21 representative of my time only.
22 Q. And you just talked a little bit about how
23 long it took St. Mary's. Do you know how long it took
24 St. Mary's in your role as the Palm Beach Health
25 Network director of quality?

MR. TAKAGAKI: Objection.
A. It was reported to me that it took hundreds of hours.
BY MS. BLAIR:
Q. And who reported that to you?
A. The director of quality, market chief nursing officer. We collaborated as a group to do an analysis of the time that we were spending on the survey.
Q. Okay. So who was the director of quality for St. Mary's that reported to you the hundreds of hours it took them to comply?
A. Carola Kuret.
Q. And who was the chief nursing officer at St. Mary's that told you it took hundreds of hours to comply?
A. Jessica Miller.
Q. And do you recall when this conversation took place?
MR. TAKAGAKI: Objection.
A. It was during the same time that I completed it for Good Samaritan Medical Center.
BY MS. BLAIR:
Q. What do you recall about that conversation?
MR. TAKAGAKI: Objection.

A. I recall that I was told that it was overwhelming, that she couldn't complete her other duties and that we needed to have a conversation about it.

BY MS. BLAIR:

Q. And when you say "she couldn't complete her other duties," who was the "she" in that sentence?

A. Carola.

Q. Do you know why it was taking her hundreds of hours? Did she ever say what the issue was on her end at St. Mary's?

A. I don't recall.

Q. Do you know whether or not Carola told you whether she called the Leapfrog help desk to get help in completing the survey?

A. I don't recall.

Q. And you also said that you collaborated as a group to do an analysis of the time that we were spending on the survey. Who all was involved in that collaboration?

MR. TAKAGAKI: Objection.

A. Chief nursing officers, the market chief nursing officer, the directors of quality. And I know that there was some involvement with the CEOs as well.

BY MS. BLAIR:

Q. And in or around -- was this an in-person meeting?

A. Yes, it was.

MR. TAKAGAKI: Objection.

THE WITNESS: Oh, sorry.

MR. TAKAGAKI: It's okay.

BY MS. BLAIR:

Q. Do you know when this in-person meeting occurred?

A. I don't recall.

Q. Do you recall even generally the year it would have occurred?

A. It was during the same time that I completed Good Samaritan's --

Q. So 2021?

A. -- last Leapfrog survey.

Q. I didn't mean to cut you off. I apologize. What do you recall specifically about the conversation that occurred with the CNOs, the market CNOs, the directors of quality and maybe some of the CNOs in or around 2021 about continuing to engage in the Leapfrog survey?

MR. TAKAGAKI: Objection.

And sorry. When you use conversation there, are you speaking like generally over time, or

are you talking about a specific day?
BY MS. BLAIR:
Q. I thought you testified that you had a meeting, correct?
MR. TAKAGAKI: Objection.
A. We did.
BY MS. BLAIR:
Q. Okay. I'm talking about that meeting. What do you recall about the conversations that occurred at that meeting in or around 2021 that involved the CNOs, the market CNO, the director of quality and maybe some of the CEOs with respect to continuing participation in the Leapfrog survey?
A. Very broadly, I remember that there was concern about the amount of time that it was taking. St. Mary's in general was taking the longest. It was taking some of the other directors of quality also like long periods of time. And the concern was that it was taking them away from other things that they would coordinate, such as stroke surveys, some of the other certification and accreditation tasks that we had.
Q. Anything else that you remember broadly about the conversation that occurred at this meeting sometime in 2021 regarding the decision to stop participating in the Leapfrog Hospital Survey?

A. Not that comes to mind right now.

Q. When the meeting ended, was there a consensus at the group about whether or not the five hospitals that make up the Palm Beach Health Network were going to continue to engage in the Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection.

A. In that meeting a recommendation was made. It was supported. And a determination was made to stop participating.

BY MS. BLAIR:

Q. Do you recall who made the recommendation?

A. The market chief nursing officer in agreement with the other chief nursing officers and the other directors of quality.

Q. So that the market chief nursing officer at the time of this meeting in 2021, was that Ricky Ramirez?

A. It was Libby Flippo.

Q. Do you recall any -- anything that Libby Flippo said in connection with her recommendation that the five hospitals that make up the Palm Beach Health Network ceased participating in the Leapfrog Hospital Survey?

A. I don't recall her exact words.

1 **Q. Understood. I don't expect you to recall**
2 **her exact words.**
3 **Do you recall generally what -- anything**
4 **that Libby Flippo said regarding her recommendation**
5 **that the five hospitals stop participating in the**
6 **Leapfrog Hospital Survey?**
7 A. I don't recall.
8 **Q. Do you recall whether the recommendation**
9 **that Ms. Flippo was making was along the same lines**
10 **that you described that there was a concern about the**
11 **amount of time it was taking to do the survey and the**
12 **time that it was taking away from other things like**
13 **certifications? Was that the basis of her**
14 **recommendation based on your best memory?**
15 A. It is.
16 MR. TAKAGAKI: Objection.
17 A. It is.
18 BY MS. BLAIR:
19 **Q. Do you recall anything that anyone else said**
20 **at this meeting in or around 2021 regarding the**
21 **decision not to engage in the Leapfrog Hospital Survey?**
22 A. Just very broadly --
23 **Q. Yes.**
24 A. -- I remember Carola discussing the hundreds
25 of hours that it was taking to complete it. And I

remember the other DCQIs discussing how long it was taking them to complete it just in general.

Q. Understood. Anything else you remember?

A. No.

Q. Do you recall when you engaged in the Leapfrog Hospital Survey for Good Samaritan in 2021 whether the HAIs for Good Samaritan in or around that time, the CMS data for HAIs, was below the national average for Good Samaritan?

A. I don't --

MR. TAKAGAKI: Objection.

A. I don't recall that time period.

BY MS. BLAIR:

Q. Do you recall whether in or around 2021 when you were gathering data to respond to the Leapfrog Hospital Survey, whether Good Samaritan had in place a hand hygiene policy?

A. To the best of my recollection, yes.

Q. Do you recall when you were gathering documentation for Good Samaritan to comply with the 2021 Leapfrog Hospital Survey whether Good Samaritan had completed logs of observations related to hand hygiene?

A. I don't recall.

Q. Do you recall when you were working on

1 **responding to the 2021 Leapfrog Hospital Survey for**
2 **St. Mary's whether St. Mary's engaged in the CPOE test**
3 **required by the Leapfrog Hospital Survey?**
4 A. Yes, I recall.
5 **Q. And what do you recall about that test?**
6 A. I recall that we completed that as a
7 multi-disciplinary team.
8 **Q. Do you recall what the results were?**
9 A. I recall that we passed.
10 **Q. Do you recall how long it took to do the**
11 **CPOE test?**
12 A. I don't recall.
13 **Q. Do you recall that it was a two-hour test**
14 **required that -- do you recall that the test requires**
15 **an interdisciplinary team and it takes about two hours?**
16 MR. TAKAGAKI: Objection.
17 A. I recall that it requires a
18 multi-disciplinary team, but I do not remember the time
19 span.
20 BY MS. BLAIR:
21 **Q. Do you know whether today in your role as**
22 **the director of quality for Palm Beach Health Network**
23 **any of the five hospitals engage in an**
24 **interdisciplinary test of their CPOE systems on a**
25 **regular basis?**

A. I don't have knowledge.
Q. Have you ever been involved in an interdisciplinary test of St. Mary's CPOE system?
A. I have not.
Q. When -- and we'll just stick with Good Samaritan since you remember the participation in the Leapfrog hospital survey then.
Were you the quality director of Good Samaritan when you were there from 2020 to 2023?
A. Correct.
Q. Do you -- in your role as the quality director for Good Samaritan from 2020 to 2023, and I want to specifically talk about 2020 through 2021, did Good Samaritan derive any benefit from participating in the Leapfrog Hospital Survey?
MR. TAKAGAKI: Objection.
A. Not to my knowledge.
BY MS. BLAIR:
Q. To your knowledge as the director of quality for Palm Beach Health Network today, do you know whether or not the five hospitals that make up Palm Beach Health Network use Leapfrog standards for benchmarking in any way?
MR. TAKAGAKI: Objection. Vague.
A. Not to my knowledge.

BY MS. BLAIR:

Q. Do you know as you sit here today whether any of the five hospitals use or have used Leapfrog standards for determining whether or not any of their structural or process measures are operating sufficiently for patient safety?

MR. TAKAGAKI: Objection. Vague.

A. Will you clarify your question, please?

BY MS. BLAIR:

Q. Sure.

Are you aware as you sit here today whether any time prior to today any of the five hospitals that make up Palm Beach Health Network have used the Leapfrog standards to benchmark whether their patient safety standards are good?

MR. TAKAGAKI: Objection. Vague. Asked and answered.

A. Nothing comes to mind right now.

BY MS. BLAIR:

Q. Okay. Do you at any time that you have been the quality director for Palm Beach Health Network, have you become aware that Leapfrog charges for consulting services?

A. Can you repeat it, please?

Q. Yes. Do you have any understanding as you

sit here today that Leapfrog charges for consulting services?

A. Yes.

Q. And what consulting services do you believe that Leapfrog charges for?

A. It's a voluntary service, but in order to receive the consulting services, I understand that there is a fee.

Q. And what consulting -- what do you -- what do you understand the consulting services to be?

A. It would be a request for services to help improve the grade. I understand that Leapfrog also charges for webinars related to their grades. And I understand there are other consultants on behalf of Leapfrog that charge for consulting services.

Q. Do you know who these other -- do you know who these other consultants on behalf of Leapfrog are that charge for consulting services?

A. I can't give the name today because I don't remember it, but I have known it in the past.

Q. Okay. And how much do you think these other consultants on behalf of Leapfrog charge?

MR. TAKAGAKI: Objection.

A. I don't know how much they charge. So they reach out to me, say, on behalf of Leapfrog, we can

consult with you to improve your grade.
BY MS. BLAIR:
Q. And you don't know who that is?
A. I don't recall.
MR. TAKAGAKI: Objection.
BY MS. BLAIR:
Q. Do they send you emails?
A. That is correct.
Q. Have you produced those emails in this litigation?
MR. TAKAGAKI: Objection.
Again, are you asking if she has or the plaintiffs have?
BY MS. BLAIR:
Q. I'm asking you, have you produced those to your lawyers in this litigation?
MR. TAKAGAKI: Objection.
A. I have not personally that I recall.
BY MS. BLAIR:
Q. So you believe there are consultants that send you emails telling you, on behalf of Leapfrog, saying that they can help you improve your grade if you pay them consulting fees?
MR. TAKAGAKI: Objection. Asked and answered.

A. It was at least one consultant.
BY MS. BLAIR:
Q. And you don't recall the name as you sit here today?
A. I'm sorry. I don't.
MR. TAKAGAKI: Objection. Asked and answered.
BY MS. BLAIR:
Q. Is there anything I could show you that would refresh your recollection as to the name of the consultant that sent you an email on behalf of Leapfrog saying that in exchange for paying consulting services they could help you improve your grade?
MR. TAKAGAKI: Objection.
A. You have the email.
BY MS. BLAIR:
Q. With respect to the services that you believe Leapfrog itself -- so let's put aside this consultant's email. To the extent you believe there are services that Leapfrog charges hospitals in exchange -- do you believe -- well, strike that.
Do you believe that Leapfrog provides consulting services to hospitals for money in exchange for better grades?
A. Yes.

MR. TAKAGAKI: Objection.
BY MS. BLAIR:
Q. And what is that based on?
A. Years prior, and I don't have an exact date, but years prior in another organization where I was involved with collecting data for Leapfrog I reviewed the entire website to see what was available, you know, to determine if there was any extra information, and I found that there was a consulting component to it. That's what I remember.
Q. And what organization was that that you were compiling Leapfrog data for?
A. I don't recall.
Q. Was it one of those places of employment that we went through at the beginning of your deposition?
A. It would have been.
Q. So at least one of those places that you worked for prior to Palm Beach Health Network did participate in the Leapfrog Hospital Survey?
A. Yes.
Q. Do you know, was it just one or are there others?
A. I don't recall.
Q. And what do you recall about participating

in the Leapfrog Hospital Survey for that organization that you were just telling me about?

A. Beyond the consulting, I don't have a recall for it.

Q. Would you have been responsible in your role at that organization for compiling the data that was submitted to Leapfrog?

A. I don't remember my exact role at the time.

Q. Okay. But your role did involve at least looking at the Leapfrog website in some way?

A. Correct.

Q. And you recall coming across something wherein you believe Leapfrog charged hospitals for consulting services in order to give them a better grade. That's your recollection?

MR. TAKAGAKI: Objection.

A. I do.

MR. TAKAGAKI: Asked and answered.

BY MS. BLAIR:

Q. Have you had a chance to look at the Leapfrog website since this lawsuit has been filed to determine whether that is indeed case?

A. I have not.

THE VIDEOGRAPHER: Sorry to interrupt, Counselor. We need to break for a media change.

MS. BLAIR: Yes, we can do it right now.

THE VIDEOGRAPHER: This is the end of media unit one. We are going off the record for a media change at 11:14.

(A recess was taken from 11:14 a.m. to 11:32 a.m.)

THE VIDEOGRAPHER: This is media unit number two. The time is 11:32. We're back on the record.

BY MS. BLAIR:

Q. Ms. West, right before the break, we had been talking about the consulting services that you believe Leapfrog charges for. And I want to set aside the email that you believe you received from a consultants on behalf of Leapfrog that stated that you could pay that consultant a fee for a better grade. And I want to focus on the information on the Leapfrog website that you reviewed that you believe talks about the fact that Leapfrog charges for consulting services. Okay?

A. (Nodding head).

Q. Do you recall the names of any of these consulting services that Leapfrog allegedly offers in exchange for better grades?

A. I don't remember.

MS. BLAIR: I'm going to hand you what we're

1 going to mark as Exhibit A.
2 THE STENOGRAPHER: Do you mind if we use
3 numbers?
4 MS. BLAIR: Oh, I'm sorry. Yes. 1. We've
5 been using numbers.
6 (Defendant's Exhibit Number 1 for i.d.)
7 BY MS. BLAIR:
8 **Q. My apologies, Ms. West. I'm going to hand**
9 **you what we are now marking as West Exhibit 1, and**
10 **you'll see this is a printout from the Leapfrog website**
11 **dated this morning, 9-25-25.**
12 **Do you see at the top it says "become a**
13 **Leapfrog certified coach"? Do you see that?**
14 A. I do.
15 **Q. Does this refresh your recollection of**
16 **whether or not this is one of the consulting services**
17 **that you believe Leapfrog offers to hospitals in**
18 **exchange for a fee to receive a better grade?**
19 A. It doesn't because this is referencing 2024
20 and 2025 and I haven't reviewed it.
21 **Q. Okay. Have you ever heard this "become a**
22 **Leapfrog certified coach" before?**
23 A. I have not.
24 **Q. When you look at this document about the**
25 **certified coaching, this does not refresh your**

1 recollection as to whether or not this is the -- these
2 are the consulting services that you're referring to
3 that Leapfrog offers for a fee?
4 A. No.
5 Q. Okay. And we'll go to Exhibit 2.
6 (Defendant's Exhibit Number 2 for i.d.)
7 BY MS. BLAIR:
8 Q. Ms. West, I've now handed you what we've
9 marked West Exhibit 2. And you'll see, again, this is
10 printed off of the Leapfrog website on September 24th,
11 2025. And it says, "2025 Deep Dive Sessions."
12 Do you see that?
13 A. Yes.
14 Q. If you wouldn't mind taking a moment to look
15 at this and tell me if this refreshes your recollection
16 in any way as to whether or not these are the services
17 that you are referring to that Leapfrog offers to
18 hospitals in exchange for a better grade?
19 A. It is not.
20 Q. Okay. And so you believe that somewhere on
21 the Leapfrog -- do you believe that Leapfrog is
22 currently as we sit here today in September of 2025
23 offering consulting services to hospitals for a fee in
24 exchange for better grades?
25 A. Yes.

1 **Q. Okay. And is it your belief that that**
2 **offering of consulting services in exchange for a fee**
3 **for better grades is currently advertised on the**
4 **Leapfrog website somewhere?**
5 A. I don't know if it's advertised on the
6 Leapfrog website. However, I've received emails such
7 as the webinar where you would have to pay to like get
8 it -- the additional information.
9 **Q. And so it's your understanding that Leapfrog**
10 **offers paid for webinars that hospitals can pay for in**
11 **exchange for learning how to get a better grade?**
12 A. Correct.
13 MR. TAKAGAKI: Objection.
14 BY MS. BLAIR:
15 **Q. Is it your understanding that those**
16 **webinars -- well, what is your understanding? Is it**
17 **related to the safety grade or the survey**
18 **participation?**
19 A. So my understanding was from years back.
20 **Q. Okay.**
21 A. And unless it's changed, my opinion hasn't
22 changed because I don't know that it's changed.
23 **Q. Okay.**
24 A. If that makes sense.
25 **Q. That makes sense. And I'm just trying to**

get a sense. So what you recall about years back was a webinar?

MR. TAKAGAKI: Objection. Misstates her testimony.

A. The webinar -- the webinar is current.

BY MS. BLAIR:

Q. Okay.

A. From prior years back I reviewed the information on the consulting fees.

Q. Okay. And but I want to make sure I understand your testimony. So there's the reviewing of consulting fees years back, correct?

A. Correct.

Q. And then your belief that Leapfrog charges for consulting services in exchange for a fee for a better grade is also based on webinars that are current, is that a fair recitation of your testimony?

A. Emails received regarding webinars where there's a charge.

Q. And I want to focus just on the webinars where there's a charge. Do you have any recollection of whether those webinars were related to the survey or the hospital safety grade?

A. I don't recall. But if you have a document, I'm happy to look at it.

1 Q. I don't.
2 Do you recall how much the fee was for
3 engaging in the webinar?
4 MR. TAKAGAKI: Objection.
5 A. It was around $350.
6 BY MS. BLAIR:
7 Q. Okay. And did you save those emails?
8 A. I believe so.
9 Q. Okay. And do you believe those emails were
10 produced in this litigation? I'm sorry. Do you
11 believe you collected those emails and produced them to
12 your counsel for production in this litigation?
13 A. I don't recall.
14 Q. Do you recall having any conversations with
15 anyone associated with Palm Beach Health Network at any
16 time up until today outside the presence of your
17 counsel about your belief that Leapfrog charges
18 hospitals consulting fees in exchange for better
19 grades?
20 A. I don't recall.
21 Q. Do you recall ever having a conversation
22 with Sheri Montgomery at any time outside the presence
23 of your counsel about your belief that Leapfrog charges
24 hospitals consulting fees in exchange for better
25 grades?

A. I recall having a conversation with Sheri Montgomery in regards to what Leapfrog charges for, what I know they charged for and what I don't know that they charged for.

Q. Okay. And tell me about that conversation. What do you recall you told Sheri Montgomery about what they charge for, what they don't charge for and what you don't know they charge for?

A. I did not think that they, that Leapfrog charged to enter data on the website. I do recall that we had a discussion about the licensing fee and the use of the logo, the amount of money that it was taking for employees to complete, hours and time and money to complete the survey. And at that time I think that was all.

Q. Okay. And when you say "licensing fee and use of logo," what do you mean by "licensing fee"?

A. To use the logo.

Q. So that's all one, licensing fee and use of logo is the licensing fee to use the logo?

A. Correct.

Q. And are you aware of whether or not any of the five hospitals that make up the Palm Beach Health Network pay a licensing fees to use the Healthgrades® logo?

A. I'm not aware.

Q. And so when you said there's no charge for entering data, what did you mean by that?

A. To put it into the website.

Q. And so is it fair to say that there's no charge for completing the survey?

MR. TAKAGAKI: Objection.

A. I wouldn't necessarily say that because there's time and energy, all the time that goes into completing the survey, the time that goes into prepping for CPOE, completing CPOE. You know, that has monetary value.

BY MS. BLAIR:

Q. Of course. And so I want to separate that out. I want to ask about charges that Leapfrog charges for. So set aside time and energy to complete the survey.

Is it fair to say that Leapfrog does not charge a hospital a fee that comes back to Leapfrog for completing the survey?

