

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION NO. III
CIVIL ACTION NO. 15-CI-551

PAUL KEARNEY, M.D.,)	DEPOSITION TAKEN ON
)	BEHALF OF PLAINTIFF
PLAINTIFF)	<u>BY: NOTICE</u>
)	
VS.)	
)	
UNIVERSITY OF KENTUCKY,)	Witness:
)	
DEFENDANT)	SARAH BENTLEY

* * * * *

The deposition of SARAH BENTLEY was taken before Desiree J. Wright, Court Reporter and Notary Public in and for the State of Kentucky at Large, at the law offices of Sturgill, Turner, Barker & Moloney, PLLC, 333 West Vine Street, Suite 1500, Lexington, Kentucky, on Monday, September 12, 2016, commencing at the approximate hour of 1:50 p.m. Said deposition was taken pursuant to Notice, heretofore filed, to be read and used as evidence on behalf of the Plaintiff at the trial in the above-captioned action and all other purposes as permitted by the Kentucky Rules of Civil Procedure.

* * * * *

APPEARANCES:

Hon. Bernard Pafunda
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Lexington, Kentucky 40509

ATTORNEYS FOR PLAINTIFF

Hon. Bryan Beauman
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ATTORNEYS FOR DEFENDANT

ALSO PRESENT:

Paul Kearney, M.D.

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1 The witness, SARAH BENTLEY, after
2 first being duly sworn, was examined and testified
3 as follows:

4 EXAMINATION

5 By Mr. Pafunda:

6 Q You're Sarah Bentley.

7 A Yes.

8 Q And you're employed by the
9 University of Kentucky?

10 A Yes.

11 Q In what capacity, Sarah?

12 A I currently serve as the Chief of
13 Staff for the Chief Medical and Chief Nurse
14 Executive offices.

15 Q You don't strike me as the Chief of
16 Staff for all of those people. Too young, aren't
17 you?

18 A (Witness indicating no.)

19 Q What do you do as Chief of Staff?

20 A I manage both of the oversight of
21 the two offices, for both the Chief Medical
22 Officer and the Chief Nurse Executive. I have a
23 staff of administrative support that manage
24 oversight in some of the service lines through
25 nursing, as well as oversight of the medical

1 director program, as well as the acting secretary
2 for the medical staff in that role.

3 Q Is it Monday through Friday?

4 A It is.

5 Q Now, you say that with a smile?

6 A It's a little bit of extra hours.

7 Q All right. And --

8 A A little more than 40.

9 Q And if there are a little bit of
10 extra hours, that just has to come from an
11 administrative standpoint?

12 A Yes.

13 Q How long have you been employed by
14 the University?

15 A Since 2004.

16 Q And your educational background?

17 A I have a Bachelor's of Science from
18 Centre College in biology, as well as a Bachelor's
19 of Science in nursing from Morehead State
20 University.

