

CROSS EXAMINATION OF DR. ZACHAROUDIS

NEED TWO EASELS FOR SET UP

I. BACKGROUND

You are a cardiologist?

Cardiology is the treatment of the Heart and heart related problems?

In September 2000, when you treated Elie Bental, you were in private practice operating under the name Aristides Zacharoudis, M.D., P.A. ? (9)

And you've operating under that PA since 1996?

You know the Defendant, Dr. Bartzokis and his partner Dr. Seckler ?

You have provided coverage for their patients at times since 1996 ? (10)

You are in the hospital all the time?(8)

II. RESPONSIBILITY

You had the pleasure of meeting and caring for Elie Bental on September 9, 2000 for the first time? (72) **SEE EXHIBITS TO DEPO**

24 to 48 hours after his CABG?(12)

And again on September 10,2000? (77)

Never met Elie Bental before September of 2000?(12)

You cared for Elie in the hospital only?

Never in the office?

You were caring for Elie because Dr. Seckler could not care at that time for Elie in the hospital?

You were covering for Dr. Seckler?

And during the time you were caring for Elie Bental, the responsibility is yours to make sure he receives the correct care and treatment?(17)

You provide coverage for the patient whether they are in a regular room, telemetry, or ICU ? (21-22)

And at times when you are not at the hospital and covering, you are still responsible for his care?(18-*During the days that I'm covering for, yes.*)

And during the weekend when you are providing coverage for Dr. Bartzokis and Dr. Seckler, they usually will not also see the patient?(19)

And as the covering cardiologist you are responsible to monitor the patient?(21)

Diagnose any conditions that may be causing problems to the patient ? (21)

And if there is a need for surgery, you would diagnose or recognize that there is a need for surgery and contact the appropriate surgeon?

And while you are providing coverage, you do not feel that it is necessary for there to be a cardiovascular surgeon also present?(21)

On those days, you agree that you had a duty to treat him appropriately and within the standard care as you would any patient?

On those days, you were Elie's doctor?

Typically, when you are going to pass responsibility to another physician, you "sign out"?

You were responsible for him on September 11, 2000 beginning very early in the morning ?

You were his doctor on that day, just like Sept. 9th and 10th ?

September 11, 2000 is the day that Elie suffered a cardiac arrest?

Same day, Sept. 11, 2000, that because of the cardiac arrest, his brain was deprived of oxygen?

Same day, that because his brain was deprived of oxygen, he suffered brain damage?

Brain damage that was irreversible?

Same day as a result of the irreversible brain damage, he became in your words, "unresponsive?"

And on that tragic day, Sept. 11, 2000, after he suffered cardiac arrest as a result of the blood that accumulated around his heart and irreversible brain damage, he would no longer be able to see Monique, his wife of 47 years?

And on that day, after he suffered cardiac arrest as a result of the blood that accumulated around his heart and irreversible brain damage, he would no longer be able to communicate with his Monique?

He would no longer be able to rub her back or feel her touch?

He would no longer be able to enjoy, speak with, or see his three children and his grandchild, Ilan?

He would no longer be able to enjoy walks on the beach holding Monique's hand?

He would no longer be able to enjoy his turkish coffee in the morning?

He would no longer be able to enjoy his garden, growing flowers for his wife?

After Sept. 11, 2000, he would never wake up?

Never leave the hospital?

On Sept 11, 2000,/ the day you were Elie's doctor, Elie was lost to the people he loved, his wife, Monique of 47 years, his three children, Patricia, Kary, and Daniel, and his grandchild, Ilan?

Never saw him after that tragic day?

Aware he never became responsive?

Aware he never came out of the coma?

Aware he never left his hospital bed or hospital?

Aware ten days later, on September 21, 2000, Elie finally passed away?

III. THEME

SEE TIME SEQUENCE DEMO AID

On September 11, 2000, we know Elie was bleeding?

We know that he was receiving Heparin on 9/11?