A. It's fair to say that we're not charged for entering data into the website.

Q. And even if you don't participate in the Leapfrog survey, would you agree with me that you can go on the website and print out for free the survey

1 **itself and use it in any form you want?**
2 A. Yes, I am aware of that.
3 **Q. And are you aware of whether or not after**
4 **these five hospitals, the five hospitals that are**
5 **plaintiffs in this litigation stopped participating in**
6 **the Leapfrog Hospital Survey, whether they used the**
7 **Leapfrog Hospital Survey in any way from 2021 to**
8 **present day?**
9 MR. TAKAGAKI: Objection. Vague.
10 A. Not that I recall.
11 BY MS. BLAIR:
12 **Q. Do you know whether or not any hospital that**
13 **you ever have been associated with has paid for the**
14 **licensing use of the Leapfrog logo?**
15 A. I'm not aware.
16 **Q. Do you know whether St. Mary's has ever paid**
17 **for the use of the Leapfrog logo?**
18 A. I'm not aware.
19 Q. While you were the director of quality for
20 Good Samaritan and you had some responsibility for
21 completing the 2021 hospital survey for Good Samaritan,
22 did Good Samaritan accurately report its data to the
23 Leapfrog survey?
24 MR. TAKAGAKI: Objection.
25 A. To my knowledge.

BY MS. BLAIR:

Q. Are you aware of any hospital that purposefully overinflates its survey results on the Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection.

A. I'm not aware.

BY MS. BLAIR:

Q. When Good Samaritan participated in the Leapfrog survey in 2021, was there staff dedicated to just the Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection.

A. There weren't staff just dedicated for Leapfrog survey.

BY MS. BLAIR:

Q. When Good Samaritan engaged in the Leapfrog Hospital Survey in 2021, were there physicians that were -- did time get taken away from physicians to complete the Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection. Vague.

A. Yes.

BY MS. BLAIR:

Q. Okay. And in what way do you believe that time was taken away from physicians to complete the hospital -- the Leapfrog Hospital Survey at Good Samaritan in 2021?

A. With CPOE tests.

Q. And, again, do you know how long that CPOE test took?

MR. TAKAGAKI: Objection. Asked and answered.

A. I don't recall.

BY MS. BLAIR:

Q. Other than physicians being involved in the CPOE test for the Leapfrog Hospital Survey in 2021 while you were at Good Samaritan, do you know of any other physician time that was taken away from the physician to complete the hospital survey?

A. Just broadly I'll say the physician advisor collaborated with us on the CPOE prep, the test and the data review.

Q. Okay.

A. But I don't know how much time they spent.

Q. And other than the CPOE measure, are you aware of any physician time in 2021 while you were associated with St. Mary's in completing the Leapfrog Hospital Survey, any other physician time that was taken away to complete any other measures on the Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection.

A. I wasn't at St. Mary's.

BY MS. BLAIR:

Q. I'm sorry. Good Samaritan. Thank you.

A. Could you repeat your question?

Q. Sure.

So you've told me, correct, you told me about physician time that was taken away for a physician to engage in the CPOE measure, correct?

A. Correct.

Q. Are you aware of any other physician time other than the CPOE that was spent in 2021 at St. Mary's -- at Good Samaritan -- sorry -- at Good Samaritan in completing the Leapfrog Hospital Survey?

A. Not that I recall.

Q. And then let's do the same thing with respect to nurses. Are you aware of nursing time that was taken away in 2021 when you were completing the Leapfrog Hospital Survey for Good Samaritan that was taken away to help complete the Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection.

A. Not that I recall specifically.

BY MS. BLAIR:

Q. What about generally?

A. Directors of quality are nurses, so I'm

trying to make the distinction. Not that I recall.

Q. How long does it take -- and let's just talk about your involvement at St. Mary's now present day.

How many hours does it take to prepare for and engage with Joint Commission on an annual basis?

MR. TAKAGAKI: Objection.

A. I don't recall sitting here today, but we complete survey readiness every day.

BY MS. BLAIR:

Q. Every day of the year?

A. Every day of the year.

Q. Are there any measures on the Leapfrog -- to your knowledge, are there any measures on the Leapfrog Hospital Survey that are similar to data requests contained for the Joint Commission?

MR. TAKAGAKI: Objection.

A. I'm going through it in my head right now.

BY MS. BLAIR:

Q. That's all right. Take your time.

A. Yes.

Q. And what are those?

A. CLABSI prevention, CAUTI prevention, C. diff prevention, MRSA prevention. That's what we do on a daily basis.

Q. Are you aware of any regulatory agency that

measures CPOE compliance?

MR. TAKAGAKI: Objection.

A. Not that I recall.

BY MS. BLAIR:

Q. Are you aware of any regulatory compliance that measures BCMA compliance?

MR. TAKAGAKI: Objection.

A. May I go back one --

BY MS. BLAIR:

Q. Sure, yeah.

A. -- for CPOE and clarify that? Yes, I'm aware in terms of Joint Commission activity when they are on site, they review how physicians enter orders into the electronic medical record.

They also while they're on site will watch medication pass, they'll look at barcode scanning and make sure that we're going through the five patient rights.

They will also review the medication policy.

They will review the bylaws and the rules and regulations.

And they will observe and speak to staff.

Q. And so that would cover both, as I understand your answer, but you tell me, CPOE and BCMA, correct?

A. That is correct.

Q. And that was the Joint Commission, correct?

A. That is correct.

Q. Are you aware of any regulatory agency that reviews compliance with hand hygiene?

MR. TAKAGAKI: Objection.

A. Yes.

BY MS. BLAIR:

Q. And what regulatory agency reviews compliance with hand hygiene?

A. The Joint Commission and the agency on healthcare administration in Florida.

Q. And the Agency for Health Care Administration in Florida, is that acronym AC -- AHCA?

A. Yes.

Q. And can you tell just tell me a little bit about how the Joint Commission reviews hand hygiene protocols for hospitals, to the best of your knowledge?

A. Okay. They review our standard precautions policy. They observe staff while they're on site correctly performing hand hygiene, whether it's through soap and water or alcohol-based hand rub. They review our audits and our outcomes.

Q. And what do you mean by "audits"?

A. We complete review observations of hand

hygiene.

Q. And are those the logs that each hospital keeps on the observations of hand hygiene?

A. So I can't necessarily speak to the logs, but I can speak to the data that are collected and the data that are reported.

Q. Okay. And how is the data collected for these five hospitals as it relates to the audits for hand hygiene?

A. It is my understanding that each leader chooses an observer that has had education and competency to observe staff appropriately either washing with soap and water or utilizing the alcohol-based hand rub.

Q. And is there an audit report that is generated specifically with respect to hand hygiene for each of the five hospitals that are plaintiffs in this litigation?

A. Yes.

Q. And do you know whether that hand hygiene audit report has -- was gathered by you and produced to your attorneys for production in this litigation?

A. It was requested by attorneys, and hand hygiene information was produced.

Q. And then you said, with respect to the

Joint Commission's review of hand hygiene, they also review outcomes. Do you recall that?

A. Yes.

Q. What did you mean by "outcomes"?

A. They have a data review session and they review it during that time.

Q. And are the outcomes the outcomes of the observations of the hand washing?

A. Correct.

Q. So the word "outcomes" doesn't mean outcomes to patients like infection, correct?

A. It could, but what I was referring to was observations.

Q. Right. In this context you're referring to the observations, correct?

A. Yes.

Q. And then how does the AHCA observe hand hygiene in the hospitals? I'm sorry. I said "observe."

How do they monitor compliance with hand hygiene in the hospital?

A. I'll give you a great example.

Q. Excellent.

A. They were just on site in the spring for all five hospitals specifically focused on quality of care,

1 infection control and hand hygiene. It was a large
2 focus for them. And they observed staff at that time.
3 They reviewed policies. They looked at our audits.
4 They looked at our hand hygiene outcomes. We had no
5 findings. So they basically validated our program.
6 **Q. And is there any regulatory agency -- so you**
7 **told me about the Joint Commission and the AHCA with**
8 **respect to hand hygiene. Any other regulatory agencies**
9 **you can think of that monitor the hospitals' hand**
10 **hygiene?**
11 A. None that comes to mind.
12 **Q. And then with respect to ICU physician**
13 **staffing, are there any regulatory agencies that you're**
14 **aware of that monitor the hospital's ICU physician**
15 **staffing?**
16 MR. TAKAGAKI: Objection.
17 A. Not to my knowledge.
18 BY MS. BLAIR:
19 **Q. Are you aware -- and I want to talk**
20 **specifically about the Joint Commission.**
21 **Are you aware that whether or not the Joint**
22 **Commission's findings with respect to CPOE, hand**
23 **hygiene and BCMA are available to the public?**
24 A. I do not believe that the Joint Commission
25 findings are, but AHCA should be.

Q. AHCA, that's a-h-c-a?
A. Yes.
Q. And so and AHCA, a-h-c-a, they only observe with respect to those three, the hand hygiene?
MR. TAKAGAKI: Objection.
A. The last -- the last that they were on site, that's what they surveyed to.
BY MS. BLAIR:
Q. Okay. Do they ever do CPOE or BCMA?
A. They could in the same way that the Joint Commission does in terms of observing, reviewing medical records, reviewing audits.
Q. And do you know if they ever have, at least for these five hospitals, to the best of your knowledge, done a review of the CPOE system for any of the five hospitals that make up Palm Beach Health Network?
A. I can speak confidentially to their review of how that system works, how there's information that guides the physician, monitoring it through the medical record -- or reviewing it through the medical record. It's basically those two things.
Q. So AHCA will come in and monitor that for CPOE?
A. Not specifically. But while they're on

1 site, that is a component, that could be a component of
2 their review.
3 **Q. And to the extent they do review CPOE when**
4 **they're on site, are the findings that -- are AHCA's --**
5 **sorry -- findings reported publicly for the public to**
6 **review?**
7 A. To my knowledge, they're available.
8 **Q. Okay. We talked earlier today about the**
9 **decision by the five hospitals to stop participating in**
10 **Leapfrog Hospital Survey in or around 2021. To the**
11 **best of your knowledge, was anybody from Tenet home**
12 **office involved in that decision?**
13 A. To the best of my knowledge, no one was.
14 **Q. Okay. Talking specifically about**
15 **Good Samaritan in or around 2021, do you recall once**
16 **Libby Flippo made the recommendation that there would**
17 **no longer be -- and it was agreed to -- no longer be**
18 **participation in the Leapfrog Hospital Survey, do you**
19 **recall any conversation -- do you recall what the**
20 **reaction was among your direct reports at**
21 **Good Samaritan regarding that decision?**
22 MR. TAKAGAKI: Objection.
23 A. We supported the decision.
24 BY MS. BLAIR:
25 **Q. Do you recall whether or not anyone**

1 expressed any concern to you about the fact that --
2 and, again, just Good Samaritan in 2021 -- that
3 Good Samaritan was stopping participating in the
4 Leapfrog Hospital Survey?
5 A. Not that I recall.
6 Q. Do you recall any discussions among -- any
7 discussions with anyone after the decision was made in
8 2021 about whether or not the five hospitals would
9 still receive a grade, a Leapfrog Hospital Safety Grade
10 after the hospital stopped participating in the
11 Leapfrog survey?
12 A. So very broadly, yes.
13 Q. And what do you recall very broadly about
14 that discussion?
15 A. Once we stopped, we were concerned still how
16 that would be reflected to our community and to our
17 patients. We didn't know if it was going to have
18 negative effect on the grade, how it would be perceived
19 by the public.
20 Q. And when you say how that would be perceived
21 by the public, are you referring to the fact that
22 you're no longer participating in the survey?
23 A. Correct.
24 Q. And was there any change in perception by
25 the public once you stopped participating in the

Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection.

A. Yes.

BY MS. BLAIR:

Q. And what was it?

A. When it changed to imputed scoring and our grades just automatically dropped because we were no longer participating --

Q. Okay.

A. -- that's when I became aware that we were losing patients and we were going to potentially lose surgeons because of that methodology change.

Q. Okay. So I want to walk back in time. So I want to talk about 2021 when the decision is made to stop participating in the Leapfrog Hospital Survey. Were there any discussions in or around that time about the impact, if any, that not participating in the survey would have on the hospitals?

A. I mean, I just don't recall specifically, but if you can show me something.

Q. Yeah, I'm just trying to ask right now for your general recollection.

A. Okay.

Q. And let's just kind of go back.

Do you understand that the hospital survey

1 **is separate and distinct from the hospital safety**
2 **grade?**
3 MR. TAKAGAKI: Objection.
4 A. Yes.
5 BY MS. BLAIR:
6 **Q. Okay. And would you agree with me that the**
7 **hospital survey that we've been discussing this morning**
8 **that's quite lengthy and you described measures many**
9 **things other than the four imputed measures that this**
10 **litigation is about?**
11 A. Yes.
12 MR. TAKAGAKI: Objection.
13 BY MS. BLAIR:
14 **Q. And in 2021 when the hospitals stopped**
15 **participating in the Leapfrog Hospital Survey, were**
16 **there any discussions about whether or not the**
17 **hospitals would continue to be graded by Leapfrog**
18 **despite the fact that they were no longer participating**
19 **in the hospital survey?**
20 A. I just don't recall specifically.
21 **Q. Do you recall any conversations where -- any**
22 **conversations at all where anyone associated with**
23 **Palm Beach Health Network stated their belief that**
24 **because the hospital was no longer, any one of these**
25 **five hospitals was no longer participating in the**

Leapfrog Hospital Survey, they would no longer receive a safety grade?

A. I don't recall.

MR. TAKAGAKI: Objection. Sorry. You're talking about '21 still?

MS. BLAIR: Yes.

BY MS. BLAIR:

Q. Same question with respect to 2022 -- well, let's talk about 2022 now. We'll go to 2022.

2022 would be the first year that these five hospitals were not participating in the Leapfrog survey, correct?

A. Correct.

Q. And, yet, these five hospitals receive hospital safety grades in 2022, correct?

A. Correct.

Q. When the hospital safety grades came out in 2022, let's just talk about the spring of 2022, was there any discussion that you can recall that you were surprised that Leapfrog was continuing to grade hospitals in light of the fact that you were no longer participating in the survey?

MR. TAKAGAKI: Objection.

A. I don't recall that for 2022.

BY MS. BLAIR:

1 **Q. As the director of quality in 2022 for both**
2 **the Palm Beach Health Network and for Good Samaritan,**
3 **did you have a belief as to whether or not**
4 **nonparticipating hospitals -- and by that I mean,**
5 **nonparticipating in the survey -- received hospital**
6 **safety grades from Leapfrog?**
7 A. Would you mind repeating the question?
8 **Q. Yes. I'm trying to figure out what your**
9 **understanding was as the director of quality for both**
10 **Palm Beach Health Network and Good Samaritan in or**
11 **around 2022 as to whether or not nonparticipating**
12 **hospitals received hospital safety grades from**
13 **Leapfrog.**
14 A. I'm so sorry. I don't recall.
15 **Q. Okay. But you did receive a grade, you did**
16 **receive grades from Leapfrog in 2022, correct?**
17 A. To my knowledge.
18 **Q. Do you recall any discussions as the**
19 **director of quality for Palm Beach Health Network with**
20 **anybody at any of the five hospitals about the fact**
21 **that the hospitals were still receiving a hospital**
22 **safety grade even though the hospitals were not**
23 **participating in the survey?**
24 A. I don't recall sitting here today, but I'm
25 happy to look at a document.

Q. I don't have a document. Sorry. I will. To your --

MR. TAKAGAKI: I'm sorry. Are you still on 2022?

MS. BLAIR: Yes.

MR. TAKAGAKI: Okay. The last question didn't clarify that, so that's why. I apologize.

BY MS. BLAIR:

Q. Okay. To your knowledge, was there an expectation ever discussed in 2022 when the hospital safety grades came out that hospitals that did not participate in the hospital survey should not receive a grade from Leapfrog?

MR. TAKAGAKI: Objection.

A. I don't recall.

BY MS. BLAIR:

Q. In 2023, the five hospitals that are plaintiffs in this litigation also received hospital safety grades from Leapfrog, correct?

A. Correct.

Q. In 2023 when hospital safety grades came out in both the spring or the fall, do you have any recollection of any conversations with anyone at any of the five hospitals about the fact that your expectation

would be that a hospital that does not participate in the Leapfrog Hospital Survey is still getting a hospital safety grade?

MR. TAKAGAKI: Objection.

A. I don't recall.

BY MS. BLAIR:

Q. You don't recall any conversations about that?

A. In 2023?

Q. Right.

MR. TAKAGAKI: Objection.

A. That is correct.

BY MS. BLAIR:

Q. Okay. So just to recap, in 2021, 2022 and 2023, you don't recall any conversations with anyone expressing to you that they were surprised that the hospitals were still receiving a hospital safety grade in light of the fact that the hospitals were no longer participating in the Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection.

A. I don't recall any specific conversations.

BY MS. BLAIR:

Q. As the director of quality for Palm Beach Health Network and Good Samaritan in 2020 through 2023, did you understand how the Leapfrog Hospital Safety

1 **Grade worked?**
2 A. Yes.
3 **Q. And did you understand in or around that**
4 **time that Leapfrog provided hospital safety grades for**
5 **approximately 3,000 acute care centers around the**
6 **country?**
7 A. I was not aware of the number.
8 **Q. Were you aware that it was more than just**
9 **Florida?**
10 A. Yes.
11 **Q. Were you aware that it was across the**
12 **country?**
13 A. I feel like that's so broad because I know
14 that it's voluntary and not everyone participates.
15 **Q. Right. And I'm talking about two separate**
16 **things.**
17 A. Okay.
18 **Q. So the survey is voluntary, correct?**
19 A. Correct.
20 **Q. Do you have any understanding of whether the**
21 **hospital safety grade is voluntary?**
22 A. Yes.
23 **Q. Okay. And what is your understanding as to**
24 **whether or not the hospital safety grade is voluntary?**
25 A. I understand that there are measures that

come from CMS that are publicly reported that go into the safety grade, and that is not voluntary.

Q. Right. Do you understand that Leapfrog grades all acute, adult acute care centers regardless of whether they participate in the survey or not?

A. Could you clarify?

Q. Sure. So there are hospitals that participate in the hospital survey, correct?

A. Correct.

Q. And do you have any understanding of the percentage of adult acute care hospitals that participate in the Leapfrog Hospital Survey in 2025?

A. Off the top of my head I want to say 80 percent.

Q. Okay. And so I'm not holding you to that number, but let's just say 80 percent. So there are 20 percent of adult acute care hospitals in the United States that do not participate, then, in the Leapfrog Hospital Survey, correct?

A. On or about.

Q. Excellent.

Do you have an understanding, though, that all of those hospitals, whether they submit a survey or not, get a hospital safety grade?

A. Yes.

1 Q. And did you have that understanding in '21,
2 '22 and '23 when you were the director of quality for
3 Palm Beach Health Network during those years?
4 MR. TAKAGAKI: Objection.
5 A. Yes.
6 BY MS. BLAIR:
7 Q. Okay. Sorry to make that so confusing.
8 So prior to the fall of 2024 -- well, hold
9 on one second.
10 MS. BLAIR: I'm getting into a new topic.
11 Is everybody okay to keep going, or would you
12 like to take a lunch break in light of the fact
13 it's noon?
14 MR. TAKAGAKI: I'll defer to the witness.
15 MS. MALONEY: How long have we been on the
16 record since the break?
17 MR. TAKAGAKI: About 40 minutes, I think.
18 THE VIDEOGRAPHER: 37.
19 MS. BLAIR: Oh, I can keep going. I just, I
20 don't want to make anybody --
21 MR. TAKAGAKI: Yeah, no reason.
22 (A discussion was held off the record.)
23 BY MS. BLAIR:
24 Q. And I want to now focus on, you understand
25 that Leapfrog changes its methodology from time to

time, correct?

A. I'm aware of that.

Q. And are you aware that there was a change in the Leapfrog methodology in 2023?

A. I don't recall.

Q. Now I have some documents, and I don't know why this printed out on half bond paper and half not, but here we are. This is the only one that did.

(Defendant's Exhibit Number 3 for i.d.)

BY MS. BLAIR:

Q. Ms. West, I'm handing you what's now been marked as Exhibit 3 to your deposition. This is an email from Andrea Nunes to Ricardo Ramirez and yourself dated January 26, 2023. Do you see that in front of you?

A. I do.

MR. TAKAGAKI: I'm sorry, Counsel. Before you continue --

MS. BLAIR: There's no Bates labels because I printed it out from your natives. So sorry.

MR. TAKAGAKI: I see. Do you know the Bates?

MS. BLAIR: I don't, but I can get these for you at the end of deposition.

MR. TAKAGAKI: Sure, that's fine.

MS. BLAIR: There will be a few that look like this.

MR. TAKAGAKI: No problem. Thanks.

MS. BLAIR: But I promise you, it's not from my documents.

BY MS. BLAIR:

Q. And you'll see the subject here is "Forward: Just Published 2023 Hospital Safety Grade Methodology Leapfrog."

Do you see that?