21 Q And I take it your first employment
22 full time, big time is with the University of
23 Kentucky?

24 A Yes, sir.

25 Q Was that in the capacity as a nurse?

1 A No. I came in in 2004 as a clinical
2 services technician in the gynecological oncology
3 clinic.

4 Q And then moved up the ladder, so to
5 speak?

6 A Yes, sir.

7 Q And your immediate supervisor is
8 whom?

9 A Colleen Swartz.

10 Q And prior to Colleen, who was it?

11 A Paul DePriest.

12 Q Who was what, in what position?

13 A Chief Medical Officer.

14 Q Now, when Dr. Boulanger,
15 Bernard Boulanger, was Chief Medical Officer, was
16 he also your immediate supervisor?

17 A Yes.

18 Q Were you his staff person, immediate
19 staff person?

20 A Yes, sir.

21 Q You worked for Dr. Boulanger for how
22 long a period of time?

23 A From 2008 until he departed this
24 year.

25 Q Do you know the reason --

1 A I'm sorry, 2012 until this year.
2 I'm sorry.

3 Q Don't worry about it.

4 A No, I'm just trying to remember.
5 I've had three CMO's.

6 Q Do you know what reason or reasons
7 why he left?

8 A I do not.

9 Q He didn't confide in you in any way
10 in that regard?

11 A No, not in that regard. I knew
12 there were some personal family reasons as well.

13 Q Dr. Paul Kearney, do you know him?

14 A Yes.

15 Q Did you know him before today?

16 A Yes.

17 Q Did you know him in a working
18 relationship?

19 A Yes.

20 Q And briefly describe that working
21 relationship to me.

22 A I've interacted with Dr. Kearney
23 through several different committees, one being
24 the ICU committee, as well as his leadership roles
25 within trauma, on an administrative standpoint

1 whether the Chief Medical Officer or the Chief
2 Nurse Executive or someone within those two
3 offices needed to reach out to him to schedule
4 appointments or meetings or if I was interacting
5 from taking minutes in a meeting.

6 Q And your opinion of the working
7 relationship you had with Dr. Kearney in those
8 instances you just described?

9 A He has always been cordial with me
10 and compliant and quick to reply for anything that
11 was asked.

12 Q In short, polite?

13 A Yes.

14 Q Did Dr. Boulanger get along with
15 Dr. Kearney?

16 A As far as I'm aware of, yes.

17 Q I asked you to bring recordings with
18 you today of the Medical Staff Executive Committee
19 meetings in January and February of 2015. Did you
20 bring any recordings?

21 MR. BEAUMAN: She's -- go ahead.

22 MR. PAFUNDA: No, let her speak.

23 Come on, Bryan.

24 MR. BEAUMAN: For the record, she has
25 provided me a copy of the January meeting.

1 She can explain to you about the February
2 one. I have the January one. As soon as I
3 have a chance to listen to it, hopefully
4 today, I will whisk it right over to you.

5 MR. PAFUNDA: Thank you.

6 Q As the lawyer just said, you brought
7 the January recording and your answer -- you have
8 to say yes or no for the record.

9 MR. BEAUMAN: She actually e-mailed
10 it to me.

11 A I e-mailed it to Bryan on Friday
12 afternoon.

13 Q Has the recording been altered,
14 modified in any way?

15 A No, sir.

16 Q Is it a full recording of the
17 January of 2015 meeting?

18 A Yes, sir.

19 Q From beginning to end?

20 A Yes, sir.

21 Q And you recorded the entire meeting?

22 A Yes, sir.

23 Q Did the Medical Staff Executive
24 Committee go into executive session, if you
25 recall?

1 A In the January meeting they did not
2 go into an executive session.

3 Q And for the record, your
4 understanding of an executive session is what,
5 please?

6 A My understanding is that would be
7 voting members only, but there was no executive
8 session in January.

9 Q I'll show you what I'll mark as
10 Plaintiff's Exhibit No. 1.

11 (REPORTER MARKS MSEC MINUTES DATED
12 1/29/15 AS PLAINTIFF'S EXHIBIT NO. 1 FOR
13 PURPOSES OF IDENTIFICATION.)

14 Q If you'll take just a minute,
15 Ms. Bentley, and review this.

16 MR. PAFUNDA: Here, Bryan.

17 MR. BEAUMAN: Stapled these yourself,
18 did you?

19 (Off the record.)

20 Q You've had an opportunity to review
21 it, Ms. Bentley?

22 A Yes, sir.

23 Q And I'll walk you through it, but
24 paying particular attention to the heading where
25 it says, "Recorder," and that's you, is it not,

1 "Sarah Bentley"?

2 A Yes, sir.

3 Q Thank you.

4 And it also has in the first
5 paragraph, if you'll follow me, and if you can't,
6 I'll point it out to you, "Since the potential of
7 harm to staff," do you see that sentence?