That bleeding led to bleeding into the area around Elie's heart causing a pericardial effusion?

And that pericardial effusion led to a cardiac tamponade?(61-62)

And this cardiac tamponade caused or contributed to Elie's death?(62-63)

IV. QUALIFICATIONS AND TRAINING

You have a medical degree?

Are able and licenced to practice as a medical doctor?

In order to practice as a medical doctor, you had to attend medical school?

When you chose to attend medical school, you did not apply in the United States? (23-No)

And you did not apply for medical school in the United States because you did not think the scores which will allow you to get into an American Medical school were not good enough?(23-MCAT scores weren't that good, so I applied to a foreign medical school).

So, you applied to two foreign medical schools; Brussels University and University of Guadalajara in Mexico?(24-Yes).

You came to the United States after four years at Guadalajara and received a medical degree?

And when you came back from Guadalajara Mexico to study medicine at a United States medical school, you had to pass an entrance exam?(27)

GET OUT:

1. **FMGMS**
2. **BOARD PAPERWORK**
3. **DOH FILE**
4. **R4A**

I believe at the time they called it (Foreign Medical Graduate Examination in the Medical Sciences)(FMGEMS)?

This test assesses the readiness of graduates of foreign medical schools to enter programs in the United States?

When you pass you receive a certification?

This certification provides assurance to the medical programs and to the people of the United States that the graduates of foreign medical schools have met the minimum standards?

The FMGEMS was a two part test?

It assesses knowledge in the basic medical and clinical sciences?

Day 1 of the examination covers the basic medical sciences and Day 2 covers the clinical sciences?

Aware that the minimum passing level is usually met by answering 50 to 55 % correct?

You took that test?(27)

And if you did not pass one section you had to wait to pass both sections before you could start treating patients in the United States? (37-Yeah)

You took Part I of this entrance exam in 1985 in Mexico?

You took Part I of this entrance exam again in January, 1986 in NY?

B/C you failed Part I?

You took Part I of this entrance exam again in July, 1986 in Mexico?

B/C you failed Part I again?

You took Part I & II of this entrance exam again in January, 1987 in Mexico?

You failed both parts this time?

You took Part I & II of this entrance exam again in July, 1987 in NY?

You failed both parts again?

You took Part I & II of this entrance exam again in January, 1988

in New Haven, CT?

You failed Part II this time?

You took Part II of this entrance exam again in July, 1988?

Finally, this time you passed both sections?

Now, you were able to practice in the US?

**DO I NEED THE FOLLOWING CROSS IN BLUE
???**

[You took the FMGEMS exam more than once? (39-Yes)]

CHECK DOH FILE FOR IMPEACHMENT
(See Caselaw – JUDICIAL NOTICE)

Two sections are titled basic and clinical?(38-39)

Isn't it true, you took the basic section of the FMGEMS exam in order to study medicine in the United States six times?(38-40)

Isn't it true, you took the clinical portion of the FMGEMS exam in order to continue studying medicine in the United States four times?

For a grand total of 10 times to treat patients in the US?

There is no maximum times that you can take the exams?

Just kept taking the exam until you passed?(40)

In fact, you left the University of Guadalajara in 1986?(See CV)

And it wasn't until 1988, two years after you left the University of Guadalajara, that you were able to treat patients here in the US?

You studied medicine and specialized in the field of Cardiology?

The field of cardiology is a sub-specialty of internal medicine?

And as part of your further studies you can become what is called Board Certified in Internal Medicine?

Given by the American Board of Internal Medicine?

And Board Certification is an indication that you have passed an exam to reach the highest level of your studies in internal medicine?

You took the Am Board of Internal Medicine Certifying Examination in September, 1992?

You failed it?

You took the Am Board of Internal Medicine Certifying Examination in September, 1993?

You failed it?

You took the Am Board of Internal Medicine Certifying Examination in September, 1994?

Finally, you passed it?

?? Took Re-Cert Exam in Internal Medicine in 2004?

Results?