A. I do.

Q. And in or around 2023, who was Andrea Nunes?

A. Director of quality at West Boca Medical Center.

Q. Is she still?

A. She is.

Q. And she is informing both you and Mr. Ramirez of new revisions for 2023. Do you see that?

A. Can I have a moment to --

Q. Oh, yes, please, take your time.

A. Can I look at the whole thing?

Q. Absolutely. Just let me know when you're ready.

MR. TAKAGAKI: I'm sorry, Kim. While you're

1 looking, the staples came off a little bit, but
2 I assume these are part of the document, right?
3 MS. BLAIR: Yes, they're part of mine, yeah,
4 exactly.
5 MR. TAKAGAKI: Okay. Thanks.
6 MS. BLAIR: Oh, yeah, those have Bates
7 numbers so we'll be able to figure out the other
8 Bates numbers.
9 BY MS. BLAIR:
10 **Q. Ms. West, have you had a chance to review**
11 **what we have now marked Exhibit 3 to your deposition?**
12 A. Yes.
13 **Q. Having seen this document and reviewed it,**
14 **does this refresh your recollection as to what may have**
15 **been occurring with respect to Leapfrog Safety Grade**
16 **methodology change in or around 2023?**
17 A. Yes, it hasn't triggered a memory, but I
18 understand what I've read.
19 **Q. Okay. But you have no -- as you sit here**
20 **today, you have no memory of this email; is that a fair**
21 **statement?**
22 A. That's fair.
23 **Q. And do you see here that Andrea Nunes is**
24 **saying that it appears that we will continue to receive**
25 **the score of five for ICU staffing. Do you see that?**

A. Yes.

Q. Having reviewed this document now, do you have an understanding of what she's referring to when she is telling you that?

A. Yes.

Q. And what is your understanding?

A. My understanding is that if the five would be carried over to the new grade.

Q. Okay. And do you understand why West Boca was receiving a five for ICU staffing in or around January of 2023?

A. I do.

Q. And what is that understanding?

A. They did not receive full credit for their staffing model during that time period.

Q. And was that based on a survey submission that they had made?

A. Yes, to my knowledge.

Q. And then you see here it says, also the second paragraph it said, "We could have an opportunity for a B if we resubmit it. Our risks include BCMA has not achieved 95 percent."

Do you see that?

A. I see it.

Q. And what do you understand the phrase "BCMA

1 **has not achieved 95 percent" to refer to?**
2 A. She's referring to the Leapfrog threshold.
3 **Q. And so is it your understanding that they**
4 **would not receive full credit for BCMA in 2023 due to**
5 **the fact that BCMA has not achieved a 95 percent**
6 **threshold?**
7 A. Andrea's email says, "Our risks include BCMA
8 has not achieved 95 percent."
9 **Q. Okay. And I thought you just told me, but**
10 **maybe I'm wrong, that it was the Leapfrog threshold is**
11 **95 percent, correct?**
12 A. Correct.
13 **Q. And then she says, "Our patient satisfaction**
14 **is worse."**
15 **Do you see that?**
16 A. Yes.
17 **Q. Do you have an understanding of whether or**
18 **not when she refers to patient satisfaction she's**
19 **referring to the HCAHPS scores?**
20 A. I don't know exactly what she was referring
21 to.
22 **Q. Okay. And she goes on to say, "CAUTI**
23 **increased in 2022," correct?**
24 A. Correct.
25 **Q. And CAUTI is the UTI infections from**

catheters, correct?

A. Correct.

Q. And she goes on to say, "I do know that Christen," C-h-r-i-s-t-e-n, Mayer stated we would not participate as a system in 2023."

Do you see that?

A. I do.

Q. Who is Christen Mayer?

A. At the time, she was a national director of quality.

Q. Okay. And when you say "national director of quality," is that at the Tenet home office level?

A. Yes, it is.

Q. And so does that mean that at least for 2023 home office had directed that the five hospitals that make up Palm Beach Health Network would not be participating in Leapfrog in 2023?

A. According to this email.

MR. TAKAGAKI: Objection.

A. According to this email.

BY MS. BLAIR:

Q. And when he says, "We will not participate as a system," do you know what that means, "a system"?

A. Yes.

Q. And what does that mean to you?

A. Tenet Healthcare.

Q. So that means all of the hospitals within Tenet Healthcare, correct?

MR. TAKAGAKI: Objection.

A. Correct.

BY MS. BLAIR:

Q. And then they say, "This is a topic that we need to discuss."

I say "they." Andrea, "This is a topic we need to discuss?"

Do you see that's how she ends her email?

A. Yes.

Q. Do you recall whether there were any discussions about West Boca participating in the Leapfrog Hospital Survey for 2023?

A. I don't recall this one in particular. I do recall just broadly that there had been discussions over time.

Q. And do you recall as you reviewed this document and the attachments that all hospitals that did not have survey results for four rounds were also going to receive a 5 for ICU physician staffing going forward?

A. Yes.

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

Q. And so, as I understand it, or do you have an understanding that in -- for the spring 2024 Leapfrog Hospital Safety Grade the other four hospitals, sans West Boca, were receiving 100 percent for ICU physician staffing because they still had survey materials in the system with Leapfrog from four rounds prior?

MR. TAKAGAKI: Objection. I think you said spring 2024.

MS. BLAIR: Correct, I did.

MR. TAKAGAKI: Okay.

A. Yes.

(Defendant's Exhibit Number 4 for i.d.)

BY MS. BLAIR:

Q. Thank you. And then if we go to Exhibit 4, Ms. West, I'm handing you what we've now marked West Exhibit 4, which is, again, an email with no Bates numbers --

MS. BLAIR: And I will get those for you at the end of this deposition, Counsel.

BY MS. BLAIR:

Q. -- but this is an email from you to Libby Flippo at the top dated January 27th, 2023. Do you have that email in front of you?

A. I do.

Q. And this is one day after the Exhibit we just saw that was marked as Exhibit 3, correct?

A. Correct.

Q. Do you having -- do you need time to review this?

A. Yes.

Q. Okay. Do you recall sending this email in or around January of 2023?

A. I don't recall sending it, but I see that I did.

Q. Okay. And, again, who is Libby Flippo?

A. She's the market chief nursing officer.

Q. And it says here, you are saying, "Hi, Libby. West Boca would like to participate in Leapfrog's survey. Required elements in order to change the ICU coverage results."

Do you see that?

A. Yes.

Q. Do you recall that you did reach out to Libby Flippo and asked her for an exemption for West Boca to participate in the Leapfrog survey?

A. In general, yes.

Q. Okay. Do you recall what Libby Flippo's response to you was in or around this time?

A. I do not recall.

Q. Do you know whether or not West Boca ended up participating in the Leapfrog Hospital Survey for spring of 2023?

A. Not to my knowledge.

Q. Do you know why they did not participate in the Leapfrog Hospital Survey for the spring of 2023?

A. Yes.

Q. And why?

A. We were upholding the decision to focus in on other required areas of our work.

Q. And even though you were with -- upholding that decision, you still reached out to Libby Flippo for the exemption, correct?

A. I did.

Q. And so is it your memory, to the best of your recollection, that after consultation with Libby Flippo, the decision was made that you would withhold the decision not to participation in Leapfrog surveys for any of the five hospitals?

MR. TAKAGAKI: Objection.

A. I recall that we did not continue to participate.

BY MS. BLAIR:

Q. Do you recall whether it was your decision

or Libby Flippo's decision that West Boca not participate in the spring of 2023 in the Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection.

A. I don't recall.

BY MS. BLAIR:

Q. Is there a reason that you reached out to Libby Flippo regarding West Boca's permission to participate in the survey for 2023 as opposed to anyone else?

A. I reported to her at the time.

Q. Okay. Do you know if Libby Flippo would have needed to reach out to anyone else to see if there was permission granted for West Boca to participate in the Leapfrog survey in 2023?

MR. TAKAGAKI: Objection.

A. I don't have knowledge of it.

BY MS. BLAIR:

Q. Based on the reporting system in place for Palm Beach Health Network, would Libby Flippo have had the authority on her own to make the decision as to whether or not West Boca would participate in the Leapfrog Hospital Survey for the spring of 2023?

MR. TAKAGAKI: Objection.

A. I don't want to speculate on that because I

truly don't know.
BY MS. BLAIR:
Q. Okay. Are you aware of any email response from Libby Flippo back to you regarding the decision as to whether or not West Boca could participate in the Leapfrog Hospital Survey in 2023?
A. I don't recall.
Q. Other than West Boca's request to participate in the Leapfrog Hospital Survey in 2023, are you aware of any other hospitals that are part of the Palm Beach Health Network that requested permission to participate in the Leapfrog Hospital Survey in 2023?
A. Sitting here today, I just can't pull that from my memory. But if you have a document --
Q. I don't. I just want to know your memory.
Are you aware of -- other than this West Boca situation do you have any recollection of another hospital asking to participate?
A. I don't.
Q. And are you aware in 2023 whether any of the other hospitals other than West Boca that make up the Palm Beach Health Network were receiving any scores other than 100 out of 100 for ICU physician staffing?
MR. TAKAGAKI: Objection.
A. No.

BY MS. BLAIR:

Q. And are you aware as you sit here today that for the other three measures that are at issue in this litigation, BCMA, CPOE and hand hygiene, all five of the hospitals that make up the Palm Beach Health Network were receiving 100 out of 100 points for those three measures?

MR. TAKAGAKI: Objection.

A. I'd have to look at it.

BY MS. BLAIR:

Q. Okay. Do you have any understanding of how the Leapfrog methodology prior to the fall of 2024 treated those four measures, BCMA -- CPOE, BCMA, hand hygiene and ICU physician staffing, for nonparticipating hospitals in the hospital safety grade?

MR. TAKAGAKI: Objection.

A. I am aware that the calculation methodology changes over time. I'm aware that there are cohort averages assigned, that there are imputed scoring methodologies assigned, but I do not recall the exact time frames for all of those changes.

BY MS. BLAIR:

Q. Okay. And I'm not trying to be tricky. So for, let's just take the spring of 2024, do you have an

1 understanding that for those four measures, CPOE, BCMA,
2 hand hygiene and ICU physician staffing, that Leapfrog
3 had a two-step method wherein step one, a hospital that
4 had a survey done within the last two years would
5 receive the score from that survey, and if it hadn't,
6 it would receive the mean of its cohort?
7 A. I just re-read this in this document.
8 Q. Oh. Yes, that's from 2023, correct?
9 A. Okay. Yes.
10 Q. So now I'm asking about --
11 A. 2024?
12 Q. -- '24. Do you have any understanding of
13 how the imputation model worked in the spring of 2024
14 before the methodology change that we're here today in
15 this litigation for? So I just want to know what your
16 understanding was as to how the five hospitals at
17 Palm Beach Health Network were scored on the four
18 measures that are at issue in this litigation, and
19 let's just take for the spring of 2024.
20 A. I don't have a great memory for it because
21 we weren't participating at the time. I wasn't doing a
22 lot with Leapfrog so I just do not recall for that
23 moment.
24 Q. Okay. And you recall -- you do know,
25 though, that a change went into place in fall of 2024,

correct?

A. I am aware of that, yes.

Q. And what is your understanding of the difference between how the scoring worked in spring of 2024 versus how it was going to work in the fall of 2024?

A. So my own words --

Q. Your own words.

A. -- the scoring changed on those four measures: ICU staffing, CPOE, BCMA, hand hygiene, to an imputed scoring system that would give hospitals the lowest score if they did not participate.

Q. Did you have an understanding that for spring of 2024, those four measures also had an imputed scoring system?

A. Yes, high level, not at the lowest scoring possible.

Q. Right. And you had mentioned in one of your answers about the cohort. What is your memory about how that worked?

MR. TAKAGAKI: Objection.

A. I don't have a great memory for it so I don't feel like I can give a great response.

BY MS. BLAIR:

Q. Okay. So you just know that there was a

change, and the change was for fall of 2024 for those four measures, nonparticipating hospitals were going to receive limited achievement for those four measures, correct?

A. Correct.

Q. Did you have an understanding in or around fall of 2024 what was meant by "limited achievement"?

MR. TAKAGAKI: Objection.

A. My understanding, if we're still talking about imputed scoring --

BY MS. BLAIR:

Q. Yes. Sorry.

A. -- is that the lowest score possible would be assigned in those areas.

Q. Did you have an understanding that limited achievement referred to the lowest score received by a participating hospital?

A. Yes.

Q. And do you have an understanding that the way Leapfrog's methodology works --

MR. TAKAGAKI: I think she wasn't done answering.

BY MS. BLAIR:

Q. Oh, I'm sorry. Yeah.

A. I'd like to back up because you said a

1 participating hospital, and I said "yes."
2 **Q. Correct.**
3 A. But my understanding is, it's for
4 participating -- for nonparticipating hospitals --
5 **Q. Okay.**
6 A. -- that didn't participate with the survey
7 would get the lowest imputed score possible, so I did
8 not answer you correctly.
9 **Q. Okay. So that is -- that's your -- okay.**
10 **Let's go back through it. Good, thank you.**
11 A. Okay. Okay.
12 **Q. So your understanding is -- so let's just**
13 **rewind a little because I want to make sure my record**
14 **is clear and I understand, so I'm sorry I looked away.**
15 **Tell me one more time, what is your**
16 **understanding of what limited achievement means in the**
17 **Leapfrog scoring methodology?**
18 A. When it comes to the safety grade, my
19 understanding is that the imputed scoring gets assigned
20 to hospitals that do not participate in the survey.
21 **Q. Okay. And let's just take ICU physician**
22 **staffing for just for a moment because we just saw**
23 **that, right, in Exhibit 3, that email talks about ICU**
24 **physician staffing, correct?**
25 A. Correct.

Q. And you see in that email, Exhibit 3, that a hospital is going to get a score of five for ICU physician staffing, correct?

A. Correct.

Q. And do you understand that a score of five is associated with limited achievement on the Leapfrog scoring system?

A. Yes.

Q. And do you understand that that five is associated with the lowest score earned by a hospital that did participate in the Leapfrog Hospital Survey?

A. Yes.

MS. BLAIR: And I thought you guys said you wanted to go a break, so I'm happy to do so whenever.

MR. TAKAGAKI: Yes, whenever, that's fine.

THE VIDEOGRAPHER: Off the record 12:34.

(A recess was taken from 12:34 p.m. to 1:28 p.m.)

THE VIDEOGRAPHER: Back on the record 1:28.

BY MS. BLAIR:

Q. Ms. West, before the break we were starting to talk about how the Leapfrog scoring methodology for the hospital safety grade worked prior to 2024, do you recall that?

A. Yes.

1 Q. I'm sorry. Prior to fall of 2024. Do you
2 recall that?
3 A. Yes.
4 Q. And I think for purposes of this deposition,
5 can you agree with me that the methodology in spring of
6 2024 as it related to the four measures that are at
7 issue in this litigation was different or changed for
8 fall of 2024?
9 A. Yes.
10 Q. And do you have an understanding -- and I'm
11 trying to find something to show you. Do you have an
12 understanding that the scoring for the Leapfrog
13 Hospital Safety Grade consists of 22 different
14 measures?
15 A. Yes.
16 Q. And do you understand that they are divided
17 into two separate domains? Do you know what I mean
18 when I say that?
19 A. Yes.
20 Q. Okay. And twelve of the measures are in the
21 domain of process and structural measures, correct?
22 A. Yes.
23 Q. And ten of the measures are in the domain of
24 outcomes, correct?
25 A. Yes.

1 Q. And if we talk just briefly about those
2 measures that are in the outcome domain, do you have
3 any understanding of what those ten measures that are
4 in the outcome domain of the Leapfrog Hospital Safety
5 Grade scoring methodology are?
6 A. Yes.
7 Q. And what is your understanding of what they
8 are?
9 A. If I recall, those measures are received
10 from publicly reported data.
11 Q. And when you say "publicly reported data,"
12 are you referring to CMS data?
13 A. I am.
14 Q. I'm just trying to find, see if I've got
15 something I can show you.
16 And then with respect to the twelve process
17 and structural measures, do you have an understanding
18 of what those twelve structural and process measures
19 are in the Leapfrog Hospital Safety Grade methodology?
20 A. Could you show me a document?
21 Q. Yeah, I'm trying to find one.
22 But just generally speaking, you understand
23 that there are twelve measures that make up the
24 structural and process measures of the
25 Leapfrog Hospital Safety Grade methodology, correct?

A. I am.

Q. Do you understand that four of the measures that are in the structural and process domain of the Leapfrog Hospital Safety Grade methodology are the four measures that we've been referring here today: BCMA, CPOE, ICU physician staffing and hand hygiene?

A. Can you say that again, please?

Q. Sure. That was fast. Sorry.

So of the twelve measures that we just discussed that are in that domain of process and structural measures, do you understand the four measures that are at issue in the litigation fall within that process and structural domain?

A. I am.

Q. Okay. And do you understand that four of the twelve measures -- I'm sorry -- five of the twelve measures that fall within that process and structural domain of the Leapfrog hospital grade come from CMS data as well?

A. If you can show me a document.

Q. I am going to do that. Do you understand of the twelve measures that fall within the process and structural -- here we go -- structural domain, three of those measures for nonparticipating hospitals are simply coded as "declined to respond" and do not factor

into the ultimate hospital safety grade score that's given to a nonparticipating hospital?

MR. TAKAGAKI: Objection.

A. I am.

MS. BLAIR: I don't know who copied this, but here we are. I'm going to mark this now as Exhibit 5.

BY MS. BLAIR:

Q. Ms. West, I've now handed you what we've marked as Exhibit 5 to this deposition. Have you ever seen this document before?

A. Yes.

Q. And what is your understanding of what this document is?

A. This is the scoring methodology document for spring 2024 safety grade.

Q. Okay. And if we turn to page 5 of this document -- it might be 4 and 5. Oh, I'm sorry. Maybe 5 and 6. Do you see it starts with process structural measures, twelve?

MR. TAKAGAKI: I'm sorry.

A. I don't have a five.

MR. TAKAGAKI: The page numbers are kind of all over it. Like goes from 7 to 24 --

MS. BLAIR: Oh, yeah. I thought the copies

were weird, too.

MR. TAKAGAKI: -- 11 to 12.

MS. BLAIR: My copy is strange as well.

MR. TAKAGAKI: Yeah.

MS. BLAIR: You know what? I'm going to strike that Exhibit. I thought the copies were weird.

THE WITNESS: I don't have a five.

MS. BLAIR: Let's strike that Exhibit, then, from your -- from this deposition. I'll get it later. I'm get you a full copy later. So this is strange.

MR. TAKAGAKI: I think they're out of order.

MS. BLAIR: I think it looks like it was double sided, and they only copied the even sides is what that looks like.

So put that aside. I'll save it.

BY MS. BLAIR:

Q. With respect to the measures, the four measures that are at issue in this litigation -- let's go back in time.

Do you have an understanding that Tenet Healthcare required at least the five hospitals that make up the Palm Beach Hospital Network to provide its leap score, Leapfrog Hospital Safety Grade scores

at every grading period?
MR. TAKAGAKI: Objection.
A. Could you clarify, please?
BY MS. BLAIR:
Q. Sure. So do you have any recollection, at least from 2023 through 2025, as to whether or not Tenet home office requested the five hospitals that are plaintiffs in this litigation send home office copies of their Leapfrog scores every six months when they came out from Leapfrog?
A. I am aware.
Q. And do you know for what purpose there was a request from Tenet home office to supply those scores?
MR. TAKAGAKI: Objection.
A. Yes.
BY MS. BLAIR:
Q. And what do you understand the purpose was?
A. A collection of the grades.
Q. Do you know why they were collecting the grades?
MR. TAKAGAKI: Objection.
A. I don't know.
BY MS. BLAIR:
Q. Did you as the director of quality for Palm Beach Health Network ever have any discussions

1 with Maggie Gill about the reason that Tenet home
2 office continued to collect Leapfrog scores even though
3 the five hospitals were not participating in the
4 survey?
5 A. I don't recall having a discussion with
6 Maggie Gill.
7 Q. Do you recall having a discussion with
8 anybody about why home office was continuing to request
9 the five hospitals to send in their Leapfrog hospital
10 safety grades even though the hospitals were not
11 participating?
12 A. Yes, I do.
13 Q. And who did you have that conversation with?
14 A. I had it with a biostatistician, Bonnie. I
15 forgot her last name.
16 Q. Nukala?
17 A. Yes. Thank you.
18 Q. And Bonnie Nukala, who does she work for, to
19 the best of your knowledge?
20 A. To the best of my knowledge, she reports to
21 Tanushree Tomer.
22 Q. And does Tanushree Tomer work for
23 Tenet healthcare home office?
24 A. She does.
25 Q. And what was the substance of the

1 conversation you had with Bonnie Nukala about why
2 Tenet home office was continuing to collect Leapfrog
3 hospital safety grades even though the hospitals were
4 not participating in the Leapfrog Hospital Survey?
5 A. Just broadly speaking --
6 Q. Yes.
7 A. -- to get an understanding.
8 Q. To get an understanding of what?
9 A. Of why we continued to submit.
10 Q. Of why you continue to submit what?
11 A. The scores to the home office.
12 Q. Oh, okay. So you called Bonnie to get an
13 understanding. And what did she tell you about why you
14 continued to submit scores to the home office?
15 A. I actually emailed Bonnie, and she stated
16 that Alex Kim was -- continued to collect them.
17 Q. And who is Alex Kim?
18 A. Tanushree Tomer reports to Alex Kim and I've
19 forgotten his exact title.
20 Q. And did she tell you why Alex Kim continues
21 to collect them?
22 A. Not that I recall.
23 Q. Do you know if a report was ever produced in
24 any way related to the Leapfrog Hospital Safety Grades
25 that the Palm Beach hospitals were submitting to Tenet

1 **home office?**
2 MR. TAKAGAKI: Objection.
3 A. Could you ask that one more time?
4 BY MS. BLAIR:
5 **Q. Sure.**
6 **You told me Alex Kim was still collecting**
7 **the Leapfrog Hospital Safety Grades at least for these**
8 **five hospitals, correct?**
9 A. Correct.
10 **Q. Do you know whether or not Tenet home office**
11 **ever produced a report related to the hospital safety**
12 **grades that these five offices continued to submit to**
13 **Tenet home office?**
14 A. Not to my knowledge.
15 Q. Beyond the conversations you had with
16 Bonnie Nakula regarding -- to get an understanding of
17 why you were continuing to submit these, did you have
18 any other conversations with anyone else about why
19 these five Palm Beach Health Network hospitals were
20 continuing to be asked to submit their Leapfrog
21 hospital safety grades?
22 A. Yes.
23 **Q. Who else?**
24 A. If my memory serves me correctly, it was
25 Anna Gunod.