8 A Yes.

9 Q Would you read that sentence into
10 the record, please?

11 A "Since the potential of harm to
12 staff and patients remains substantial, on January
13 26th, Dr. Kearney was placed on summary suspension
14 by Dr. Boulanger according to UK Medical Staff
15 Bylaws (Section 9.4)."

16 Q Now, does that minute reflect what
17 was said in its complete form, with respect to the
18 potential of harm to the staff and patients?

19 A Most all of this is completely as
20 was said by Dr. Zachman, as he was presiding over
21 this meeting.

22 Q So, if I understand you correctly,
23 Dr. Zachman was the one who stated that
24 Dr. Kearney presented potential of harm to staff
25 and patients which in his opinion was substantial;

1 is that correct?

2 A It was stated by Dr. Zachman. Of
3 course, I would have to go back and listen to the
4 full minutes to ensure that it was not a summary,
5 but.

6 Q When is the last time you listened
7 to the tape of January, 2015?

8 A I did listen again on Friday.

9 Q Does this appear to be to you a
10 complete and accurate statement of what's on the
11 recording?

12 A Yes.

13 Q Is there more on the recording?

14 A There is always going to be more on
15 the recording. With minutes, commentary is often
16 not captured. And in my minute taking, I will
17 generally always denote any action items or
18 important discussion items, and commentary is not
19 always included in my minutes.

20 Q So if I understand you correctly,
21 this is merely a summary of what Dr. Zachman said
22 about the potential of harm to staff and patients
23 remaining substantial; is that correct?

24 A Yes.

25 Q But on the recording, Dr. Zachman

1 goes into more detail?

2 A In going back and listening, this
3 discussion that's noted here follows very closely
4 to what Dr. Zachman was saying.

5 Q Was there a discussion or dialogue
6 with the members of the Medical Staff Executive
7 Committee concerning the allegation of potential
8 harm to staff and patients remaining substantial?

9 A I don't recall any discussion during
10 review of the bylaws process and his immediate
11 information on the background.

12 Q Do you recall if he gave any
13 examples of potential harm to staff?

14 A I do not.

15 Q Then as you see, right before that,
16 there's a sentence that states, "Throughout,"
17 would you read that sentence into the record,
18 please?

19 A "Throughout lengthy negotiations,
20 the president offered a generous severance package
21 that has been refused by Dr. Kearney."

22 Q Did you know about the negotiations
23 prior to this meeting?

24 A No, sir.

25 Q Was this the first time you had

1 heard about it?

2 A Yes, sir.

3 Q Once you heard that there had been
4 lengthy negotiations, what was your understanding
5 of what was --

6 A I was simply asked to come take the
7 meeting minutes.

8 Q No, I know, but I'm asking for your
9 opinion. What did you understand that to mean?

10 A I basically documented, as
11 Dr. Zachman noted, that there were lengthy
12 negotiations and placed that into the minutes as
13 background information for the discussion.

14 Q But as you stepped away from it
15 after you heard this, was it your opinion that
16 Dr. Kearney had been offered a generous severance
17 package?

18 A I don't feel that I had any opinion.
19 I was simply documenting what was discussed in the
20 meeting or noted.

21 Q Again, is this merely a summary of
22 what was said with respect to those negotiations?

23 A Yes.

24 Q Was a dollar figure discussed with
25 the Medical Staff Executive Committee?

1 A I don't recall a dollar figure being
2 discussed.

3 Q Did anybody mention that the
4 president had given his okay for the summary
5 suspension of Dr. Kearney's clinical privileges?

6 A I don't recall a discussion.

7 Q But returning to my earlier
8 question, I take it it's still Dr. Zachman who's
9 making the presentation to the Medical Staff
10 Executive Committee?

11 A Dr. Zachman was presiding over the
12 Medical Staff Executive Committee on that date.

13 Q Did he give this presentation?

14 A Yes, he did present the information
15 on the background for the preamble and review of
16 the bylaws.

17 Q And I take it that the remaining
18 paragraphs on this front page of the meeting,
19 that's also Dr. Zachman speaking to the Medical
20 Staff Executive Committee?