The exam given by the Am Board of Int Medicine, you failed it? (31)

Eventually passed it?

In addition to the Board Certification in internal medicine, you are eligible to become board certified in

your sub-specialty of Cardiology?

In fact, the American Board of Internal Medicine also gives this specialty board in cardiology? (33)

You took the Specifying Board Examination in Cardiology in November, 1995?

You failed it?

You took the Specifying Board Examination in November, 1997?

You failed it?

You took the Specifying Board Examination in November, 1998?

You failed it?

You took the Specifying Board Examination in November, 1999?

You failed it?

You took the Specifying Board Examination in November, 2000?

Finally passed it?

And that was after you were responsible for Elie Bental?(34)

And the exam for your specialty in Cardiology board examine, you failed that exam?(33)

And you failed that exam, three or four times ? (33)

After failing the boards in your specialty Cardiology, three or four times, you finally passed them in the year 2000?(34)

V. SIGNS & SYMPTOMS OF BLEEDING

USE NOTEPAD TO LIST THE S&S OF ACTIVE BLEEDING

Internal active bleeding will cause low blood pressure?(49-lower 90/60) (also

see page 81)

Internal active bleeding can cause a fast heart rate?

Internal active bleeding can cause a drop in the blood test, H&H?(49)

Heparin is a medication ?

A medication that thins the blood?

If a person is actively bleeding , Heparin will cause the patient to bleed more? (50-51)

If a person is actively bleeding , Heparin will cause the patient to bleed faster? (50-51)

The absolute contraindication when Heparin should not be given is if you are actively bleeding?(49)

The ultimate responsibility for monitoring Heparin is the physician?(47)

The ultimate responsibility for discontinuing Heparin is the physician?(47)

VI. SEPTEMBER 9TH

First time you saw Mr. Bental was on September 9th?(72)

His overall heart function was pretty good?(46)

He had CABG surgery on the 8th ?

He was in no distress?(72) **PUT ON NOTEPAD WITH DATE**

He was laying in bed?

No shortness of breath? **PUT ON NOTEPAD WITH DATE**

No chest pain?

His blood pressure was 136/57? **PUT ON NOTEPAD WITH DATE**

Heart rate 80 beats per minute? **PUT ON NOTEPAD WITH DATE**

Respiratory rate 22 breaths per minute?

Performed physical exam on him on this date, September 9th?

In your physical examination, you indicate **no JVD**?

That's when you feel the vein in his neck?

Important b/c if it's bulging it indicates there may be pressure building around the heart?

Because of its importance you **indicate in the record** whether it's positive or negative?(73)

In fact, all cardiologists like yourself and Dr. Bartzokis should mention this in the records?(73)

It's part of a complete cardiac examination?(73)

Also on September 9th you checked his **heart sounds**?

And these are typically described in the records as S1, S2, S3, and S4?

September 9th, his cardiac status was stable?(75)

He was hemodynamically stable?(75)

VII. SEPTEMBER 10TH

He had some mild shortness of breath in the morning?(77) **PUT ON NOTEPAD**

In the am, blood pressure was down from the day before to ... **SEE 9/10 NURSES NOTE.**
PUT ON NOTEPAD THE BP'S

His heart rate was between 98 and 108? **PUT ON NOTEPAD**

Again you document that he had no JVD?

Then you document that his S1, S2, S3, and S4?

Also on September 10th a blood test was done, an H&H (6:15 pm)? **SEE LABS**

The findings were 35.2/12?

Normal ?!

VIII. SEPTEMBER 11

DO WE ASK QUESTIONS ON DIFFERENTIAL DIAGNOSIS HERE
?????

DIFFERENTIAL DIAGNOSIS

By differential diagnosis, we mean the method doctors use to identify the condition causing the patient's problems?

Before a medical condition can be treated, it must be identified?

You observe the patient?

Get a history?

Examine the patient?

Form a list of the most likely causes ?