1 Q. And who is Anna Gunod?
2 A. The market director of infection control.
3 Q. And so when you say "market director," does
4 that mean she's over the Palm Beach Health Network
5 market?
6 A. I need to correct myself.
7 Q. Okay.
8 A. She is the national director.
9 Q. So she works for Tenet home office?
10 A. Correct.
11 Q. And what did she tell you about why the
12 Palm Beach hospital network hospitals were continuing
13 to be asked to submit their Leapfrog hospital safety
14 grades even though the hospitals were not participating
15 in the survey?
16 A. She asked me who had requested the grades.
17 Q. And what do you recall -- did you answer
18 her?
19 A. I answered her.
20 Q. And what did you tell her?
21 A. I recall that I explained that I was
22 submitting them to Bonnie Nukala.
23 Q. And was that in email?
24 A. Yes.
25 Q. And did you review that email in preparation

1 for your deposition today?
2 A. No.
3 Q. And then did you have any further
4 conversations with Anna Gunod regarding -- after you
5 told Anna Gunod that Bonnie was requesting the grades?
6 A. Say that just one more time.
7 Q. Sure, yeah.
8 A. Sorry.
9 Q. I'm confusing myself at this point.
10 After you had that conversation -- or after
11 you had that email exchange with Anna Gunod where she
12 asked you who was requesting the Leapfrog grades and
13 you answered her, Bonnie, do you recall whether or not
14 there was any further email exchange from Anna about
15 this topic, sharing the Leapfrog hospital grades?
16 A. Not that I recall.
17 Q. Did you have any follow-up with Bonnie about
18 the fact that Anna Gunod asked you about who was
19 requesting the grades?
20 A. Not that I remember.
21 Q. Other than the conversation you told me with
22 Bonnie Nukala and Anna Gunod, do you recall any other
23 conversations you may have had with anybody regarding
24 the fact that Tenet Healthcare was still requesting
25 Leapfrog grades be submitted even though the hospitals

were no longer participating in the survey?

A. As I sit here right now, I don't remember.

Q. That's fine.

A. But I'd be happy to look at a document.

Q. Just trying to figure out the extent of your memory.

Is it the case that since your time as director of quality for the Palm Beach Health Network that Tenet home office has requested the five hospitals to provide their Leapfrog Safety Grades to them on a biannual basis?

A. I don't know when the request started and for how long it was, you know, carried out

(Defendant's Exhibit Number 5 for i.d.)

MR. TAKAGAKI: Is this going to be 5 or 6?

MS. BLAIR: 5. I withdrew 5.

BY MS. BLAIR:

Q. Ms. West, I am handing you what we marked Exhibit 5. Again, it does not have a Bates number. And I will get that for counsel after the deposition.

This is an email from you to Andrea Nunes, Carola Kuret, Heather Wehmeyer, Taylor Pool and Kathleen McDonald, and the subject is "Leapfrog Market Analysis."

Do you see that?

A. Yes.

Q. And the date of this email is April 17th, 2023, correct?

A. Correct.

Q. And you say, "Hi, fellow quality leaders. I completed an analysis of our Leapfrog scores for 2023."

Do you see that?

A. Yes.

MR. TAKAGAKI: Objection. You left out "spring."

BY MS. BLAIR:

Q. Oh. "I completed a analysis of our Leapfrog scores for spring 2023."

Do you see that?

A. Yes.

Q. Do you know as you look at this email today in September of 2025 whether or not you were completing an analysis of the Leapfrog scores for Tenet home office?

A. It was not.

MR. TAKAGAKI: Objection.

A. It was not for Tenet home office.

BY MS. BLAIR:

Q. What do you recall about why you were completing an analysis of the Leapfrog scores for

1 **spring of 2023?**
2 A. I recall doing this each time that the
3 numerical scores were published.
4 **Q. And for what purpose did you do this each**
5 **time?**
6 A. I did it just so we could see what the
7 scores looked like.
8 **Q. Did you use the Leapfrog hospital scores to**
9 **benchmark yourself in terms of how your performance was**
10 **as compared to other hospitals in the area?**
11 MR. TAKAGAKI: Objection.
12 A. No, I did not.
13 BY MS. BLAIR:
14 **Q. And you say, the first bullet point you say,**
15 **"All five hospitals scored at a C level," correct?**
16 A. Correct.
17 **Q. And this would have been for the spring**
18 **2020 -- 2023 Leapfrog Hospital Safety Grade, correct?**
19 A. Yes.
20 **Q. And you say here, "The largest opportunity**
21 **continues to lie in patient experience."**
22 **Do you see that?**
23 A. I do.
24 **Q. Do you know what you were referring to when**
25 **you referred to patient experience?**

A. The category of patient experience.

Q. Does that refer in any way to the HCAHPS scores that are used to calculate the Leapfrog Hospital Safety Grade?

A. Yes.

Q. You then say in the next sentence, "West Boca would need to participate in the fall 2023 survey and change their BCMA and IPS performance as well."

Do you see that?

A. I do.

Q. And do you recall we saw an email earlier in this deposition where West Boca -- well, where you on behalf of West Boca was asking for an exemption to participate in the Leapfrog Hospital Survey, correct?

A. Correct.

Q. Were you as the director of quality for the Palm Beach Health Network supportive of West Boca participating in the fall 2023 survey?

A. I was.

Q. And why were you supportive of that?

A. Because we didn't want this to show negatively in the community. We didn't want for patients to be leaving our hospitals, to be leaving the area, for physicians to be leaving us, so a request was made each time to participate so that we wouldn't be

1 punished.

2 **Q. Okay. How in fall of 2023 would you be**

3 **punished?**

4 A. Well, we were being punished because of BCMA

5 and IPS at West Boca, so the grade was showing lower

6 than what they were actually performing. So their

7 community wouldn't know that they were actually

8 performing better than what was within the Leapfrog

9 grade.

10 **Q. Did we not see an email from West Boca that**

11 **we had marked previously, it's the January 2026 [sic]**

12 **email. I believe it's Exhibit 3 in front of you there.**

13 **It's the one with the weird colored paper. This is**

14 **from Andrea Nunes. And if you look, I'm looking at**

15 **Exhibit 3, she says that the BCMA has not achieved**

16 **95 percent. Do you see that?**

17 A. I do.

18 **Q. So is it your understanding that West Boca**

19 **was being punished somehow by Leapfrog in the spring of**

20 **2023 for its BCMA score?**

21 MR. TAKAGAKI: Objection.

22 A. Between January and April, I'm not sure how

23 that could have changed. It could have gotten better

24 between that time. But with all of these requests, it

25 was in an effort to not show worse in a Leapfrog grade

than we were actually performing for our community.
BY MS. BLAIR:
Q. Understood. In fall -- in spring of 2023, though, you understand that methodology change that we're in this litigation about had not yet been put into place, correct?
A. I understand.
Q. Okay. And so do you have any belief when we look at Exhibit 5 that West Boca was going to be punished for its BCMA grade based on the Leapfrog methodology?
MR. TAKAGAKI: Objection.
A. The request was to be able to re-enter the data to get all of the credit possible so that we wouldn't leave any credit on the table if that makes sense.
BY MS. BLAIR:
Q. Okay. That makes sense.
MS. BLAIR: Mark this as Exhibit 6.
(Defendant's Exhibit Number 6 for i.d.)
BY MS. BLAIR:
Q. Ms. West, I'm handing you what we've now marked as Exhibit 6, which is a calendar entry from Ashley Barquin. And it's the -- do you see that there?
A. Yes.

Q. And it says, "The location of this meeting is Gina's office." I assume you're Gina with respect to this.

A. Um-hum.

Q. And the subject line, is "Accepted Leapfrog-Good Sam."

And this is Friday. The meeting is set to take place on Friday 21st at 2023. Do you have any recollection of in or around the spring of 2023 what the purpose of this meeting would have been with Ashley Barquin?

A. I do not recall.

Q. And for the record, who is Ashley Barquin?

A. 2023. Ashley Barquin is a registered nurse who has worked at St. Mary's Medical Center and Good Samaritan Medical Center. At St. Mary's she was the assistant chief nursing officer. At Good Samaritan Medical Center she was the chief nursing officer.

Q. Okay. And do you have any understanding of what her involvement would have been in or around April of 2023 with respect to Leapfrog?

A. I don't recall. I don't recall meeting with Ashley at all.

Q. Okay. Do you know in 2023 was she the assistant chief nursing officer at St. Mary's or

Good Sam?

A. So she held more than just that role at St. Mary's Medical Center. It would either have been the ACNO or a different role. And I've forgotten which department she was in at the time.

Q. And to ask it maybe a different way, in 2023 was she working at St. Mary's?

A. I don't really recall.

Q. Do you recall whether in or around April of 2023 in your capacity as the director of quality for the Palm Beach Health Network you had an opinion about whether or not the five Palm Beach Health Network hospitals should be participating in the Leapfrog survey?

A. I felt like we should.

Q. And why did you feel like you should?

A. So that we didn't leave any credit on the table.

MS. BLAIR: Can you mark this one as 7?

(Defendant's Exhibit Number 7 for i.d.)

BY MS. BLAIR:

Q. Mrs. West, I'm handing you what we are now marking as west Exhibit Number 7. It's another calendar entry.

I apologize. It says here "From

Regina West." It doesn't say who it's to.

It says, "You are the organizer. The location will be at your office." And, again, the subject is "Leapfrog work."

And the meeting is set for one hour on the 29th of January 2024. Do you have that document in front of you?

A. I do.

Q. Do you have any recollection of what the Leapfrog work meeting was about in January of 2024?

MR. TAKAGAKI: Objection.

A. In general, I put meeting invites on my calendar with each piece of work that I do just to jog my memory of when I'm working on stuff. It doesn't mean that it's going to take an hour. Most of the time I don't put notes in in terms of like what I'm reviewing, what I'm looking at, so it appears that sometime between 12:00 o'clock and 1:00 o'clock I looked at some sort of Leapfrog document.

BY MS. BLAIR:

Q. Okay. And you would have scheduled yourself that time to look at some sort of Leapfrog documents prior to noon on January 29th, 2024, is that generally how you operate?

A. It happens that way sometimes, but also

1 retrospectively when I'm working on things, just to get
2 like an idea of how I've spent my time, I'll go back
3 and pencil it in.
4 Q. I should probably do that.
5 Do you have any recollection of what type of
6 Leapfrog work you would be doing in January of 2024?
7 A. I don't.
8 Q. And in January of 2024, none of the five
9 hospitals that are plaintiffs in this litigation were
10 participating in the Leapfrog Hospital Survey, correct?
11 A. Correct.
12 Q. Were you still regularly monitoring various
13 aspects of the five hospitals' quality performance that
14 are listed on the Leapfrog Hospital Survey even though
15 the hospitals weren't participating in the survey?
16 MR. TAKAGAKI: Objection to form.
17 A. Each time the numerical grade came out I
18 would do some sort of work with it, just a review and
19 an analysis.
20 BY MS. BLAIR:
21 Q. Okay. But to the best of your recollection,
22 do any of the Leapfrog grades, Hospital Safety Grades
23 come out in January of 2024?
24 A. No.
25 Q. Okay. But as you sit here today, you don't

1 recall what kind of Leapfrog work you would have been
2 doing in January of 2024?
3 A. I'm sorry, I don't.
4 Q. That's all right.
5 A. Do you have a document that goes with this?
6 Q. I don't.
7 A. Okay.
8 MS. BLAIR: We'll do this one as 8.
9 (Defendant's Exhibit Number 8 for i.d.)
10 BY MS. BLAIR:
11 Q. Ms. West, I'm now handing you what we've
12 marked as west Exhibit 8, and this is an email from
13 Maureen Colandrea to you, CCing Maritza Ortiz and
14 Taylor Pool, and subject is "Leapfrog SAR benchmark
15 numbers for Good Samaritan."
16 Do you see that?
17 A. Yes.
18 Q. And who is -- well, I see at the bottom,
19 this Maureen Colandrea in or around March of 2024 was
20 the infection prevention nurse for Good Samaritan,
21 correct?
22 A. That's correct.
23 Q. And who was Maritza Ortiz?
24 A. She was another infection prevention nurse.
25 Q. And in March of 2024 did Taylor Pool work at

1 Good Samaritan?
2 A. Yes, she did.
3 Q. And was she an infection prevention at
4 Good Samaritan in or around March of 2024?
5 A. She was the director of quality.
6 Q. That's right. Sorry.
7 And Maureen says to you and others, "Good
8 morning. Maritza, kindly provided me the following
9 numbers. See below. Please let me know if you have
10 any questions. Thanks, Maureen."
11 And then right underneath that in bold it
12 says, "The number of cases Good Samaritan can have in
13 order to meet Leapfrog benchmarks."
14 Do you see that?
15 A. Yes.
16 Q. Does this refresh your recollection in any
17 way that any of the five hospitals that make up the
18 Palm Beach Health Network were using the Leapfrog
19 standards as benchmarks?
20 MR. TAKAGAKI: Objection.
21 A. No.
22 BY MS. BLAIR:
23 Q. Do you know -- do you have any understanding
24 of what Maureen means when she says, "The number of
25 cases Good Samaritan can have in order to meet Leapfrog

1 benchmarks"?
2 A. No, because she says infection type, number
3 of cases, CMS, current and projected."
4 Q. Correct.
5 A. I don't know.
6 Q. Do you recall any discussions you would have
7 had with the infection prevention nurses and/or
8 Taylor Pool, the director of quality at Good Samaritan,
9 in or around March of 2024 related to these infection
10 numbers that they're providing you?
11 MR. TAKAGAKI: Objection.
12 A. I don't recall anything specific.
13 BY MS. BLAIR:
14 Q. Looking at the numbers that Maureen is
15 reporting to you in this email, let's just take CLABSI.
16 And the CMS score is 1.45. Do you see that?
17 MR. TAKAGAKI: Objection.
18 A. I see it.
19 BY MS. BLAIR:
20 Q. Is that the CMS standard, to the best of
21 your recollection?
22 MR. TAKAGAKI: Objection.
23 A. I don't know.
24 BY MS. BLAIR:
25 Q. And I guess, generally speaking, looking at

this chart that is in the kind of center of Exhibit 8, is this the type of data that you're often provided by hospitals from Palm Beach Health Network related to HAIs?

MR. TAKAGAKI: Objection.

A. I was often provided number of cases for all units. I don't recall the CMS column or what she was referring to. It just says current 2024, so I don't know if this was a rate of what she was referring to here and then projected. It's just difficult to speak to.

BY MS. BLAIR:

Q. Okay. And so as you sit here, you don't know if that current and projected refers to the Leapfrog benchmarks for that time period?

MR. TAKAGAKI: Objection.

A. It does not appear to.

BY MS. BLAIR:

Q. Okay. And why do you say it does not appear to?

A. There is nothing outside of this statement at the top that shows this is a Leapfrog benchmark. There's nothing that would draw my attention here that would help me understand that.

Q. Okay. And you don't have any specific

1 **recollection of any conversations you would have had**
2 **with anybody on this email regarding the statement that**
3 **number of cases Good Samaritan can have in order to**
4 **meet Leapfrog benchmarks, correct?**
5 A. I just don't recall in the moment.
6 **Q. We talked a little earlier, I think it's**
7 **Exhibits 1 and 2 I showed you about West Boca's**
8 **question in 2023 to participate in the Leapfrog**
9 **Hospital Survey. Do you recall the ultimate reason**
10 **that was given for why West Boca would not be allowed**
11 **to participate in the Leapfrog Hospital Survey in 2023?**
12 A. It's related --
13 MR. TAKAGAKI: Objection.
14 A. It's related to one --
15 BY MS. BLAIR:
16 **Q. Oh, I'm sorry. It's Exhibit 3. I**
17 **apologize. Thank you so much. It's Exhibits 3 and 4.**
18 A. 3 and 4.
19 My recollection for this is and for each
20 time that I made the request and we didn't move forward
21 with it, it was so that we could focus on other work at
22 the time.
23 MS. BLAIR: I'll mark this one as 9. It's
24 3-hole punched.
25 (Defendant's Exhibit Number 9 for i.d.)

BY MS. BLAIR:

Q. Ms. West, I'm providing you what we've now marked as West Exhibit 9, which is an email from you to Andrea Nunes, Heather Wehmeyer, Taylor Pool and Kathleen McDonald CC'ing Ricardo Ramirez. The subject is "CPOE response to EHR SAFER® survey."

Do you see that?

A. I do.

Q. What is the EHR SAFER® survey?

A. It is a survey we're required for each year the hospitals are maintained in the EHR system to maintain a SAFER® guide survey.

Q. Okay. And the SAFER® guide survey, is that a regulatory survey?

A. Yes, it is.

Q. And what regulatory body requires the SAFER® guide survey?

A. My understanding it's the Centers for Medicare & Medicaid.

Q. So CMS?

A. Yes.

Q. And you write to this group of people and you say, "Hi, everyone. Just wanted to alert you to a corporate response regarding CPOE testing. If you are planning to copy and paste corporate responses, please

remove reference to Leapfrog."

Do you see that?

A. I do.

Q. What in or around April of 2024, what CPOE testing was being performed by the five hospitals that make up Palm Beach Health Network?

MR. TAKAGAKI: Objection.

A. We didn't have testing in place, so this is -- I misspoke when I said "testing."

BY MS. BLAIR:

Q. Okay. And then you go on to say, "If you are planning to copy and paste corporate responses, please remove the reference to Leapfrog."

Do you see that?

A. Yes.

Q. What were the corporate responses that you're referring to here?

A. Tenet did an independent review of our system and made that available to us, and then each director of quality was responsible to meet the informaticist and someone within the IT of the hospital that would have knowledge of the responses, determine if they were the same for the hospital, if we should made edits and how we would respond on our own, so that's the process that we went through.

Q. Okay. And so when you say that Tenet did independent testing of all the systems, you mean that Tenet did independent testing of each hospital CPOE system?

A. Again, if I said "testing," then I am misspeaking.

Q. Oh, that's okay. Oh, you did not. You did not so let me correct my question.

I'm not good with all this technology.

You said, "Tenet did an independent review of our system and made that available to us," correct?

A. Correct.

Q. Okay. To your knowledge, what was the review that was done by Tenet of the CPOE system?

A. Well, one of the questions -- and I don't recall all of the questions, but one of them is right here in this email where it says "hardware and software modifications and system/system interfaces are tested pre and post to go live to ensure that data are not lost or incorrectly displayed or transmitted within or between EHR system components."

That would be one question.

And the corporate response included for Leapfrog Group's evaluation tool which we were no longer completing, so the request was, please remove

that language.

Q. How often do you do this SAFER® guide survey?

A. It's completed annually.

Q. Okay. And this is dated 2024, correct?

A. Correct.

Q. And by this point none of the five hospitals had participated in the Leapfrog Hospital Survey for three years; isn't that true?