21 A Yes, sir.

22 Q I don't see on the front page any
23 feedback from the Medical Staff Executive
24 Committee itself in response to Dr. Zachman's
25 presentation; was there one?

1 A I don't recall and can't mention
2 today, but if there was commentary, I would have
3 not included that in the meeting.

4 Q And why not?

5 A In the nine years that I've been
6 taking minutes, commentary is generally not
7 included in meeting minutes. We place the
8 important discussion items and any action items
9 and...

10 Q Have you been instructed in the past
11 not to include commentary?

12 A I'm always looking to improve
13 meetings and meeting minutes that I take, and
14 commentary is something that is not necessarily
15 necessary for the meeting minutes, and so it's
16 something that I haven't -- I don't include.

17 Q When you say it's not necessary, is
18 that a decision that you made on your own or did
19 someone instruct you not to include the
20 commentary?

21 A In the education that I've received
22 in minutes over the years, it's just not something
23 that is advised to include. I simply include the
24 points and any action items.

25 Q And who gave you that instruction?

1 A I have just learned that over the
2 years in working with other executive
3 administrative support across the organization.

4 Q That's pretty general. Can you give
5 me the names of people?

6 A I have -- Amy Wilson, and she was a
7 mentor of mine, was a lead administrative
8 professional in gynecological oncology. I have
9 worked with --

10 Q Not who you've worked with, but --
11 and maybe we're speaking at cross-purposes. By
12 whose instruction did you learn not to include
13 commentary in the minutes of a meeting?

14 A Also through my interactions with
15 legal and some of the minutes I take for The Joint
16 Commission, I've learned it through that aspect.
17 Vicki Talbert (ph), our -- used to be our
18 accreditation director, now the associate hospital
19 director, with minutes --

20 Q Prior to --

21 A -- Gloria Tyler.

22 Q All right. Before this meeting on
23 January 29th, 2015 of the Medical Staff Executive
24 Committee, did anyone give you any instructions
25 about do not take down the commentary?

1 A No, sir.

2 Q The recording that you've brought
3 with you today, does that have the commentary
4 included?

5 A It is the full recording of the
6 meeting.

7 Q So your answer is yes, it does
8 include those comments?

9 A It will include every discussion
10 item from that meeting.

11 Q Does that include comments from the
12 Medical Staff Executive Committee?

13 A Yes, sir, those that are present
14 that did comment.

15 Q On the second page you'll see that
16 Cliff Iler was present at the meeting?

17 A Yes, sir.

18 Q Was this the first Medical Staff
19 Executive Committee meeting that you've attended
20 where you took minutes?

21 A No, sir.

22 Q Is this the first Medical Staff
23 Executive Committee meeting that you've attended
24 and taken minutes that kind of regarded
25 disciplinary action?

1 A Yes.

2 Q And throughout your entire tenure at
3 UK; correct?

4 A Yes, sir.

5 Q Did Mr. Iler make any comments, if
6 you recall?

7 A Yes, he did make comments as noted
8 on the second page. He answered questions for the
9 Committee around the process, outlined with the
10 bylaws and the behavioral standards.

11 Q Are his comments preserved on the
12 recording?

13 A Yes, sir.

14 Q And likewise --

15 MR. BEAUMAN: Hence my review.

16 MR. PAFUNDA: Sarah, did you have to
17 bring him today?

18 Q Then as you look down, you'll see
19 that Dr. Nelson made comments also; is that
20 correct?

21 A Yes, sir, he did.

22 Q And I take it that your notation or
23 minutes as it concerns Dr. Nelson again is just
24 merely a summary; is that correct?