The idea from this list is to eliminate the possible causes?
(87-88)

For example, a patient has symptoms A and B, the doctor creates a list of conditions that include symptoms A and B ?

Once a diagnosis is reached, you treat?

SEE MEDICAL FLIP CHART

USE NOTEPAD TO LIST ELIE'S SYMPTOMS NEXT TO S&S FOR BLEEDING

You received a phone call at 5:00 AM from the nurses at Northridge Medical Center?

The nurses that were taking care of Elie Bental?

The nurses told you Elie's blood pressure had dropped to 72/44?(93)

And that his heart rate had increased to 147?

That he complained of not feeling well?

That his color was pale?

And that his blood test or his H&H had dropped over two grams from the evening before to 29/9.9?(93-94, 100)

If you are concerned that this may be a lab variation you can order another blood test?

Also, if you order another blood test and it has decreased further, more concern of active bleeding?

Dr. Zach never ordered another blood test?

Never commented it could be a lab variation?

That Elie felt dizzy?(94)

That he felt tired and weak?(94)

That he had decreased breath sounds?(95)

Go over S&S that are consistent with bleeding.

After hearing that (list S&S)..., you did not come in to the hospital and physically examine him at 5:00 AM?(95)

Instead, you issued an order over the telephone?

And this order at 5:00AM was to give him fluids and change his medication?(91)

And at this time at 5:00 AM on 9/11 you were the responsible physician?(91)

Then at 6:00AM, the nurses called you back?

And then again at 7:00 AM the nurses called you back?

His heart rate was still 140?(96)

By the way, you did not come in at 6:00AM to physically examine Elie Bental?

Nor 7:00 AM?

At 8:00 AM, you received another call from the nurses?

Up to 8 AM, your care and treatment of Elie consisted of issuing orders over the telephone giving fluids and changing medication?

At 8:00 AM the nurses called you again?

Now at 8:00 AM, his blood pressure had dropped to 83/52?(97)

Now doctor you would agree a blood pressure 83/52 with a heart rate of 110-140 Elie Bental was not stable? (97)

Go over S&S that are consistent with bleeding., including H&H, (100)

And you did not consider at that point that he was actively bleeding?(100)

CABG is a major surgery?

In any major surgery, a patient may suffer from internal bleeding?

And in CABG, the area that was operated on is the heart?

And after the surgery, there can be an internal bleeding at that area?

And if that bleeding is into the sac or lining of the heart, it is called PE?

Bleeding by itself is not terminal or fatal condition?

Its diagnosable?

It is treatable?

If diagnosed timely and treated timely, bleeding can be stopped?

We know now that Elie had bleeding into the area around the heart called Pericardial Effusion?

It is not a terminal illness by itself?

It can be diagnosed?

In fact, if it is diagnosed, it can be treated?

And it can be treated by a surgeon?

And if timely diagnosed and timely treated, most likely, the patient will be fine?

As the area around the heart fills with blood or fluids, it compresses and constricts the heart ?

This compression of the heart by the blood or fluid may prevent its adequate function ?

This fluid or blood buildup can be in front of the heart, back of the heart, or both?

Anywhere around the Heart?

And as this pressure increases it will make it more difficult for

the heart to beat properly?

When this pressure becomes great, this is called Cardiac Tamponade?

Cardiac Tamponade can lead to cardiac arrest?

A cardiac arrest is an event in which the heart suddenly stops beating?

This is different from a heart attack in which blood flow to the heart is disrupted to the point that a heart muscle dies?

Cardiac arrest can lead to loss of oxygen to the brain?

This can cause brain to die? Coma?

The only treatment for cardiac tamponade is removal of the blood or fluid around the heart?

And this is done by a surgeon?

And you would agree that cardiac tamponade should always be suspected in a post bi-pass patient such as Elie Bental who had low blood pressure?
(65-its one of the differentials)

And it should be one of the differentials that should be suspected at any time there is a deterioration in the condition of a post-CABG patient, such as Elie?*(65)*

And what we mean by one of the differentials is that it should be one of the diagnoses that should be considered?*(65-yes)*

One of the ways determined that blood or fluid is filling the area around the heart is to perform a physical exam?