A. Correct.

Q. And so had this response, this -- that you just referred to, The Leapfrog Group's evaluation tool for computerized physician order entry is used, had that been in the SAFER® -- the EHR SAFER® survey since 2021?

MR. TAKAGAKI: Objection.

A. I don't know.

BY MS. BLAIR:

Q. So is it fair to say that 2021 to 2024 none of the five hospitals were using The Leapfrog Group's evaluation tool for computerized physician order entry?

MR. TAKAGAKI: Objection.

A. We were not.

BY MS. BLAIR:

Q. And when you say Tenet did an independent

review of all of systems and provided that to you, how did they -- in what form did they provide the findings of their independent review to each hospital?

A. It's web based.

Q. And that was -- do you know what year that Tenet did the independent review of the CPOE system?

MR. TAKAGAKI: Objection.

A. I don't know how long it went back, but we -- we've done it annually since it's been required.

BY MS. BLAIR:

Q. And is that something that you provided to your counsel for production in this matter?

A. I don't recall.

Q. Do you recall what the findings were of the independent review by Tenet hospitals of the five hospital CPOE systems that make up Palm Beach Health Network in 2024?

MR. TAKAGAKI: Objection.

A. Let me clarify again.

BY MS. BLAIR:

Q. Sure.

A. Tenet completes it for the entire Tenet system. And then each hospital within the Palm Beach Health Network was required to do an independent review, so we could consider corporate responses,

consider if those matched what actually was happening in our hospitals or if we needed to make edits or modifications to our responses, so this request to remove was a request to modify our response back in terms of our SAFER® EHR review.

Q. Okay. And so with respect to the five hospitals that did their independent review, in response to the EHR SAFER® survey, four years, '21, '22, '23, prior to 2024, did the response for each of these five hospitals say The Leapfrog Group evaluation tool for CPOE is used to access point of care CDS intervention, is that how that worked?

MR. TAKAGAKI: Objection.

A. I don't recall.

BY MS. BLAIR:

Q. Okay. And so there is an EHR SAFER® survey that is done annually by each independent hospital that makes up the Palm Beach Health Network?

A. Yes.

Q. And --

A. Can I clarify real fast?

Q. Yes, please.

A. In the last year that I completed it I was able to complete it in 2025 for the market because we're all on the same computer, what's called a hub, so

in order to make modifications in that hub, all five hospitals would have to agree to it, so technically all of those would be same.

So once it was completed, then that went out to the hospitals to review to see if any modifications needed to be made.

Q. Okay.

A. But I did complete it for the market this last year.

Q. So that was for 2025, correct?

A. Correct.

Q. But if we're talking about 2024, 2023, that would have been each individual hospital, correct?

A. Prior to me completing it this year --

Q. Correct.

A. -- each individual hospital would have done that.

Q. And do you know how each individual hospital tested the operational ability of their CPOE testing --

Or I'm sorry. That's a terrible question?

Prior -- I don't want to talk about 2025. Let's just stick with 2024 when this email is dated. Do you know how each individual hospital associated with the Palm Beach Health Network reviewed its CPOE system in order to answer this particular question on

1 **the SAFER® survey?**
2 A. At a high level, each director of quality
3 was responsible for coordinating that for the hospital,
4 and each director of quality would have collaborated
5 within the hospital with either the clinical
6 informaticist, an IT representative. But at least as a
7 group to review the responses and determine if we
8 wanted to make edits, add, take away, like this one is
9 taking away.
10 **Q. And do you know whether or not CMS makes the**
11 **results of the EHR surfer -- oh, my gosh -- EHR SAFER®**
12 **survey available to the public?**
13 A. I don't know.
14 **Q. Ultimately the hospitals all received grades**
15 **for spring of 2024 from the Leapfrog Hospital Safety**
16 **Grade, correct?**
17 A. Yes.
18 **Q. Do you recall what the grades were for the**
19 **five hospitals in the spring of 2025?**
20 A. Not off the top of my head.
21 **Q. Do you recall that Delray was already a D in**
22 **the spring of 2024?**
23 A. Not off the top of my head.
24 **Q. Is that something as the director of quality**
25 **you would have known at least at that time?**

A. Yes.

Q. And would the hospitals have provided you with their Leapfrog hospital safety scores when they came out in the spring of 2024?

A. Yes.

Q. And, again, we talked about this earlier, but would you have provided those scores to Bonnie Nukala of Tenet home office in or around when those grades came out in spring of 2024?

A. I didn't provide them all. Each director of quality would have provided that.

Q. As the director of quality for Palm Beach Health Network, would it have been your expectation that each quality director for each of the five hospitals provided their spring 2024 hospital safety grade to Bonnie in or around that time?

A. Yes.

Q. Are you aware that prior to any methodology change Leapfrog puts out for public comments the methodology changes that it's contemplating?

A. Yes.

Q. And during your time as the -- well, at any time in your career, let's just say, because you've always been in quality, have you ever had -- have you ever commented during the Leapfrog public comment

period on any methodology changes that Leapfrog has proposed?

A. Not to my knowledge.

Q. And that would include with respect to the methodology change that was proposed for fall of 2024, correct?

A. Correct.

MS. BLAIR: We can mark this as 10?

THE VIDEOGRAPHER: And I'm sorry to interrupt, Counsel.

MS. BLAIR: Yeah, sure.

THE VIDEOGRAPHER: I need to change media.

MS. BLAIR: Sure, go ahead.

THE VIDEOGRAPHER: We're going off the record 2:15.

(A recess was taken from 2:16 p.m. to 2:17 p.m.)

THE VIDEOGRAPHER: This is media unit number three. The time is 2:18. We're back on the record.

(Defendant's Exhibit Number 10 for i.d.)

BY MS. BLAIR:

Q. Ms. West, I've now handed you what we've marked as west Exhibit 10 for this deposition.

As you will see, this is an email from Andrea Nunes to you and Ricky Ramirez dated May 21st,

2024. Do you see that?
A. I do.
Q. And for timing sake, do you understand that the spring Leapfrog Hospital Safety Grades come out in April every year?
A. Yes.
Q. So this would have been approximately a little less than a month after the Leapfrog spring safety grade came out, correct?
A. Correct.
Q. And Andrea Nunes, again, is the -- we talked about her a lot -- the director of clinical quality improvement for West Boca, correct?
A. Correct.
Q. And she says to you and Mr. Ramirez, and the subject line -- well, let's just say this. The subject line of this email is "Review planned updates to the fall 2024 hospital safety grade."
Do you see that?
A. I do.
Q. Okay. And she says to you, "Leapfrog is revising their scoring methodology, and this will affect those hospitals who have not submitted a survey. It is" -- it says, "it a hospital, does not submit survey for two cycles, then the new imputation

1 methodology is utilized."
2 Do you see that?
3 A. Yes.
4 Q. And taking a look at what she copies on this
5 page, is this your understanding of what the new
6 imputation model was going to be for nonreporting
7 hospitals for the fall of 2024?
8 A. Yes.
9 Q. And do you recall any conversations you had
10 with anyone after you received this email from
11 Andrea Nunes in or around May of 2024?
12 MR. TAKAGAKI: Objection.
13 A. Broadly speaking, I recall having
14 conversations about something to refer to. I wouldn't
15 be able to give the details right now.
16 BY MS. BLAIR:
17 Q. Do you recall what your opinion was when you
18 first heard about the changes that were going to occur
19 to the Leapfrog Hospital Safety Grade methodology for
20 the fall of 2024?
21 A. Could you repeat that, please?
22 Q. Sure. So I don't want to know about
23 conversations at this appointment.
24 Like do you recall what your reaction was
25 when you first came to learn about the changes that

were going to occur for fall of 2024 to the Leapfrog Hospital Safety Grade?

A. Yes, my opinion was that it was pretty scary for hospitals.

Q. And why did you believe it was pretty scary for hospitals?

A. Because these imputed scores could potentially hurt hospitals' reputations and hurt it in a way that didn't accurately represent the hospital, and it could be misleading to the public.

Q. Do you recall having that conversation about your reaction to this methodology change with anybody associated with the Palm Beach Health Network in or around the spring or summer of 2024?

A. I don't remember the details around it.

Q. Do you recall generally who you talked to about the change in methodology in or around the spring or summer of 2024?

A. Generally speaking, it would have been to CEOs, CNOs and directors of quality.

Q. And do you recall any specific -- let's just start with the CEOs. So this would be, I want to talk about the time frame from when you received this email from Andrea Nunes and when the fall safety grades came out on November 20th of 2024, so that kind of spring,

1 **summer, early fall time period.**
2 **Do you recall any conversations you had with**
3 **CEOs regarding the methodology change?**
4 A. I don't recall right now, but if you have
5 something to show me...
6 **Q. Do you have any memory of conversations you**
7 **had with chief nursing officers between May of 2024 and**
8 **the release of the fall 2024 safety grades off the top**
9 **of your head?**
10 A. Off the top of my head, I do not recall.
11 **Q. And same question with respect to directors**
12 **of quality. Between that May 2024 time frame and the**
13 **release of the fall 2024 safety grades on**
14 **November 20th, 2024, do you recall any specific**
15 **conversations with chief nursing officers about the**
16 **change in Leapfrog methodology?**
17 A. I don't recall the specifics.
18 **Q. Do you recall generally what the reaction**
19 **was from those stakeholders with respect to the change**
20 **in the Leapfrog methodology for fall of 2024?**
21 A. Yes.
22 MR. TAKAGAKI: Objection.
23 BY MS. BLAIR:
24 **Q. What do you recall generally what the**
25 **reaction was to this methodology change?**

A. I recall that there was concern over how it would be published and how we would be portrayed.

Q. And when you talk about "how it would be published," what are you referring to?

A. Referring to Leapfrog and potentially the media.

Q. And when you say "portrayed," what do you mean when you use that word?

A. Imputed scoring that potentially moved a hospital down a grade or two doesn't accurately show the quality of care that the hospital is providing. It's not an accurate representative of the services or the quality.

Q. Is it your opinion that a more accurate representative would be a scoring methodology that relied on just the CMS data?

MR. TAKAGAKI: Objection.

A. No, not necessarily because we already have CMS data. My opinion about it is that hospitals that don't participate should not be included. It's a voluntary program, and my opinion is that the hospital should be removed if they're not participating.

BY MS. BLAIR:

Q. My question is just a little different.

A. Okay.

Q. Let's say we took all of the measures that are used to calculate this hospital safety grades that come from the survey, and the hospital safety grade is now based solely on CMS data. Would you have an issue with the methodology that scored or gave hospitals a safety grade based on the measures that come from CMS?

MR. TAKAGAKI: Objection.

A. I guess personally I just don't understand duplication for that.

BY MS. BLAIR:

Q. You don't understand the? I'm sorry. I didn't hear you.

A. The duplication. Why would Leapfrog take information from CMS to give hospitals a grade?

Q. Well, you would agree with me that CMS already provides a star rating for hospitals, correct?

A. Correct.

Q. And do you know what the star ratings are of the five -- the CMS star ratings are currently for the five hospitals that are plaintiffs in this litigation?

A. So I can't repeat them to you today, but, yes, I've seen them.

Q. And would you agree with me that they're one and two stars?

A. Yes.

Q. And with five stars being the best, correct?
A. Correct.
Q. And would you agree with me that CMS, the measures that go into that star rating include a whole host of things in addition to what Leapfrog uses as CMS measures to calculate its safety grade?
MR. TAKAGAKI: Objection.
A. Let's say they're very different.
BY MS. BLAIR:
Q. They are very different, right. So I'm just curious how -- is it your position the CMS star rating is just a duplication of the Leapfrog grade?
A. No.
MR. TAKAGAKI: Objection.
A. And I guess what I was trying to say I would really just see your model in order to have an opinion about it.
BY MS. BLAIR:
Q. Okay.
A. If the model is moving from just CMS measures and they're moving into a Leapfrog system, how that would produce a grade.
Q. Okay.
A. And I guess I don't understand why Leapfrog would do that if they're already reported through CMS.

I guess I don't understand what the -- what the rationale would be for it.

Q. Will you agree with me that CMS does not create any sort of grade or star rating based on the CMS measures that Leapfrog looks at for patient safety, just on those measures, correct?

MR. TAKAGAKI: Objection.

A. Could you repeat it, please?

BY MS. BLAIR:

Q. Yes. So CMS, the CMS issues the star rating, the overall CMS star rating. You're familiar with that, correct?

A. Yes.

Q. And the CMS overall star rating contains several different measures that CMS looks at to come to that star rating, correct?

A. Yes.

Q. And of all of those measures that look at, that CMS looks at to come to that star rating, there are several that are not patient safety measures that Leapfrog looks at when it's looking at its hospital safety grade. Would you agree with that?

MR. TAKAGAKI: Objection.

A. I don't know that I would categorize it as not patient safety. I'd just have to look at them one

by one.
BY MS. BLAIR:
Q. Do you understand that in coming to the conclusion as to what measures Leapfrog considers in its hospital safety grade, it consults with an expert panel?
A. Yes, I'm aware.
Q. And do you understand that that expert panel has not taken the position that every measure that CMS looks at should also be a measure that Leapfrog looks at for patient safety?
A. Yes.
MR. TAKAGAKI: Objection. You're asking her her knowledge of what Leapfrog's expert panel talks about in its meetings and considers?
MS. BLAIR: Yeah, I'm asking her questions.
BY MS. BLAIR:
Q. And, ma'am, so you use the word "duplication," and I'm trying to get at what you meant by "duplication."
And so I understand that CMS measures that go into the overall CMS star rating are not the same, are not one to one with the measures that Leapfrog looks at for its rating. Do you understand that to be the case?

MR. TAKAGAKI: Objection.

A. I would really need to see them side by side in terms of patient satisfaction, how are they similar, how are they different. CAUTI, CLABSI, C. diff, MRSA, how is it same; how is it different; how would Leapfrog take that information. If all of the measures and -- if that's what you suggested, right? All CMS measures and Leapfrog would give them a grade?

Q. Yeah, I'm not suggesting anything. I'm just trying to figure out what you meant when you used the word "duplication."

A. Duplication. I understood you to say, ask me about Leapfrog taking all of the CMS measures, putting them into the Leapfrog system and producing a grade from there. And I didn't understand the, you know, the idea of the duplication of that.

Q. Understood. Okay. So let's go through this.

We talked before that there are 22 measures, right, that the Leapfrog Hospital Survey grades on?

A. Yes.

Q. And we talked about the ten outcome measures. Do you recall that?

A. Yes.

Q. And those ten outcome measures, the data

that Leapfrog uses comes from CMS, do you understand that?

A. I do.

Q. And then of the twelve process measures, five of those come from CMS data, do you understand that?

A. Yes.

Q. And the other seven come from the Leapfrog Hospital Safety Grade, correct?

A. Correct.

Q. And so I'm asking if we took out those seven measures, we, being Leapfrog, and the grade simply consisted of the 15 measures that come from CMS data -- and I'm sorry I was unclear -- that come from CMS data, would it be your opinion that that would be a more accurate representation of a hospital's safety?

MR. TAKAGAKI: Objection. Incomplete hypothetical. Vague. Calls for speculation. Lack of foundation.

A. I would really need to see it because I -- I don't know what the weighting would be. I don't know what the final grade would be. There's just so many variables that just a hypothetical doesn't get into.

BY MS. BLAIR:

Q. Okay. And so I'm just trying to make sure.

Your issue with the change in the fall 2024 Leapfrog methodology, was it with just the imputation method, or do you have other issues with the fall 2024 methodology?

MR. TAKAGAKI: Objection.

A. My opinion --

BY MS. BLAIR:

Q. Yeah.

A. -- is that it further hurt hospitals and hurt their reputation because the information that I've received is that we started losing patients because of that. We started, you know, having physicians state that they didn't want to come to our hospitals. We have excellent hospitals. We have level I trauma centers. You know, we have -- we have pediatric -- we have a pediatric hospital. We provide great care, and to have that in the media as part of our reputation is very hurtful.

BY MS. BLAIR:

Q. And what was the -- you used the word "it," and I want to make sure we understand. You said, "My opinion is that it further hurt hospitals..." And I want to know, what do you -- what is the "it"?

A. The change in the scoring methodology and change in the grades.

1 Q. Okay. And my question was, is your issue
2 with the change in the methodology related to the new
3 imputation model for these four measures, BCMA -- BCMA,
4 CPOE, hand hygiene and ICU physician staffing?
5 A. It didn't help. If I were able to give a
6 recommendation, I would recommend for any hospital not
7 participating in the Leapfrog survey not be included.
8 Q. And in what way would any consumer -- let me
9 ask you this.
10 Do you think consumers deserve to be
11 provided with transparent information related to a
12 hospital's patient safety?
13 MR. TAKAGAKI: Objection.
14 A. Yes, I do.
15 BY MS. BLAIR:
16 Q. And do you believe that consumers are --
17 should be provided with transparent information with
18 respect to a hospital's HAIs, for example?
19 MR. TAKAGAKI: Objection.
20 A. Yes, I do.
21 BY MS. BLAIR:
22 Q. And do you believe that patients should be
23 provided with transparent information regarding whether
24 or not a hospital's CPOE system is functioning
25 properly?

MR. TAKAGAKI: Objection.
A. I don't have an opinion about that.
BY MS. BLAIR:
Q. Okay. And why don't you have opinion about the CPOE system?
MR. TAKAGAKI: Objection.
A. If I understood your question correctly, it was whether or not the community or the public should be provided the information, so I don't really have an opinion about that.
I know from the way that we're surveyed that that they're looking at this when we're surveyed multiple times to make sure that we have an appropriate system in place, that we're utilizing it correctly, we're collecting data, we're providing information, that we are transparent. So I don't know that I can say --
Q. Well, when you say you're surveyed --
MR. TAKAGAKI: Well, let her -- was she done answering?
BY MS. BLAIR:
Q. Oh, I'm sorry. Were you done answering?
A. It's fine.
Q. I didn't mean to cut you off. Are you done answering?

A. I'll be finished.

Q. When you say "when we are surveyed," are you referring to the SAFER® survey?

A. I'm referring to like the Joint Commission surveys, the agency on healthcare administration, the AHCA, AHCA.

Q. AHCA.

A. That's where we're validated.

Q. And I understand that, but I thought you told me earlier that the Joint Commission doesn't provide any actual data to consumers on CPOE.

MR. TAKAGAKI: Objection.

A. That's correct.

BY MS. BLAIR:

Q. AHCA does, however, as I understand your previous testimony, correct?

A. Yes.

Q. In what way do you understand that AHCA provides transparent publicly available data to consumers about the CPOE system of a hospital?

A. They make the survey results public.

Q. And then with respect to hand hygiene, does the Joint Commission make its findings on hand hygiene public to consumers?

A. No.

1 Q. Do you think it's important that patients
2 have transparent information related to a hospital's
3 commitment to hand hygiene?
4 MR. TAKAGAKI: Objection. Vague.
5 A. Yes.
6 BY MS. BLAIR:
7 Q. Are you aware of any publicly available data
8 through any source that gives consumers publicly
9 available and transparent data related to a hospital's
10 hand hygiene?
11 A. Yes.
12 Q. And what is that?
13 A. It's my understanding that AHCA makes their
14 surveys available to the public. We were surveyed
15 extensively just at the beginning of this year.
16 Hand hygiene was a huge component of that.
17 Q. And HCA -- AHCA is specific to Florida,
18 correct?
19 A. Correct.
20 Q. Other than AHCA, is there any other publicly
21 available data for a hospital that you know of related
22 to hand hygiene?
23 A. Not that I recall right now.
24 Q. Do you know if there's any -- do you believe
25 that the public is entitled to have transparent

information about a hospital's ICU physician staffing?

MR. TAKAGAKI: Objection.

A. I don't have an opinion about that.

BY MS. BLAIR:

Q. And why don't you have an opinion about that?

MR. TAKAGAKI: Objection.

A. I don't have one.

BY MS. BLAIR:

Q. Okay. Do you have an opinion about whether or not consumers deserve to have transparent information related to barcode medication administration errors at hospitals?

MR. TAKAGAKI: Objection.

A. May I ask a clarifying question?

BY MS. BLAIR:

Q. Sure.

A. When you say "transparent data," do you mean hospitals that report to Leapfrog, or do you mean hospitals that have been validated after they've reported through Leapfrog?

Q. I'm not --

A. When we're talking transparency, is it only the information that's been reported, or is it information that's been validated?