25 A Yes.

1 Q And likewise, his comments will be
2 contained in full on the recording?

3 A Yes, sir.

4 Q As we move to the next paragraph,
5 again, that's just merely a summary on your part?

6 A Yes, sir.

7 Q The full discussion will be on the
8 recording?

9 A Yes, sir.

10 Q With respect to the recording, has
11 that always been in your custody?

12 A Yes.

13 Q And is that standard?

14 A Yes.

15 Q And explain to me why that's
16 standard, why you keep it, and for how long a
17 period do you keep those recordings?

18 A It's -- most often it's variable,
19 depending on how long I keep those recordings.
20 Most often I will save those on the share drive
21 under those meetings when a recording is taken,
22 and then -- or sometimes they are deleted
23 immediately following the meeting.

24 Q Is that a call that you make on your
25 own whether to delete them or not?

1 A Yes, sir.

2 Q And then if you'll look at the
3 conclusory paragraph where it begins,
4 "Foundational," do you see that?

5 A Uh-huh.

6 Q If you will read that sentence into
7 the record, please?

8 A "Foundational information related to
9 the substance of the allegations was presented by
10 Cliff Iler. This investigation will be looking at
11 all incidents, not just one isolated incident from
12 last year."

13 Q And I take it that once that was
14 done by Mr. Iler, then the Committee had
15 questions; correct?

16 A Yes.

17 Q If you would read that last sentence
18 into the record, please?

19 A "The Committee presented questions
20 around the foundational suspension with questions
21 addressed by Cliff Iler, Dr. Kevin Nelson and
22 Dr. Bernard Boulanger."

23 Q Do you recall any specifics from
24 those comments?

25 A No, sir, I do not.

1 Q Again, that's all contained in the
2 recording?

3 A Yes, sir.

4 Q It hasn't been edited, altered or
5 modified in any way?

6 A No, sir, no.

7 Q You typed up the minutes; correct?

8 A Yes, sir.

9 Q Did anybody review those minutes
10 before you disseminated them?

11 A Yes, sir.

12 Q And who reviewed them?

13 A The minutes were sent to
14 Fred Zachman as president, and it was our legal
15 office, they were sent to our legal office as
16 well. If there were others on the e-mail, I -- I
17 don't recall.

18 Q Is it standard procedure to have
19 minutes of the meeting sent to the legal office?

20 A It is, sir, yes.

21 Q So if there's a committee that meets
22 and minutes are required, then those minutes are
23 also sent to the legal office?

24 A Not always for every committee.
25 Generally for Medical Staff Executive Committee or

1 organized medical staff meeting minutes, yes, I do
2 send those to the legal office.

3 Q Could you describe to me some of the
4 instances, other than what you've just mentioned,
5 in which the minutes are sent to the legal office?

6 A Certainly. We recently had an
7 organized medical staff meeting for our biannual
8 medical staff election. Those meetings -- minutes
9 were sent to Shea Luna and Andrew Bernard, as
10 president of the medical staff, and reviewed prior
11 to sending those out for further distribution.

12 Q And I take it not only from the tone
13 of your answers but from the tenor of your
14 answers, you're the person who takes minutes of
15 most committee meetings; is that correct?

16 A Not all committee meetings, no. I
17 only take minutes for the ICU Committee, the
18 Medical Staff Executive Committee, the Medical
19 Staff Operating Subcommittee for Chandler and any
20 organized medical staff meetings.

21 Q What about the Practice Plan
22 Committee, do you take minutes for that?

23 A No, sir.

24 Q Do you know who does?

25 A I'm not aware.

1 Q Are you aware whether the Practice
2 Plan Committee has met?

3 A I am not.

4 Q What is your understanding as to
5 what the Practice Plan Committee is, and who
6 composes that committee?

7 A I am not sure who composes that
8 committee. I really do not know their goal or
9 their overview for that committee.

10 Q What input, if any, do you have in
11 an individual's personnel file, whether it be --

12 A I have no input other than my direct
13 employees.

14 Q And a physician's personnel file, is
15 it your understanding where are they maintained?

16 A Within the department.

17 Q When you say within the department,
18 I take it by the department chair?

19 A I would assume the department chair
20 and the department administrator.

21 Q As well as the dean?

22 A Yes.

23 Q I think you mentioned earlier, and I
24 may be mistaken, but does the dean get copies of
25 minutes of these committee meetings?