Something you failed to do on 9/11?

During the AM of 9/11, you did not form a list of what could possibly be causing

these problems with Elie?

Nothing in the records?

This list is called a differential diagnosis?

The purpose of forming this list is to rule out or rule in conditions that may be causing these problems?

You could have ordered another blood test, an H&H to see if his blood was continuing to drop since 4:55 AM?

You did not order a blood test?

Did not order any tests to find out if Elie was bleeding?

Did not order any tests at all?

HEPARIN

Elie Bental was on a medication called Heparin?

Now certainly, if a person is actively bleeding and you increase the medication Heparin, it can cause that person to bleed faster?(102)

If a person is actively bleeding and you increase the medication Heparin, it can cause that person to bleed more?(102)

If the bleeding is in and around the heart area and the patient is on Heparin there is a likelihood that it can cause a PE?(57)

If the bleeding is in and around the heart area and the patient is on Heparin there is a likelihood that it can cause a CT?(57)

And if you actually considered that Elie Bental was actively bleeding, you would not have increased the Heparin?(102)

But you did not think of it? (100)

SEE 8:20 AM ORDER-DR.ZACHAROUDIS

At 8:00AM , you give another telephone order ?

Have not physically examined Elie Bental that day?

Received calls every hour since 5 am?

Learn that his BP is down?

There is a 2 gram drop in his blood test?

Fast heart rate?

Not feeling well, looking pale?

And your telephone order given at 8:20 AM as follows>>...,

Increasing the dosage of Heparin?

Now sometime around 8:30 or 9:00 o'clock that morning you "sign out"?

This means that you are passing the care of Elie to Dr. Bartzokis?

??? SEE SOC CHART ???

Signing out without coming to see him?

Listen to his heart?

No tests?

Bleeding not considered?

No list of what could be wrong?

No diagnosis?

Nothing?

Talk with the family ?

Concerned?

Very concerned? Upset?

Where?

Let me understand, you were at the hospital, family was very concerned, and you still did not walk over to his room and at least observe him?

ECHO CARDIOGRAM

Sometime after checking out, Dr. Bartzokis asked you to interpret a test that he had order called an echocardiogram *?(106)*

SEE ECHO CARDIOGRAM REPORT

And you indicated in your report that it is a limited study?*(107)*

Limited b/c some component is missing? *(107)*

No indication in the report what component was missing?*(107)*

And the reason for this study that Dr. Bartzokis ordered is to rule out bleeding or fluid around the heart? *(108)*

And one of your findings is that there is some blood or fluid around the heart?

Specifically, in front of the heart? *(109-110)*

So this limited study allows you to see that portion in front of the heart which indicated to you that there was some fluid or blood?

The study would not let you see what was behind the heart?

There is another test, a TEE that would show you an image of behind the heart?

And this TEE would give you definitive better images of the front and back of the heart?*(111)*

And Elie Bental did not have any problems to prevent the TEE?(112)

We know that you did not order any tests and that Dr. Bartzowkis ordered an echo cardiogram, did either of you ever order a TEE?

IX. ELIE'S CRASH

SHOW TIME SEQUENCE CHART

Elie Bental bled?

While receiving Heparin?

Into the heart?

Which caused PE?

Which led to CT? (61-62)

With CT his heart could not beat properly anymore?

He went into cardiac arrest or a code blue?

Dr. Bott rushed to the bedside and opened Elie's chest at bedside?

He evacuated or took out a large amount of blood and clots in front of and behind the heart?(60)

This is CT? (61,62)

And because of this CT and the cardiac arrest Elie did not get enough oxygen to his brain?(62-63)

And this caused brain death?

He would no longer have any functioning?

This was the cause of his death? (62-63)

Are you aware for approximately 10 days, Monique his wife of 47 years suffered by

his side until he passed away?