1 Q. This question has nothing to do with
2 Leapfrog. I'm asking in general do you believe that
3 patients deserve to have transparent data related to
4 errors resulting from barcode medication
5 administration?
6 MR. TAKAGAKI: Objection. Vague.
7 Incomplete hypothetical.
8 A. Yes.
9 BY MS. BLAIR:
10 Q. And I think you told me earlier that the
11 Joint Commission does some surveying, correct, of
12 barcode administration for hospitals, correct?
13 A. Correct.
14 Q. Do you know if the Joint Commission makes
15 that, their findings for each hospital publicly
16 available to consumers?
17 A. Not to my knowledge. But AHCA --
18 Q. I was just going to ask you, does AHCA make
19 their findings related to barcode administration
20 available to consumers?
21 A. Yes, to my knowledge.
22 Q. And, again, AHCA is only with respect to
23 Florida hospitals, correct?
24 A. Correct.
25 Q. Do you have an understanding that prior to

1 **the --**
2 MS. BLAIR: Well, actually can we take a
3 quick break?
4 MR. TAKAGAKI: Sure.
5 MS. BLAIR: Yeah, sorry.
6 THE VIDEOGRAPHER: Off the record 2:41.
7 (A recess was taken from 2:41 p.m. to 2:56 p.m.)
8 THE VIDEOGRAPHER: Back on the record 2:56.
9 BY MS. BLAIR:
10 **Q. Ms. West, I want to take you back to that**
11 **May 2024 time frame when you first are told, I think**
12 **it's the last Exhibit we looked at, when you were first**
13 **told that there's going to be a change to the Leapfrog**
14 **methodology. Did you have an opinion at that point in**
15 **time as to whether or not the five hospitals that make**
16 **up the Palm Beach Health Network should participate in**
17 **the Leapfrog Hospital Survey?**
18 A. Yes.
19 **Q. And what was your opinion?**
20 A. I felt like we should participate.
21 **Q. I'm sorry. Your answer was, yes, you felt**
22 **like you should?**
23 A. Correct.
24 **Q. And why?**
25 A. To avoid negative press and damage to the

hospitals' reputation.

Q. Did you have any discussions with anyone in public relations for the Palm Beach Health Network in or around this, you know, May 2024 through summer 2024 time frame about potential negative press related to the Leapfrog methodology change?

A. I don't recall.

Q. Do you recall any communications you would have had with Ricky Ramirez regarding potentially negative press related to the 2024 -- fall of 2024 methodology change on the Leapfrog Hospital Safety Grade?

A. Yes.

Q. What do you recall about the conversations you had with Ricky Ramirez?

A. We had email communication, and I recall that negative press had already come out at that time.

Q. And I want to reorient you.

A. Okay.

Q. I'm talking about before the grades come out.

A. Before the grades come out? If you have anything you can show me.

Q. Sure, we can go over some documents.

A. Okay.

Q. I just want to know, do you recall like Ricky Ramirez's reaction to the methodology change?

A. Not specifically, but I'm happy to look at a document.

Q. I don't know if I have any on that regard, but we'll show you some documents.

Do you recall whether or not you had any conversation with Maggie Gill between May of 2024 and when the hospital safety grades came out about potential negative publicity as a result of the hospital -- I'm sorry -- as a result of the methodology change in the hospital safety grade scoring by Leapfrog?

MR. TAKAGAKI: Objection.

And when you say "when the grades came out," you mean the November '24 grades?

MS. BLAIR: The November 2024 Hospital Safety Grades.

A. I do not remember exact time frames for discussions.

BY MS. BLAIR:

Q. Okay. And I'm just trying to get a sense of you get this email that we've marked as Exhibit 10, right, that's in front of you?

A. Yes.

1 Q. And that's May of 2024. And there is
2 clearly a discussion, at least with respect to
3 Ms. Nunes, where she's alerting you to the fact that
4 this methodology change is coming, correct?
5 A. Correct.
6 Q. And do you recall -- you know, you've told
7 me what your reaction is. Do you recall whether your
8 reaction to that was in or around the same time that
9 you were informed of the methodology change?
10 A. I don't recall.
11 Q. And do you recall that this methodology
12 change was put out for public comments by Leapfrog
13 asking hospitals and others to comment as to whether or
14 not they supported the methodology change or not?
15 A. Yes, I do.
16 Q. Did you as the director of quality for
17 Palm Beach Health Network follow any of the public
18 comment that was being given to Leapfrog with respect
19 to the proposed fall 2024 methodology change?
20 A. I did not.
21 Q. Did you have any conversations with anybody
22 at the Palm Beach Health Network about whether or not
23 any of the five hospitals or the Palm Beach Health
24 Network itself should make a public comment with
25 respect to this methodology change?

A. It's so broad. And, again, I'm happy to look at any document that you have and then comment on that.

Q. Sure, my understanding --

A. But --

Q. I don't mean to cut you off.

MR. TAKAGAKI: I was going to say, finish your answer.

BY MS. BLAIR:

Q. Yes, finish your answer. I didn't mean to cut you off.

A. It's okay.

Q. I understand from the interrogatory answers that have been provided in this case that there was no communication between any of these five hospitals and Leapfrog related to the public comment period for this methodology change.

And so I'm asking you, is that consistent with your understanding?

A. Yes, it is.

MR. TAKAGAKI: Objection. Lack of foundation.

BY MS. BLAIR:

Q. And so even though there was no public comment -- even though none of the five hospitals

publicly commented to Leapfrog regarding the methodology change, do you recall whether there was any discussions internally about whether you should publicly comment on the methodology change?

A. Yes, I do.

Q. Okay. And what do you recall about those conversations?

A. I recall an email thread -- again, I don't know what the time frame is -- where a question was posed as to whether or not we were going to comment, and I responded that we were not going to comment.

Q. Okay. And what was the basis for your position that "we're not going to comment"?

A. Generally we don't comment at a local level hospital to hospital. We work through Tenet Healthcare system to make any type of comment that would be public in nature.

Q. Do you recall whether or not you reached out to anyone at Tenet health system about commenting on the Leapfrog methodology change that was proposed for fall of 2024?

A. I don't recall.

Q. Do you recall whether you had any conversations with Maggie Gill about your opinions about whether Tenet health system should comment

1 **publicly with respect to the proposed methodology**
2 **change by Leapfrog for fall of 2024?**
3 A. I do not recall.
4 **Q. Do you recall whether or not any of the**
5 **directors of quality for any of the five hospitals**
6 **provided their opinion to you about whether or not the**
7 **hospitals should publicly comment about the methodology**
8 **change?**
9 A. No, I don't recall.
10 MS. BLAIR: We'll mark this as Number 11.
11 (Defendant's Exhibit Number 11 for i.d.)
12 BY MS. BLAIR:
13 **Q. Ms. West, I'm now handing you what we've**
14 **marked Exhibit Number 11 to your deposition. This is**
15 **an email from you to Anna Gunod, G-u-n-o-d, CC'ing**
16 **Andrea Nunes, Heather Wehmeyer, Kathleen McDonald and**
17 **Taylor Pool dated September 25th, 2024. And the**
18 **subject is "Leapfrog."**
19 **Do you see that?**
20 A. I do.
21 **Q. And the first sentence from you it says, "If**
22 **we would like to participate in the next survey, are we**
23 **able?"**
24 **Do you see that?**
25 A. I do.

1 **Q. And are you aware of whether there were any**
2 **conversations between May of 2024 in Exhibit 10 and**
3 **this Exhibit 11 which is September of 2024 between you**
4 **and any of the directors of quality about participating**
5 **in the next Leapfrog Hospital Survey?**
6 A. That's so broad, and sitting here today, I'm
7 not able to recall that right now, but I'm able to
8 comment on any document you may have.
9 **Q. Okay. So but this says, "If we would like**
10 **to participate," and it's CC'd to the quality**
11 **directors, and so I'm just wondering if that refreshes**
12 **your recollection as you look at this document as to**
13 **whether there was a request on behalf of not only**
14 **yourself but all the directors of quality for the five**
15 **hospitals that make up Palm Beach Health Network?**
16 A. That would be correct.
17 **Q. And does this, this document, and I**
18 **understand you have no specific recollection, and it's**
19 **not a guessing game, but does this document in any way**
20 **refresh your recollection about what those**
21 **conversations would have been?**
22 A. Could you further clarify "conversations"?
23 **Q. Sure. Do you recall any one of the quality**
24 **directors of any of the five hospitals that make up**
25 **Palm Beach Health Network objecting to participating in**

a Leapfrog Hospital Survey going forward?

A. I don't recall that.

Q. Do you recall any of the five directors of quality for the five hospitals that make up Palm Beach Health Network telling you that they would have to hire additional staff in order to participate in the Leapfrog Hospital Survey?

A. I do not remember that for this period. I do remember that for the prior period. And it was something that came up during the initial conversation. And one of the decisions, one of the reasons that we decided not to participate was how much time we were spending just on Leapfrog, the survey response, gathering the data, collecting it, putting it in usable format to get it to where we could enter it and those other duties were falling to the side. So I remember that being a component early on. I do not remember that being a component during this time period.

Q. And just for my record when you say "a component early on," are you referring to that conversation we had back in -- that you and I had about back in 2021 when the design was made to stop during the survey?

A. That is correct.

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

Q. Do you recall any conversations between that time in 2021 and this email in September of 2025 [sic] where there was a discussion to potentially restart participation in the Leapfrog Hospital Survey where the issue of having to add additional staff was discussed?

MR. TAKAGAKI: Objection.

A. I don't recall that.

MR. TAKAGAKI: And I think you referred to this email as "2025."

MS. BLAIR: Oh, I meant "2024."

MR. TAKAGAKI: I think you meant 2024.

MS. BLAIR: I meant September 25, 2024. Thank you very much.

BY MS. BLAIR:

Q. If we look at this email the second sentence from you, you said, "We have done this in the past so it would not be new participation."

Do you see that?

A. I do.

Q. Are you referring to the fact that you had participated back in 2021?

A. Correct.

Q. And then you say, "This takes SMMC" -- is that St. Mary's?

A. It is.
Q. -- "from 100 points in each of the categories below to limited achievement scores."
Do you see that?
A. I do.
Q. Does this refresh your recollection that the five hospitals who were not participating in the Leapfrog Hospital Survey were receiving 100 out of 100 points for the imputed measures prior to fall of 2024?
A. Yes.
Q. And you were going to go from 100 points to, if we look at this like chart in the middle of the page, these were going to be the limited achievement points that were going to be awarded to nonparticipating hospitals for these four hospitals -- I'm sorry -- five hospitals under the limited achievement category for the fall 2024 methodology, correct?
A. Correct.
Q. And then you say, "We will likely decrease an entire letter and score a D this time around."
Do you see that?
A. Yes.
Q. And when you say "we," are you referring to

1 **St. Mary's there?**
2 A. Yes.
3 **Q. Because Delray was already a D, correct?**
4 A. I would --
5 MR. TAKAGAKI: Objection.
6 A. I would have to look at a document.
7 BY MS. BLAIR:
8 **Q. Okay. Do you -- is it your belief that if a**
9 **hospital under the fall of 2024 methodology, if a**
10 **hospital does not participate in the Leapfrog Hospital**
11 **Survey, they automatically receive a D or an F?**
12 A. No.
13 **Q. And if you look at this document, if we go**
14 **to the bottom of the second page, there's an email that**
15 **starts from Anna Gunod to DLDCQI only. Do you see**
16 **that?**
17 A. Yes.
18 **Q. Would you be -- have been part of the DLDCQI**
19 **only group?**
20 A. Yes.
21 **Q. And she says here, "Good morning quality**
22 **leaders. I'm doing an annual check-in on Leapfrog**
23 **participation."**
24 **Do you see that?**
25 A. I do.

Q. Is this similar to what we were discussing earlier this morning about the fact that Tenet home office checked in regularly about participation on the Leapfrog Hospital Safety Grade?

MR. TAKAGAKI: Objection.

A. This is a different check-in.

BY MS. BLAIR:

Q. Okay. And what is this check-in?

A. This is an independent check-in by Anna Gunod.

Q. And she's checking in with respect to Leapfrog participation in the hospital survey?

A. That is correct.

Q. And was it your understanding in or around this time, which is September of 2024, that no hospitals of Tenet were participating in a Leapfrog Hospital Survey system wide?

MR. TAKAGAKI: Objection.

A. I didn't have an understanding of that.

BY MS. BLAIR:

Q. And if we look back at Exhibit 3, which is an Exhibit from Andrea Nunes, you see here she says in the second to last paragraph, "I do know that Christen Mayer stated we would not participate as a system in 2023."

Do you see that?
A. I do.
Q. Was Andrea mistaken about whether or not Tenet as a system was going to participate in the hospital survey in 2023?
MR. TAKAGAKI: Objection.
A. I don't recall.
BY MS. BLAIR:
Q. Okay. And Christen Mayer that we discussed was the national director of --
A. Quality.
Q. -- quality, correct?
A. Correct.
Q. And so when Anna Gunod, who is the national director of infection prevention in our Exhibit 11, is doing a different annual check-in, did you have any understanding in or around this time, September of 2024, as to whether any hospitals in the Tenet system were participating in the Leapfrog Hospital Survey?
A. I didn't have a sense.
Q. And then if we go back to the second page of this email, you write, "The hospitals in PBHN are not participating," correct?
A. Correct.
Q. And that's based on what we had talked about

1 earlier this morning that in 2021 a decision was made
2 by the five hospitals to stop participating in the
3 Leapfrog Hospital Survey due to the large amount of
4 resources it took to comply, correct?
5 A. Yes.
6 MR. TAKAGAKI: Objection.
7 BY MS. BLAIR:
8 Q. And that email we just looked at,
9 Exhibit 11, do you recall -- you said "If we would like
10 to participate in the next survey, are we able?"
11 Do you recall whether Anna Gunod got back to
12 you or not?
13 A. Yes, I do.
14 Q. Okay. And what -- did she get back to you
15 in an email?
16 A. Yes.
17 Q. And what do you recall her email saying?
18 A. I recall her email saying that we were not
19 able to participate.
20 Q. And did you have a follow-up call with her
21 about that fact?
22 A. Not that I recall.
23 Q. So is it fair to say all the communications
24 you had with Anna Gunod related to whether or not the
25 five hospitals that make up Palm Beach Health Network

could participate in the Leapfrog Hospital Survey for fall of 2024 was in writing?

MR. TAKAGAKI: Objection.

A. Yes.

(Defendant's Exhibit Number 12 for i.d.)

BY MS. BLAIR:

Q. And so we can mark that as Exhibit 12. Can I see it real fast? I might have given you the wrong one. Oh, no, I didn't. Sorry. Thank you.

Ms. West, I've handed you what we've now marked as Exhibit 12. And if we go to the second -- oh, this is a document, the first, the email on the first page is an email from you to Ricky Ramirez dated, excuse me, September 27th, 2024, correct?

A. Correct.

Q. And if we go to the second page of this Exhibit, it starts with an email from Anna Gunod on September 26, 2024 to you. Do you see that?

A. I do.

Q. And she says, "Hi, Gina. Leapfrog participation is not supported unless it is directly tied to a payment contract or a local regulatory requirement."

Do you see that?

A. I do.

1 Q. Do you know what she means by
2 "payment/contract" or "local regulatory requirement"?
3 A. I don't know.
4 **Q. And is Leapfrog related in any way to a**
5 **payment or contract for any of the five hospitals that**
6 **are plaintiffs in this litigation?**
7 A. Not to my --
8 MR. TAKAGAKI: Objection.
9 A. Not to my knowledge.
10 THE WITNESS: Sorry.
11 BY MS. BLAIR:
12 Q. And then you respond at the top of the
13 second page of this email, you say, "Although not
14 supported, is it left up to the local markets to decide
15 or a strict no from home office?"
16 Do you see that?
17 A. Yes.
18 BY MS. BLAIR:
19 Q. And what is your -- she responds then if we
20 go to the first page of this Exhibit, Ms. Gunod
21 responds to you, "It is a no from home office."
22 Do you see that?
23 A. I do.
24 Q. What was your understanding of home office's
25 role in making decisions about whether or not

1 Palm Beach Health Network hospitals could participate
2 in the Leapfrog survey?
3 A. I'm sorry. Could you repeat it?
4 Q. Sure. As I understood our discussion
5 earlier today, in 2021, it was the decisions -- it was
6 the decision of these five hospitals collectively to
7 stop participating in the Leapfrog Hospital Survey,
8 correct?
9 A. Correct.
10 MR. TAKAGAKI: Objection to the extent it
11 mischaracterizes previous testimony and lacks
12 foundation.
13 BY MS. BLAIR:
14 Q. And then subsequently we see in this
15 Exhibit Number 11 [sic] that home office is making the
16 decision as to -- I'm sorry -- Exhibit 12 -- that home
17 office is making the decision for you about whether or
18 not you can participate in the Leapfrog hospital survey
19 going forward, correct?
20 MR. TAKAGAKI: Objection. Lacks foundation.
21 A. It's not necessarily just the home office
22 decision, but in terms of that piece of it where the
23 home office did not want us to participate, that would
24 have been an area that I would have wanted to clear or
25 make sure that we had support, you know, just if we

were going to make a different request somewhere else make through the market again.

BY MS. BLAIR:

Q. Okay. I want to make sure I understand your answer. You said, "It's not necessarily just the home office decision, but in terms of that piece of it..."

What is "that piece of it" that you're referring to?

A. So we already had a decision that we weren't going to participate. And then we had the home office that had asked for whether or not we were participating. I responded that we weren't.

But then I asked could we, and the response was, no, it's a no from the home office. So it's a no from the home office even though we've already made a decision not to do it. It's really information gathering.

Q. Okay. So at this point, if I understand you, at this point on, in or around September 27th, 2024, you, the five hospitals, have already made the decision that you're not going to participate in the Leapfrog Hospital Survey for fall of 2024?

A. Correct.

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

1 Q. Got it.
2 (Defendant's Exhibit Number 13 for i.d.)
3 BY MS. BLAIR:
4 Q. And if we look at Number 13, what we'll mark
5 as 13, Ms. West, I'm handing you a document that the
6 first email that -- well, it's Bates labeled finally,
7 PBHN 5092 through PBHN 5093. Do you have that in front
8 of you? Those are the little numbers on the bottom
9 right-hand side.
10 A. I do.
11 Q. And if we look at your email in the middle
12 of the first page of this Exhibit, from you to
13 Ricky Ramirez, "Subject: Leapfrog Scores," do you see
14 that email?
15 A. I do.
16 Q. And it's dated September 25th, 2024,
17 correct?
18 A. Correct.
19 Q. And this is, I believe, the same date as the
20 document we saw, or close to the same dates of the
21 document we saw as Exhibit 11 and 12, correct?
22 That's all right. You can look at it.
23 A. Okay. Would you mind repeating your
24 question?
25 Q. Sure. So if we look at Exhibit 11, that's

1 **dated September 25th, correct?**
2 A. Correct.
3 **Q. And then if we look at what I just marked as**
4 **Exhibit 13, the middle email from you to Ricky Ramirez**
5 **is also dated September 25th, correct?**
6 A. Correct.
7 **Q. And in your email to Ricky Ramirez, you say,**
8 **"Ricky, Our Leapfrog scores will take a huge dive**
9 **across the market in fall reporting period because we**
10 **haven't participated in the survey process for two**
11 **years. I respectfully request to begin the process**
12 **begin."**
13 **Do you see that?**
14 A. I do.
15 **Q. Okay. So on September 25th were you wanting**
16 **to participate in the Leapfrog Hospital Survey for fall**
17 **of 2024 on behalf of all five hospitals, or had you**
18 **already made the decision that you -- that the five**
19 **hospitals that make up Palm Beach Health Network were**
20 **not going to participate?**
21 MR. TAKAGAKI: Objection.
22 A. The decision had already been made. It
23 hadn't changed since 2021.
24 But, again, knowing how this was going to
25 affect us, I made the request to participate.

BY MS. BLAIR:

Q. And then if we look at Exhibit 12, which is the one, Exhibit 12 where they say, "It's a no from home office," do you see that as your request to participate being denied by home office?

A. Yes.

MR. TAKAGAKI: Objection.

A. It states, "Facilities would need an exception due to Leapfrog participation being tied to local requirement, contract compliance or reimbursement need to submit their case for review by Dr. Franklin."

BY MS. BLAIR:

Q. Okay. And did you submit your case for review by Dr. Franklin?

A. I did not.

Q. And do you recall with respect to your email of September 25th, 2024 which we've marked as Exhibit 13 -- it's in the middle -- do you recall any discussions you had with Ricky Ramirez in or around that time related to your request on behalf of the five hospitals that make up Palm Beach Health Network to participate in the Leapfrog Hospital Survey?

A. I don't recall a verbal request, but I do remember this, the email request.

Q. Okay. So as you sit here today, you just

don't recall any discussions with Ricky Ramirez?