1 A Yes, sir.

2 Q And they're maintained in his office
3 likewise?

4 A When they are received by his
5 office, I have no idea of the recordkeeping.

6 Q You let go and that's their
7 situation --

8 A Yes, sir.

9 Q -- correct?

10 A Uh-huh.

11 Q If you will, turn your attention to
12 the January -- excuse me -- to the February 5th,
13 2015 Medical Staff Executive Committee. Did you
14 bring that recording?

15 A No.

16 Q You're so soft-spoken. Just say
17 "Hell no."

18 A No.

19 Q Did anybody tell you not to bring
20 it?

21 A No.

22 Q And the reason or reasons why you
23 did not bring it?

24 A From my recollection, and my
25 additional review, I was not able to find a

1 recording for that meeting.

2 Q Did a recording exist of that
3 meeting?

4 A Not that I'm aware of.

5 Q So that meeting was not recorded?

6 A No, sir.

7 Q Despite the fact that you're listed
8 in the minutes as the recorder?

9 A Yes, sir.

10 Q Why was that meeting not recorded?

11 A Most often I do not record meetings.
12 I recorded the first meeting only to ensure that I
13 obtained the background information as I was
14 stepping into that meeting and wanted to ensure I
15 captured all of the information. As to the second
16 meeting, it was not recorded.

17 Q Were you present at the second
18 meeting?

19 A Yes, sir.

20 Q Did you bring your recorder with
21 you?

22 A No, sir.

23 Q Did you bring your recorder to the
24 first meeting on January 29, 2015?

25 A Yes, sir.

1 Q And who instructed you to bring the
2 recorder with you?

3 A No one instructed.

4 Q Did someone instruct you not to
5 bring your recorder to the February 5th, 2015
6 meeting?

7 A Not that I recall.

8 Q When you say "Not that I recall," is
9 it that someone did and you forgot?

10 A No, I don't -- I truly don't feel
11 that anyone asked me to.

12 Q But you would agree with me, to have
13 you listed as the recorder and you not recording
14 the meeting, that would be unusual to say the
15 least; correct?

16 MR. BEAUMAN: Object to form.

17 A State the question again.

18 Q You're listed as the recorder;
19 correct?

20 A Yes.

21 Q On the face of the minutes; correct?

22 A Yes.

23 Q You didn't bring a recorder?

24 A No, sir.

25 Q Wouldn't you say that's unusual?

1 A That I didn't bring a recorder?

2 Q Yes, if you're listed --

3 A No, that's not unusual for me.

4 Q All right.

5 A I record very few meetings.

6 Q But you recorded the first meeting?

7 A Yes, sir.

8 Q So what was so different about the
9 second meeting that you deemed it not necessary to
10 record it?

11 A I didn't feel the need to bring the
12 recorder.

13 Q I know. I'm asking you why not?
14 Give me the factual basis for your opinion that
15 you did not feel the need to bring your recorder.

16 A I had the background information. I
17 knew this was simply going to be a brief review of
18 findings and potential vote, and did not see the
19 reason to bring the recorder.

20 Q So other than what you've typed up,
21 we don't have any report or record of any
22 questions that were discussed, what was told to
23 the Medical Staff Executive Committee; is that
24 correct?

25 A Yes, sir.

1 Q And you have no independent
2 recollection of what was said to the Medical Staff
3 Executive Committee, am I correct in stating that?