A. Verbal, verbal discussions.

Q. Do you recall whether or not Ricky Ramirez was supportive of your request to participate in the Leapfrog Hospital Survey for fall of 2024?

A. I remember that Ricky Ramirez was not supportive of that request.

Q. And what is your memory about why he was not supportive?

A. I don't remember all of the details.

Q. Sure.

A. But if you can show me a document...

Q. I don't have a document. I'm just asking you what you recall.

A. I don't remember if it went past the original reason of it being very lengthy and time-consuming and we needed to focus on some of the other work we had.

Q. Sure.

Did you have you any discussions with Ricky Ramirez that you can recall about what impact a downgrade in the Leapfrog grade may have from a PR perspective for the hospitals?

A. I remember an email thread.

Q. And what do you recall about that email

1 **thread?**
2 A. I do not recall the details.
3 **Q. And it was not this email thread that we**
4 **were just discussing which we've marked as Exhibit 13?**
5 A. That's correct.
6 **Q. Okay. Did you review that email thread that**
7 **you just told me about in preparation for your**
8 **deposition today?**
9 A. I may have.
10 **Q. Okay. Ultimately, the five hospitals that**
11 **make up Palm Beach Health Network did not participate**
12 **in the fall 2024 Leapfrog Hospital Survey, correct?**
13 A. Correct.
14 **Q. And do you have any recollection of what the**
15 **grades were that were posted for these five hospitals**
16 **from the fall of 2024 methodology?**
17 A. I do not off the top of my head.
18 **Q. Do you recall that they were all D's and**
19 **F's?**
20 A. Yes, I do.
21 **Q. What is your involvement, if any, in public**
22 **relations?**
23 A. Could you further clarify?
24 **Q. Sure. Well, let's talk about a document**
25 **maybe.**

1 MS. BLAIR: We'll mark this as 14.
2 (Defendant's Exhibit Number 14 for i.d.)
3 BY MS. BLAIR:
4 **Q. Ms. West, I'm handing you what we've now**
5 **marked as Exhibit 14. This is an email with -- or this**
6 **is an Exhibit with Bates numbers PBHN 5094 through**
7 **5096.**
8 **Is this the email thread if we go back to --**
9 **let's just go back to, I guess, the bottom of the first**
10 **page, Ricky says, same date, September 25th, 2024, same**
11 **date as Exhibit 13 that we saw, he says, "I understand.**
12 **Honestly, I don't see the value in Leapfrog, but please**
13 **send me all of projected grades for the market and I**
14 **will discuss with Maggie."**
15 **Do you see that?**
16 A. I do.
17 **Q. Is this the email thread you were referring**
18 **to earlier?**
19 MR. TAKAGAKI: Objection.
20 A. It's not. And the email thread that comes
21 to mind to me was one where the grades are -- had
22 already been published and there was already negative
23 media postings.
24 BY MS. BLAIR:
25 **Q. Okay. And so if we look at the email in the**

1 middle of this page from you to Ricky Ramirez,
2 "Subject: Leapfrog scores," and this is now
3 November 4th, 2024, do you see that?
4 A. I do.
5 Q. Do you recall any conversations you may have
6 had with Ricky Ramirez between September of 2024 and
7 November of 2024 regarding the anticipated grades for
8 the five hospitals, the anticipated Leapfrog grades for
9 the five hospitals that make up the Palm Beach Health
10 Network?
11 A. Outside of the emails, I do not recall
12 verbal conversations.
13 Q. Okay. And do you see Ricky says, "I will
14 discuss it with Maggie?"
15 I'm referring to the bottom of this page
16 email. Do you see that?
17 A. I do.
18 Q. Do you understand that Maggie would be
19 Maggie Gill, the CEO of Palm Beach Health Network?
20 A. Yes.
21 Q. Were you ever -- did you ever become aware
22 of what Maggie Gill's position was with respect to
23 whether or not the five hospitals associated with the
24 Palm Beach Health Network could participate in the fall
25 of 2024 Leapfrog Hospital Survey?

MR. TAKAGAKI: Objection.
A. I don't recall the details of what her recommendations were.
BY MS. BLAIR:
Q. Okay. But ultimately there was no participation in the survey, correct?
A. Correct.
Q. And then if we see here your email in the middle of the page Regina West November 24, 2024 you said, "I'm being asked if we have a marketing communication plan ready."
Do you see that?
A. Yes, I do.
Q. What do you recall about the marketing communication plan that was being asked of you in or around November of 2024?
A. I don't recall honestly.
Q. Do you recall who was asking you about whether there was a marketing plan in place?
A. No, I'm sorry, I don't.
Q. And then you see here, the grades for Delray, F; Good Sam, F; Palm Beach Gardens, F; St. Mary's, D; and West Boca D. Do you see that?
A. I do.
Q. Is that your -- were you relaying to Ricky

in this message what the projected grades were going to be or had they already come out?

A. They had already come out.

Q. And so I asked you, I started this whole thing by asking you what involvement you had in public relations surrounding the release of the fall 2024 hospital safety grades. Did you have any involvement?

A. I didn't.

Q. So despite the fact that somebody was asking for a marketing communication plan, you wouldn't have had any involvement in putting that together?

MR. TAKAGAKI: Objection.

A. I recall at some point someone sending to me a response, but I don't know if it was premedia, postmedia. I can't remember, but I do recall reading a response.

BY MS. BLAIR:

Q. Okay. I'm going to show you some documents about responses. It's not a memory test.

A. Okay.

Q. But other than someone showing you a premedia or postmedia response, did you have any involvement in putting together a public relations plan related to the release of the Leapfrog fall 2024 safety grades?

A. No.

Q. Were you involved in any way with drafting of any responses related to the release of the fall 2024 safety grades?

A. I recall reading a response, but, again, I don't know if it was pre or post.

Q. Right. And I don't know. In my mind there's a difference between reading and drafting so I want to be very clear.

Were you involved in drafting any media responses?

A. No.

Q. Were you involved in giving any edits to media responses related to the release of the fall 2024 hospital safety grade?

A. If I could review a document, that's going to help me answer your question.

Q. But without any documents in front of you, you have no recollection of any of that; is that fair?

A. Correct.

Q. Who was involved in public relations for the Palm Beach Health Network in or around November of 2025?

A. Because I can't recall, I don't want to speculate.

Q. Okay. Who was in charge of public relations for the Palm Beach Health Network today?

A. Lisa Cook.

Q. Do you know if Lisa Cook was employed by Palm Beach Health Network in or around 2024?

A. Yes, she was.

Q. And do you know what capacity she was employed in for the Palm Beach Health Network in or around November of 2024?

A. Yes.

Q. And what --

A. I don't know her exact title.

Q. Okay.

A. But essentially it's the marketing director of marketing.

Q. Okay.

A. The director of marketing for the Palm Beach Health Networks is a better way to put it.

Q. That was going to be my question. So she's at the group level, correct?

A. At the market level.

Q. Or the market level.

Does she have any job responsibilities for any specific hospitals that you know of?

A. I don't know her specific job

1 responsibilities.
2 **Q. And Lisa Cook does not report to you,**
3 **correct?**
4 A. Correct.
5 **Q. And you do not report to Lisa Cook, correct?**
6 A. Correct.
7 MS. BLAIR: 15. If you could mark this as
8 Exhibit 15.
9 (Defendant's Exhibit Number 15 for i.d.)
10 BY MS. BLAIR:
11 **Q. Ms. West, I'm handing you what's been marked**
12 **as Exhibit 15, and granted you are not on these emails**
13 **that I can see, but my question is, if we go to the**
14 **bottom here, you'll see that Andrew Lofholm is sending**
15 **several people an email on December 10th, 2024 and**
16 **subject is Stet news coverage of Leapfrog rankings.**
17 **Do you see that?**
18 A. Yes.
19 **Q. And if we turn to the next page, there's a**
20 **newspaper article entitled "Tenet hospitals at bottom**
21 **of local safety grades."**
22 **And my question is, did you see this article**
23 **in or around December of 2024?**
24 A. It feels familiar.
25 **Q. I know it's hard. But do you have any**

specific recollection of receiving this?

A. I don't.

Q. Do you recall whether this was the first article that was published regarding the Leapfrog Hospital Safety Grades for the fall of 2024 that were received by the five hospitals that make up the Palm Beach Health Network?

A. I do not recall if this was the first.

Can I comment on this?

Q. Yes.

A. It's very interesting that Jupiter Medical Center is the lone local A grade in ranking by The Leapfrog Group. This medical center sends many patients to our hospitals. They don't keep them and care for them. And that's not all of them. But they send us hundreds of patients, this A hospital --

Q. I'm aware.

A. -- sends to ours.

Q. Right, okay. Yeah.

MR. TAKAGAKI: Did you have anything else to say there?

THE WITNESS: No.

BY MS. BLAIR:

Q. And after -- well, let's talk about that for a second. After these grades came out in or around

November of 2024, has Jupiter slowed its transfer of patients to the five hospitals that make up Palm Beach Health Network?

MR. TAKAGAKI: Objection.

A. I don't have knowledge of that.

BY MS. BLAIR:

Q. Do you recall in or around December of 2024 any discussions that were occurring with anyone associated with Palm Beach Health Network regarding the publicity that was occurring from the publication of the fall 2024 Leapfrog Hospital Safety Grade?

A. Yes.

Q. And what do you recall about those discussions?

A. I had a discussion with Sheri Montgomery in regards to essentially how scary it is to have quality hospitals viewed so negatively.

Q. And Sheri Montgomery, for the record, was the CEO of Good Samaritan in or around December of 2024, correct?

A. Correct.

Q. What else do you recall Ms. Montgomery saying to you about the publicity surrounding the publication of the Leapfrog fall 2024 hospital safety grade?

A. At some point, and I don't know what the time frame is, she talked to me about patients that had cancelled their surgeries, about physicians that no longer wanted to work at Good Sam. I guess that's essentially it.

Q. Any other discussions? So you told me about -- have you told me everything you recall about your discussion with Sheri Montgomery in or around the time that the initial publicity surrounding the fall 2024 hospital safety grade came out?

A. Yes.

Q. Any discussions with anyone else you recall in or around this time?

A. No, not around this time frame.

Q. And that time frame that we're discussing is December of 2024, correct?

A. Yes.

Q. What about later in January of 2025, do you recall any conversations you had with anybody related to publicity surrounding the publication of the fall of 2024 Leapfrog Hospital Safety Grade?

A. Not off the top of my head.

Q. What about February of 2025, any memory of any conversation?

A. No.

1 Q. Okay. What about between December of 2024
2 when you had this conversation with Sheri Montgomery
3 that you told me about and April of 2025 when the
4 spring 2025 Leapfrog Hospital Safety Grades came out,
5 do you recall any discussions with anyone regarding the
6 negative publicity surrounding the current at that time
7 Leapfrog Hospital Safety Grades for the five hospitals
8 that make up the Palm Beach Health Network?
9 A. I don't remember any verbal discussions.
10 Q. Do you remember any written discussions?
11 A. Not off the top of my head.
12 Q. Do you attend the governing board meetings
13 for St. Mary's?
14 A. I don't.
15 Q. Do you attend the governing board meetings
16 for any of the five hospitals?
17 A. I don't.
18 Q. Do you attend the med exec for St. Mary's?
19 A. I don't.
20 Q. Do you attend the med exec meetings for any
21 of the other hospitals that make up the Palm Beach
22 Health Network?
23 A. I don't.
24 Q. Have you ever spoken to any member of any of
25 the governing boards of any of the five hospitals that

make up the Palm Beach Health Network regarding negative publicity surrounding any of the five hospitals that are plaintiffs in this litigation?

A. Can I back up for a minute?

Q. Sure.

A. I need to correct --

Q. Oh, yes, of course.

A. -- my testimony.

I stated that I don't go to the board meetings for St. Mary's, but I do go to the pediatric board meetings for St. Mary's.

Q. Okay. That's a great distinction. Yes, I'm just talking about the adult acute care center that I'm referring to St. Mary's.

A. I do not.

Q. Thank you.

I'm going to show you this email.

MS. BLAIR: We'll mark this as Exhibit 16.

(Defendant's Exhibit Number 16 for i.d.)

BY MS. BLAIR:

Q. Mrs. West, you had just told me about a conversation you had or recalled with Sheri Montgomery, correct, regarding the negative publicity in or around December of 2024.

A. (Nodding head).

1 **Q. And I've now handed you a document that**
2 **we've now marked as West Exhibit 16, which is an email**
3 **from you to Sheri Montgomery dated December 11th, 2024,**
4 **correct?**
5 A. Correct.
6 **Q. And you say here to Ms. Montgomery -- well,**
7 **the subject is "Leapfrog healthcare advisory board."**
8 **Do you see that?**
9 A. I do.
10 **Q. And you say, "Looks like the insurance**
11 **companies dropped off for 2025."**
12 **Do you see that?**
13 A. I do.
14 **Q. Does this refresh your recollection, was**
15 **this part of the conversation that you had with**
16 **Sheri Montgomery in December of 2024 related to the**
17 **launch of the fall 2024 hospital safety grades?**
18 MR. TAKAGAKI: Objection.
19 A. I do not recall why I sent this to her.
20 BY MS. BLAIR:
21 **Q. That was going to be my next question.**
22 **Thank you.**
23 MS. BLAIR: We'll mark this one as 17.
24 (Defendant's Exhibit Number 17 for i.d.)
25 BY MS. BLAIR:

Q. Ms. West, I'm handing you now an email that we've marked West Exhibit 17, which is an email from you -- or, I'm sorry -- from Maggie Gill to you dated February 13th 2025 and the subject is "Leapfrog." Do you see that?

A. I do.

Q. And it says, "Hi, Gina. Corporate is completing a review of issues related to Leapfrog inaccurate portrayal of hospital quality and safety."

Do you see that?

A. Yes.

Q. And then she goes on to say, "What regulatory agency survey results (Joint Commission and/or other) can we share that speak to quality and safety?"

Do you see that?

A. I do.

Q. Was this email followed up by any telephone conversations between yourself and Ms. Gill?

A. I do not recall getting this and I don't recall responding to it.

Q. Do you recall if you had any understanding in or around February of 2025 of the review of issues that corporate was completing?

A. I do not.

Q. Were you involved in any discussions about corporate reviewing Leapfrog in or around February of 2025?

A. Not that I recall.

Q. Do you understand that there was a cease and desist letter sent by Palm Beach -- well, the hospitals that make up Palm Beach Health Network to Leapfrog in January of 2025?

MR. TAKAGAKI: Objection.

A. I recall that.

BY MS. BLAIR:

Q. Did you have any involvement in drafting that cease and desist letter?

A. No, I did not.

Q. Did you have any involvement in approving that cease and desist letter?

A. Not that I recall.

Q. Did you have any involvement in making the decision as to whether or not a cease and desist letter should be sent to Leapfrog?

A. Not that I recall.

Q. So is it your memory that you just were aware of the fact that a cease and desist letter was being sent but you had no involvement in drafting it?

A. I recall finding out about it through media.

1 Q. And when you say "through media," what does
2 "media" mean?
3 A. It was somewhere on the internet.
4 Q. Oh. I just want to make sure when you said
5 "through media," that's not some internal department
6 I'm unaware.
7 So that would be media that would be
8 publicly available to everyone, right?
9 A. Right.
10 Q. Did the way in which you operated from a
11 quality standpoint after January of 2025 change in any
12 way?
13 MR. TAKAGAKI: Objection.
14 A. Can you further clarify?
15 BY MS. BLAIR:
16 Q. Sure.
17 Did the Leapfrog Hospital Safety Grades from
18 fall of 2024 have any impact on the way in which you as
19 the director of quality for Palm Beach Health Network
20 reviewed patient safety at the five hospitals that make
21 up the Palm Beach Health Network?
22 MR. TAKAGAKI: Objection.
23 A. Not that -- not that I recall.
24 BY MS. BLAIR:
25 Q. Were you involved in any meetings at the

1 **Palm Beach Health Network group level before April --**
2 **outside the presence of your attorneys -- before**
3 **April 30th, 2025 related to decisions to file a lawsuit**
4 **against Leapfrog?**
5 A. Not that I recall.
6 **Q. Going back to, I asked you some questions**
7 **earlier about using the -- whether or not the five**
8 **hospitals used the Leapfrog Hospital Survey, not safety**
9 **grade, survey as a benchmark for quality at the five**
10 **hospitals. Do you recall that?**
11 MR. TAKAGAKI: Objection. Vague.
12 A. Yes.
13 BY MS. BLAIR:
14 **Q. And I just, I'm going to hand this to you**
15 **17? 18.**
16 (Defendant's Exhibit Number 18 for i.d.)
17 BY MS. BLAIR:
18 **Q. I'm handing you what we've now marked**
19 **Exhibit 18, and this is an email from you dated**
20 **March 27th, 2025 at that Andrea Nunes,**
21 **Stephany Johnson, Kathleen McDonald, Erin Britt and**
22 **Taylor Pool, CC'ing Ricardo Ramirez. And the subject**
23 **is 'Leapfrog benchmarks.'"**
24 **Do you see that?**
25 A. Yes.

Q. And you say to these quality directors, "Please make sure that any quality/infection control benchmarkings/goals are not based on Leapfrog information."

Do you see that?

A. Yes.

Q. Does this refresh your recollection that at least maybe some of these hospitals were using Leapfrog information as benchmarking/goals?

A. May I look through these documents?

Q. Yeah, of course.

A. Because what I can recall is sending the email regarding the SAFER® EHR, and I want to see if it was around the same time because that's what jumps to mind. That's what jumps to my mind.

Q. Understood.

A. So this was a different year, but it could be related to completion again of the SAFER® EHR.

Q. Okay.

A. So it's just a request to take a look and make sure that there were no references to Leapfrog --

Q. Okay.

A. -- since we weren't participating.

Q. And was there any reason that the email that you sent related to references to Leapfrog is sent in

March of 2025 as opposed to earlier after the hospitals stopped participating in Leapfrog?

A. Do you mind asking me again?

Q. Sure. So, as I understand it, the hospitals stopped participating in the Leapfrog survey in 2021, correct?

A. Correct.

Q. Was there anything that you can recall that spurred you in March of 2025 to send this email to your quality directors requesting that they remove any Leapfrog benchmarking from their -- from their goals?

MR. TAKAGAKI: Objection.

A. It could have been, again, that I was looking at the SAFER® EHR. It's around the same time frame where I've asked to make sure we've removed it, and it could have just been a reminder. This email is a reminder.

BY MS. BLAIR:

Q. Got it.

A. But it could have been related to the SAFER® EHR because it's during the same time frame.

Q. And "during the same time frame," are you referring to like the time of year?

A. Yes.

Q. Okay. But as you sit here today you have no

1 specific recollection as to why you sent that email
2 when you did?
3 A. No.
4 Q. Do you recall if at any QIPSC meetings there
5 were discussions at any time from 2023 to March of
6 2025, do you recall if there were discussions of any
7 QIPSC meetings regarding using Leapfrog standards as
8 benchmarking standards for the five hospitals, any of
9 the five hospitals that make up the Palm Beach Health
10 Network?
11 A. I don't recall.
12 Q. Would the best place for me to look to see
13 if that was being done, the minutes from those QIPSC
14 meetings?
15 MR. TAKAGAKI: Objection.
16 A. Correct.
17 MS. BLAIR: 19.
18 (Defendant's Exhibit Number 19 for i.d.)
19 BY MS. BLAIR:
20 Q. Ms. West, I'm now handing you what we've
21 marked as West Exhibit 19, which is an email from
22 Amy Buzzelli, B-u-z-z-e-l-l-i, to you at the top.
23 And if we go way down to the bottom of this
24 one-page Exhibit, she's writing to you and others,
25 "AH" -- AHCA -- "AHCA has arrived to West Boca."

Do you see that?

A. I do.

Q. And she says, "As expected, AHCA has arrived to West Boca. The complaint is the same."

Do you see that?

A. I do.

Q. What was "the complaint"?

MR. TAKAGAKI: Objection.

A. I don't recall that being shared with us, but that goes back to the spring of when AHCA came to the hospitals to do that thorough quality infection quality control and hand hygiene review. And if I remember correctly, it was around the same time that all of the media coverage was occurring.

BY MS. BLAIR:

Q. Okay. And by "media coverage," just for the record, you're referring to media coverage regarding the hospital safety grades that these five hospitals received from Leapfrog for the fall of 2024?

A. Yes.

Q. And you say to Amy, "Why are they saying 'complaint'?"

Do you see that?

A. I do.

Q. And then she said, "Heard [sic] is wondering

if Leapfrog complaint."

Do you see that?