4 A Yes, sir.

5 Q If you had recorded this second
6 meeting, as you did the first meeting, where would
7 the recording be maintained?

8 A On my share drive with the other
9 recordings.

10 Q Who has access other than you to
11 your share drive?

12 A No other individual other than
13 Information Security if they needed it.

14 Q No, but if one of your superiors or
15 supervisors asked you for access to your share
16 drive, would you necessarily follow that order and
17 give them access?

18 A No, sir.

19 Q Are you an employee at will?

20 A Yes.

21 Q I'm not your supervisor. You don't
22 have to worry.

23 A Okay.

24 Q How long did the second meeting
25 last?

1 A It was called to order at 5:16.

2 Q Correct.

3 A And it looks like I did not denote
4 an adjournment time.

5 Q The reason you didn't denote an
6 adjournment time?

7 A Potentially an oversight on my...

8 Q To backtrack just a tad. So your
9 failure to bring a recorder was not an oversight.
10 That was deliberate on your part; correct?

11 A Yes, sir.

12 Q But the failure to denote an ending
13 time, that was an oversight; correct?

14 A Yes, sir.

15 Q If you'll just take a moment and
16 review Plaintiff's Exhibit No. 2 and see if there
17 are any other matters that are contained in there
18 or not placed in there that you would consider an
19 oversight or recall as an oversight.

20 (REPORTER MARKS MSEC MINUTES DATED
21 2/5/15 AS PLAINTIFF'S EXHIBIT NO. 2 FOR
22 PURPOSES OF IDENTIFICATION.)

23 Q Have you had an opportunity to
24 review it?

25 A Yes.

1 Q Does that trigger your memory in any
2 regard with respect to what was discussed that may
3 not be contained in these minutes?

4 A There's no additional items.

5 Q If you will, look at the second
6 page.

7 A Yes, sir.

8 Q And you'll see Dean Fred DeBeer. Do
9 you recall what he said to the group?

10 A No, sir, I do not.

11 Q You'll see also that Dr. Boulanger
12 was present; correct?

13 A Yes, sir.

14 Q Did he make comments to the group?

15 A He did.

16 Q Do you recall any of his comments?

17 A I do not.

18 Q Despite the fact that I take it he
19 was your immediate supervisor?

20 A Yes, sir.

21 Q And despite the fact I take it that
22 this was the first such disciplinary action that
23 you were aware of during the course of your
24 employment at the University of Kentucky, and when
25 I say "Disciplinary action," against a physician's

1 clinical privileges; correct?

2 A Yes.

3 Q Do you recall how long Dean DeBeer
4 spoke?

5 A I do not.

6 Q Do you recall how long Dr. Boulanger
7 spoke?

8 A I do not.

9 Q Any idea just to fit it in the box?

10 A I'm sorry, I do not.

11 Q Do you recall if they discussed any
12 of the exhibits that are listed 1 through 21?

13 A If either of those and thereto
14 comments, or if the exhibits were discussed
15 amongst the group?

16 Q If the exhibits were discussed among
17 the group.

18 A The exhibits were discussed, yes.

19 Q Do you remember any particulars
20 about those discussions or the tenor of those
21 discussions?

22 A No, sir.

23 Q Do you know if anyone asked to see
24 Dr. Kearney's entire personnel file?

25 A Not that I'm aware of.

1 Q You were aware of the fact that
2 Dr. Kearney's entire personnel file was not
3 presented to the Medical Staff Executive
4 Committee; is that correct?

5 A The personnel was provided as part
6 of the initial fact-finding which I had noted in
7 that first paragraph.

8 Q When you say personnel file was
9 provided, tell me what in the first paragraph
10 shows that Dr. Kearney's -- what portion or
11 portions of Dr. Kearney's personnel file was
12 provided to the Medical Staff Executive Committee.

13 A The personnel file was part of the
14 summary of the No. 1, "MSEC fact-finding
15 investigation review document" that was developed
16 by Dr. Bezold and Dr. McDowell and were provided
17 to the group.