A. I do.

Q. Who is Heard?

A. She meant she heard.

Q. Oh, okay. I thought that was a person.

And so she heard that Leapfrog complained about the hospital?

A. Correct.

MR. TAKAGAKI: Objection.

BY MS. BLAIR:

Q. Did you have any conversations with her regarding who she heard that from?

MR. TAKAGAKI: Objection. Lack of foundation.

A. I don't recall Amy saying who she heard it from, but I do remember when the surveyors came on site, they mentioned Leapfrog a lot at some of hospitals, and they really focused in on hand hygiene, and they really focused on our methodology, our observations, the data that was collected, how it was reported publicly on our units, how we had completed performance improvement in those areas. They did continue to refer to Leapfrog.

BY MS. BLAIR:

Q. Did you ever come to find out whether Leapfrog complained about this hospital?

A. I didn't come to find out.

Q. Do you know if anybody came to find that out?

A. Not to my knowledge.

Q. As you sit here today do you believe that Leapfrog complained to AHCA regarding the Tenet hospitals in Palm Beach?

A. I don't have an opinion about it.

After this, do you mind if we take a quick break so I can run to the restroom?

MS. BLAIR: Oh, sure. Do you want to do it right now?

MS. MALONEY: Why don't we take a break now.

THE WITNESS: Do you mind?

MS. BLAIR: No, sure.

THE VIDEOGRAPHER: Off the record, 3:58.

(A recess was taken from 3:58 p.m. to 4:13 p.m.)

THE VIDEOGRAPHER: This is media unit number four. The time is 4:13. We're back on record.

BY MS. BLAIR:

Q. Ms. West --

MS. BLAIR: Let's mark this one as 20.

(Defendant's Exhibit Number 20 for i.d.)

BY MS. BLAIR:

Q. Ms. West, I'm handing you what we've now marked as Exhibit 20. This is an email from you to Ricardo Ramirez dated April 28, 2025. Do you see that?

A. I do.

Q. And you say to him what we were talking about this morning, correct?

A. Correct.

Q. And below that email is an email from you to Andrea Nunes, Stephany Johnson, Erin Britt and Kathleen McDonald, correct?

A. Correct.

Q. Were they quality directors for the individual, the other four individual hospitals that make up Palm Beach Health Network?

A. Yes.

Q. And you say, "FYI, to each hospital spring 2025 scores along with the following what-if' scenarios."

Do you recall that, or do you see that? I'm sorry?

A. Yes.

Q. Do you recall what the circumstances were surrounding your drafting of this email?

A. So, first of all, let me start with saying,

1 I'm a registered nurse. I'm not a statistician. So
2 this is a simple exercise each time the scores would
3 come out utilizing Leapfrog's calculator to complete
4 what-if scenarios, just as talking points and FYI
5 information.
6 **Q. And so is it your recollection that you did**
7 **a chart like this each time the safety grades came out?**
8 MR. TAKAGAKI: Objection.
9 A. Yes.
10 BY MS. BLAIR:
11 **Q. And in this particular chart it says, the**
12 **first bullet point says, "What if the hospital**
13 **participated in the survey and received full credits,**
14 **100 percent in the areas that we usually receive full**
15 **credit?"**
16 **Do you see that?**
17 A. Yes.
18 **Q. What were the areas that you usually**
19 **received full credit that you were referring to in this**
20 **bullet point?**
21 A. That would be the four areas of imputed
22 scoring.
23 And if I can just clarify to say, this is
24 the first time that I ever did the N/A on it.
25 **Q. Okay. Thank you. I was going to ask that**

1 **question.**
2 **And then so you were receiving 100 percent**
3 **in prior safety grades for BCMA, CPOE, ICU physician**
4 **staffing and hand hygiene, correct?**
5 A. With the exception of West Boca.
6 **Q. With the exception of West Boca, correct?**
7 **Correct?**
8 A. Yes, correct.
9 **Q. And we talked about this a little earlier.**
10 **Is it your understanding that you were receiving**
11 **100 percent on those four measures even though Leapfrog**
12 **had no data from those hospitals that were receiving**
13 **100 percent, sans West Boca, for those four measures,**
14 **correct?**
15 MR. TAKAGAKI: Objection to the extent it
16 mischaracterizes previous testimony and lacks
17 foundation.
18 BY MS. BLAIR:
19 **Q. Do you know whether or not -- let's start**
20 **over.**
21 **Do you know whether or not for these four**
22 **measures the four hospitals, sans West Boca, were**
23 **receiving 100 out of 100 for those four measures?**
24 MR. TAKAGAKI: Objection.
25 A. It's my understanding for a period of time,

yes.
BY MS. BLAIR:
Q. And would that period of time have been from when you stopped participating in the survey until fall of 2024?
A. I would have to look at a document to know for sure.
Q. Well, let's just talk about the spring of 2024, then. Is it your understanding that with the exception of -- well, no.
Is it your understanding that in the spring of 2024 all five hospitals were receiving 100 out of 100 points for CPOE, BCMA, hand hygiene and ICU physician staffing?
A. For the exception of West Boca, yes.
Q. With the exception of West Boca.
Am I also correct that for the spring of 2024 with the exception of West Boca, those four hospitals were receiving 100 out of 100 points on those four measures even though they did not submit a Leapfrog Hospital Survey?
A. That is what I recall.
Q. And is that is what -- is that what you are trying to articulate in this first bullet point when you say, "Received full credits (underlined 100 percent

in the areas that we usually receive full credit)"?

A. Correct.

Q. And then your second bullet point is, "What if Leapfrog applied N/A to the categories where the hospital declined to participate?"

Do you see that?

A. I do.

Q. Okay. And so if we look at your chart, this first section, spring 2025, is this what you are anticipating your spring 2025 grades to be for the Leapfrog Hospital Safety Grade?

A. That is correct.

Q. And is it your understanding that as of the date that you wrote this email, April 24th, 2025, the spring hospital safety grades for 2025 had not yet been issued?

A. I don't recall.

Q. Okay. And then if we look at the middle box where you say "What if 100 percent," do you see that?

A. Yes.

Q. And does that suggest what if the scoring methodology had not changed for your hospitals?

A. That's correct.

Q. And when we look at West Boca, which is the last row of your chart, are you assuming that West Boca

is going to get 100 percent?

A. Again, it's a simple exercise.

Q. Sure.

A. It was nothing that was official, nothing sanctioned. It was my attempt to analyze potential what-ifs and just make that information available.

Q. And I guess my question, though, is just specific with respect to West Boca, do you know whether or not you were inputting West Boca's score here as 100 percent for all four measures?

A. That's --

MR. TAKAGAKI: Objection.

A. That is correct.

BY MS. BLAIR:

Q. And you did not take into account when you were putting together this center box the fact that nonparticipating hospitals based on the Leapfrog 2023 methodology would have been getting fives for ICU physician staffing, correct?

A. That's correct.

MR. TAKAGAKI: Objection.

A. So no changes to the Leapfrog methodology, no changes to the calculator, which is flawed in itself, because the mean would have changed, obviously, as these changed as the other hospitals received the

same N/A, so simple exercise, flawed in the exercise admittedly.

Q. Yeah, I'm just trying to figure out what inputs you had put on the 100 percent.

And so that is 100 percent for all five hospitals for all four measures, correct, in that middle box?

A. Yes.

MR. TAKAGAKI: And just objection.

Are you asking -- when you say "inputs," you're referring to inputs of this chart or the Excel that was attached?

MS. BLAIR: I'm talking about the inputs that Ms. West put into the calculator to get these grades that say "what if 100 percent."

BY MS. BLAIR:

Q. And I am assuming -- but you tell me because I don't want to assume -- that you would have put in 100 out of 100 points for this middle box for each of those four measures for all five hospitals; is that correct?

MR. TAKAGAKI: Objection. Vague.

A. That's correct.

BY MS. BLAIR:

Q. Okay. And then for this last box -- I

1 understand it's a simple exercise. I understand that.
2 But what you were doing was simply -- well, you tell
3 me. What did you do with respect to "what if any"?
4 MR. TAKAGAKI: Objection.
5 A. I removed the imputed scores and replaced it
6 with N/A.
7 BY MS. BLAIR:
8 Q. Correct. And so you didn't reweight
9 anything; is that fair?
10 A. That's correct.
11 Q. And so do you understand that, we talked a
12 little bit earlier that the Leapfrog scoring
13 methodology in the calculator is separated into two
14 different domains, correct?
15 A. Yes.
16 Q. And so one domain has ten measures that are
17 all outcome measures, correct?
18 A. Correct.
19 Q. And that accounts for 50 percent, 50, five
20 zero, percent of the Leapfrog score, correct?
21 MR. TAKAGAKI: Objection.
22 A. Correct.
23 BY MS. BLAIR:
24 Q. And then we've got the other domain, which
25 is process and structural measures, that has twelve

1 different measures included in it, correct?
2 A. Yes.
3 Q. And so for this exercise, again, a simple
4 exercise, and I understand, you would have removed or
5 created N/A for seven of those twelve measures,
6 correct?
7 MR. TAKAGAKI: Objection.
8 A. That's not correct.
9 BY MS. BLAIR:
10 Q. That's not correct. How many measures did
11 you enter N/A for?
12 A. Four.
13 Q. Okay. But three of those would have already
14 been N/A, correct?
15 A. Correct.
16 Q. Did you keep them as N/A for this very
17 simple exercise?
18 A. Yes.
19 Q. Okay. So the scoring methodology that you
20 used here -- albeit very simple, I understand. I just
21 want to make sure I understand what you did -- would
22 have had with respect to the process and structural
23 measures 50 percent of the weight -- or 50 percent of
24 the score would have been based just on the H-Comp
25 scores that are the other five measures of the process

and structural measures that are contained in that domain, correct?

A. I have --

MR. TAKAGAKI: I just want to object here to note that the actual Excel calculator is not an Exhibit here. She doesn't have it in front of her.

A. I was going to say...

MS. BLAIR: I understand.

BY MS. BLAIR:

A. Just off your best memory, N/A, seven measures were counted as N/A when you did this calculation; would that be fair?

MR. TAKAGAKI: Objection.

A. Yes.

BY MS. BLAIR:

Q. Thank you.

And do you recall whether you had any conversations with Vicki Ramirez regarding document after you sent it to him?

A. The email indicates that I did, but I do not recall that conversation.

Q. Do you recall if Ricky Ramirez asked you to prepare this document?

A. He did not.

Q. Do you recall if anyone asked you to prepare this document?

A. No one asked me to prepare this document.

Q. And for what purpose did you prepare this document, to the best of your recollection?

MR. TAKAGAKI: Objection. Asked and answered.

A. Just a simple exercise to see how it would change in the moment.

BY MS. BLAIR:

Q. Did any of the recipients of this email have any conversations with you with respect to your simple exercise?

A. No, not to my knowledge, not that I recall.

Q. Do you recall whether or not after the spring 2025 safety grades were published you had any meetings with Maggie Gill regarding the Palm Beach Health Network's Leapfrog Safety Grades?

A. I did not.

Q. Okay. Do you recall whether at any time you had any conversations with anyone associated with the Palm Beach Health Network regarding the release of the spring 2025 hospital safety grades for the five hospitals?

MR. TAKAGAKI: Objection.

A. Your question is about meetings?
BY MS. BLAIR:
Q. Did you have any discussions with anybody? So we've talked about, right, the release of the fall 2024 safety grades and all the discussions you had after that release.
And now we're looking at documents that are dated in April of 2025, correct?
A. Correct.
Q. And you understand that Leapfrog would issue a spring hospital safety grade for these five hospitals, correct?
A. Correct.
Q. And, in fact, Leapfrog did issue hospital safety grades for these five hospitals for the spring of 2025, correct?
A. Correct.
Q. And so I'm asking, after those grades were released on April 30th, 2025, did you have any discussions with anybody associated with Palm Beach Health Network regarding the grades that these five hospitals received for the spring of 2025?
A. Not that I recall.
Q. Are you aware -- I hate to do this, but we're going to go fast.

1 **Let me mark this as 21.**
2 (Defendant's Exhibit Number 21 for i.d.)
3 BY MS. BLAIR:
4 Q. Ms. West, I've just handed you what we've
5 now marked as Exhibit 21 to your deposition, which is
6 entitled "Leapfrog Hospital Survey Hard Copy.
7 Questions and Reporting Periods End Notes Measure
8 Specifications and FAQs."
9 Do you have that before you?
10 A. Yes, I do.
11 Q. And have you ever seen this copy in hard
12 copy before?
13 A. I have not.
14 Q. And did you -- when's the last time that you
15 reviewed this document in hard copy, to the best of
16 your memory?
17 A. I remember doing a quick review of the
18 hospital survey in 2024.
19 Q. Okay. In connection with this litigation
20 and getting together documents sufficient to simulate
21 how these five hospitals would have performed on the
22 four imputed measures at issue in this litigation, did
23 you utilize or refer to in any way the Leapfrog
24 Hospital Survey with respect to these four measures?
25 MR. TAKAGAKI: Objection. Lacks foundation.

Vague.

A. I did not.

BY MS. BLAIR:

Q. Oh, okay. Then you can set that aside.

A. Okay.

Q. You understand that there was a lawsuit filed in this action on April 30 -- with regard to the matter you're being deposed in, filed on April 30th, 2025?

A. I am aware that there was a lawsuit, but I don't know what date.

Q. Okay. Did you have any involvement in drafting -- I'm sorry.

Did you have any involvement in putting together the lawsuit that was filed against Leapfrog?

A. I did not.

Q. Did you -- outside the presence of your attorneys, did you have any involvement in editing the lawsuit that was ultimately filed in this matter?

A. I did not.

Q. Were you involved in any discussions outside the presence of your lawyers with anybody associated with Palm Beach Health Network related to whether or not a lawsuit should be filed against Leapfrog in this action?

A. No.

Q. Were you involved in any governing board meetings of any of the five hospitals related to the decision as to whether or not a lawsuit should be filed against Leapfrog in this action?

A. No.

Q. Were you involved in any way with commenting to the press in or around April or May of 2025 with respect to the filing of the lawsuit that we're at today?

A. No.

Q. Did you help prepare any media or press releases related to the filing of the lawsuit that was filed in April of 2025?

A. No.

Q. Did you have -- are you aware that there was an Amended Complaint filed in this action?

A. I was not.

Q. So you weren't involved in any way with that as well, correct?

A. Correct.

Q. Have you signed any affidavits in connection with this litigation?

A. No.

Q. Were you involved in any way in helping put

1 **together the press release that was issued on**
2 **April 30th, 2025 by Palm Beach Health Network with**
3 **respect to this litigation?**
4 A. No.
5 **Q. Were you involved in any conversations with**
6 **anyone at the market level regarding the decision to**
7 **file the lawsuit that was -- in this action that was**
8 **filed on April 30th, 2025?**
9 A. No.
10 **Q. Are you involved in any way in -- were you**
11 **involved in any way -- well, strike that.**
12 A. I wasn't involved in any way for this
13 lawsuit. That covers all of the components.
14 **Q. Thank you.**
15 **Give me one second to look at my notes.**
16 **Thank you very much.**
17 **Do you consider a D on the Leapfrog Hospital**
18 **Safety Grade to be a fail grade?**
19 A. It's not a good grade.
20 **Q. Do you consider it to be a failing grade?**
21 MR. TAKAGAKI: Objection.
22 A. As Leapfrog defined a D is failing.
23 BY MS. BLAIR:
24 **Q. Do you as the quality director --**
25 A. I've never defined it as failing.

Q. Do you believe that the hospital were fairly graded by Leapfrog prior to the fall of 2024 change of methodology?

MR. TAKAGAKI: Objection. Vague.

A. It's my belief that if hospitals don't participate, they should not be included, and they should not receive a grade.

BY MS. BLAIR:

Q. But my question was, do you believe that they were fairly graded prior to the change in methodology in 2024?

MR. TAKAGAKI: Objection. Asked and answered. Vague.

A. I don't have an opinion about it.

MS. BLAIR: Just one more Exhibit, and I don't have another copy of it. What is this, Barbie, 22?

THE STENOGRAPHER: 22.

(Defendant's Exhibit Number 22 for i.d.)

BY MS. BLAIR:

Q. Ms. West, I'm handing you an Exhibit that we've just marked West Exhibit 22, which appears to be a calendar entry, again, on your calendar dated April 29th, 2025, that appears to represent a meeting that is going to occur between you and Maggie Gill.

Do you see that?

A. I see the entry in my calendar.

Q. And what is the subject on that entry, for the record?

A. "Data for Maggie, Leapfrog."

Q. Do you have any recollection of what it was that you were compiling for -- well, strike that.

Does "Maggie" refer to Maggie Gill in your calendar entry?

A. It appears that way, yes.

Q. Okay. And is this an invitation to Maggie Gill to join a meeting?

A. No, it is not.

Q. Okay. And does this calendar entry refresh your recollection in any way as to what the meeting or what you were going to do -- not a meeting -- what you were going to do on April 29th, 2025 with respect to data for Maggie Leapfrog?

A. I don't recall this at all. And I would need -- again, this is just, it's a calendar entry for me. Occasionally I'll put things on that reoccur. I don't know if this could have been one of those recurrences. I'm not sure. I don't have anything in the body of it to like -- and I do not recall this at all.

MS. BLAIR: Okay. Thank you. I have no further questions. Thank you very much.

THE WITNESS: Thank you.

MS. BLAIR: I don't know if you're going to reserve signature, or what do you want to do?

MS. MALONEY: Hold on a second. I think we need a moment to determine --

MS. BLAIR: Oh, I apologize.

MS. MALONEY: -- if he's going to do any redirect [sic].

MR. TAKAGAKI: I don't believe so.

MS. MALONEY: You want to take a break?

MR. TAKAGAKI: Sure, we can take a quick break.

THE VIDEOGRAPHER: Off the record, 4:38.

(A recess was taken from 4:38 p.m. to 4:40 p.m.)

THE VIDEOGRAPHER: Back on the record 4:41.

MR. TAKAGAKI: I have no questions. I just want to designate the transcript as confidential.

And, Counsel, if you could send us the Bates numbers for the Exhibits, that will be very helpful.

MS. BLAIR: I will send you the Bates numbers for the Exhibits, and I will reserve my

right to contest any designation of this transcript as confidential.

And, for the record, Barbie, I will order a rough draft as well as an eTran to be delivered regular delivery for me.

And, Benny, I don't need the video.

THE VIDEOGRAPHER: This marks the end of today's deposition. The time is 4:41. We're going off the record.

(Thereupon, the proceedings concluded at 4:41 p.m.)

(The witness did not waive signature.)

CERTIFICATE OF OATH

THE STATE OF FLORIDA)

COUNTY OF PALM BEACH COUNTY)

I, the undersigned authority, certify that remotely appeared before me and was duly sworn on the 25th day of September 2025.

Signed this 9th day of October 2025.

Barbara Gallo

BARBIE GALLO, RMR-CRR
Notary Public - State of Florida
My Commission No. GG939757
My Commission Expires: December 18, 2027

CERTIFICATE OF REPORTER

THE STATE OF FLORIDA)

COUNTY OF PALM BEACH)

I, Barbie Gallo, RMR-CRR, Registered Merit Reporter-Certified Realtime Reporter, certify that I was authorized to and did stenographically report the deposition of GINA WEST, pages 1 through 276; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 9th day of October 2025.

Barbara Gallo

Barbie Gallo, RMR-CRR

October 9, 2025

Gina West c/o Mary Beth Maloney
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New York, NY 10166
(212) 351-4000
mmaloney@gibsondunn.com

IN RE: GOOD SAMARITAN vs. THE LEAPFROG GROUP
CASE NO.: 9:25-CV-80526-DMM

Please take notice that on the 25th day of September 2025, you gave your deposition in the above cause. At that time you did not waive your signature.

The above-addressed attorney has ordered a copy of this transcript and will make arrangements with you to read their copy. Please execute the Errata Sheet, which can be found at the back of the transcript, and have it returned to us for distribution to all parties.

If you do not read and sign the deposition within 30 days, the original, which has already been forwarded to the ordering attorney, may be filed with the Clerk of the Court.

If you wish to waive your signature now, please sign your name in the blank at the bottom of this letter and return it to the address listed below.

Very truly yours,

Barbara Gallo

_____
Barbie Gallo, RMR-CRR
Lexitas Legal
fl.production@lexitaslegal.com

I do hereby waive my signature.

_____
GINA WEST
Job No.: 421988

ERRATA SHEET
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IN RE: GOOD SAMARITAN vs THE LEAPFROG GROUP
CASE NO.: 9:25-CV-80526-DMM
WITNESS: GINA WEST
TAKEN: 09/25/2025

PAGE	LINE	CHANGE	REASON FOR CHANGE

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

_____ _____
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