18 Q If you'll check, Ms. Bentley, you
19 see, "Presentation of Investigative Findings,
20 Bezold and Susan McDowell"? Do you see that in
21 the left-hand column?

22 A Yes.

23 Q Go across into the middle column, it
24 will say, "Provided personnel file"?

25 A Okay.

1 Q Is that Dr. Kearney's entire
2 personnel file for --

3 A I am not aware if it was the entire
4 personnel file.

5 Q How big a pile of records was it?

6 A They did not bring his personnel
7 file with them that I was aware of.

8 Q Thank you.

9 Did anyone speak on Dr. Kearney's
10 behalf?

11 A Not that I'm aware of.

12 Q What comments, if any, do you recall
13 that the Medical Staff Executive Committee made,
14 comments, statements, questions?

15 A I do not recall any comments or
16 statements.

17 Q Did the Medical Staff Executive
18 Committee retreat into executive session?

19 A They went into a closed session with
20 voting members only.

21 Q Do you recall how long that session
22 lasted?

23 A I do not.

24 Q Did Dr. Boulanger and Dean DeBeer go
25 into executive session with them?

1 A Dr. Boulanger did. Dean DeBeer is
2 not a voting member. He's an ex-officio member.
3 He left.

4 Q He left?

5 A Yes, sir, during the voting session.

6 Q Did he return after the voting was
7 announced?

8 A No, sir.

9 Q Do you recall why Den DeBeer felt
10 that Dr Kearney's clinical privileges should be
11 suspended?

12 A I do not.

13 Q Why Dr. Boulanger felt that they
14 should be suspended?

15 A I do not.

16 Q Was there, in fact, a discussion by
17 Dr. Boulanger and Dr. DeBeer as to why his
18 clinical privileges should be suspended?

19 A I do not recall.

20 Q Are you still undertaking a search
21 to find the recording of that February of 2015
22 Medical Staff Executive Committee meeting, or
23 there is just no recording?

24 A I searched again on Friday. I'm
25 happy to search one more time, but there was not a

1 recording that I found.

2 MR. PAFUNDA: I think I'm done. But
3 if you'll give me a minute, I can step out
4 with my client and ask him a question. Do
5 you mind?

6 MR. BEAUMAN: Sure. Go for it.

7 (Brief recess.)

8 CONTINUED EXAMINATION

9 By Mr. Pafunda:

10 Q Did anybody destroy the recording of
11 the second Medical Staff Executive Committee
12 meeting?

13 A Not that I'm aware of. I'm not
14 aware that one exists.

15 MR. PAFUNDA: Thank you. That's all.

16 MR. BEAUMAN: Or ever existed?

17 **THE WITNESS:** Or ever existed.

18 MR. PAFUNDA: That's all.

19 * * * * *

20 THEREUPON, the taking of the
21 deposition of SARAH BENTLEY was concluded at
22 2:25 p.m.

23 * * * * *

24

25

1 STATE OF KENTUCKY)

2 COUNTY OF PENDLETON)

3

4 I, DESIREE J. WRIGHT, the undersigned
5 Notary Public in and for the State of Kentucky at
6 Large, certify that the facts stated in the
7 caption hereto are true; that at the time and
8 place stated in said caption, the witness named in
9 the caption hereto personally appeared before me,
10 and that after being by me duly sworn, was
11 examined by counsel for the parties; that said
12 testimony was taken down in stenotype by me and
13 later reduced to computer transcription by me and
14 the foregoing is a true and accurate record of the
15 testimony given by said witness.

16 No party to said action nor counsel for
17 said parties requested in writing that said
18 deposition be signed by the testifying witness.

19 My commission expires: September 11,
20 2018.

21 IN TESTIMONY WHEREOF, I have hereunto set
22 my hand and seal of office on this the 6th day of
23 October, 2016.

24

25

DESIREE J. WRIGHT
NOTARY PUBLIC, STATE AT LARGE

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