

**In The Matter Of:**  
*SOF v*  
*REHAB AT HOLLYWOOD HILLS*

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*LUCE*  
*December 14, 2017*

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*Accurate Stenotype Reporters*  
*2894-A Remington Green Lane*  
*Tallahassee, Florida*

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**Min-U-Script® with Word Index**

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1  
2 STATE OF FLORIDA  
3 DIVISION OF ADMINISTRATIVE HEARINGS  
4  
5 CASE NO. 17-005769  
6  
7 STATE OF FLORIDA, AGENCY FOR HEALTH CARE ADMINISTRATION,  
8 Petitioner,  
9 vs.  
10 REHABILITATION CENTER AT HOLLYWOOD HILLS, LLC,  
11 Respondent.  
12  
13 DEPOSITION OF: CHRISTIE LUCE  
14 TAKEN AT THE INSTANCE OF: The Respondent  
15 DATE: December 14, 2017  
16 TIME: Commenced at 8:46 a.m.  
17 Concluded at 11:15 a.m.  
18 LOCATION: 215 South Monroe Street  
19 Tallahassee, FL  
20 REPORTED BY: JUDY CHIN  
21 RPR, CRR  
22  
23 ACCURATE STENOGRAPHY REPORTERS, INC  
24 2894 REMINGTON GREEN LANE  
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1 STIPULATIONS  
2 The following deposition of CHRISTIE LUCE  
3 was taken on oral examination, pursuant to notice, for  
4 purposes of discovery, and for use as evidence, and for  
5 other uses and purposes as may be permitted by the  
6 applicable and governing rules. Reading and signing is  
7 not waived.  
8 \* \* \*  
9 Thereupon,  
10 CHRISTIE LUCE  
11 was called as a witness, having been first duly sworn,  
12 was examined and testified as follows:  
13 DIRECT EXAMINATION  
14 BY MR. SMITH  
15 Q Would you please state your name.  
16 A Christie, CHRISTIE, last name Luce, L U  
17 C E.  
18 Q Miss Luce, we met this morning. My name is  
19 Geoffrey Smith --  
20 We may have met in the past. You seem  
21 familiar.  
22 My name is Geoff Smith. I'm an attorney. I  
23 represent Rehabilitaiton Center at Hollywood Hills. We  
24 asked you here today under a notice of taking deposition  
25 for the Florida Department of Health to provide a

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1 representative that can speak to certain topic areas.  
2 Are you aware of that notice?  
3 **A Yes, sir.**  
4 **Q** And you've had a chance to look over the  
5 notice of taking deposition which I'm going to mark as  
6 Deposition Exhibit 50.  
7 I will show you what will be Exhibit 50. If  
8 you can take a quick look.  
9 **MR. WILLIAMS:** I have a copy right here.  
10 (Exhibit No. 50 marked for  
11 identification.)  
12 **BY MR. SMITH**  
13 **Q** There is a number of topic areas that appear  
14 on page one and two.  
15 Have you had the chance to go down that list?  
16 **A Yes, sir.**  
17 **Q** And are you prepared today on behalf of the  
18 Florida Department of Health to respond to each of those  
19 topic areas?  
20 **A I am.**  
21 **Q** Can you tell me what is your position at the  
22 Florida Department of Health?  
23 **A Chief of the Bureau of Preparedness and**  
24 **Response. And additionally I am the emergency**  
25 **coordination officer for the Department.**

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1 **Q** And as Chief of the Bureau of Preparedness and  
2 Response, can you provide me an overview of your  
3 responsibilities?  
4 **A Absolutely.**  
5 **During blue sky, when there's not a disaster**  
6 **response going on, we are responsible for coordinating**  
7 **with the Centers for Disease Control and Prevention and**  
8 **Health and Human Services to -- we receive about**  
9 **\$42 million in federal grant funding for public health**  
10 **and health-care preparedness.**  
11 **I manage a team of I guess about 80**  
12 **individuals during what we call gray sky or during a**  
13 **disaster response. I act as the liaison to the state**  
14 **emergency response chief from the Department and**  
15 **essentially function as the incident commander for**  
16 **emergency support function 8.**  
17 **Q** And tell me ESF8, is that licensed health-care  
18 facilities?  
19 **A ESF8 is defined in Annex 8 of the state**  
20 **comprehensive emergency management plan.**  
21 **There are several missions within that annex,**  
22 **and facility health status -- I'm sorry -- facility**  
23 **status checks are one of those missions. But that**  
24 **responsibility belongs to the Agency For Health Care**  
25 **Administration as the regulatory agency.**

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1 **Mr. Smith, can I ask a question? Who is this**  
2 **gentleman?**  
3 **MR. WILLIAMS:** Off the record.  
4 (Discussion off the record.)  
5 **BY MR. SMITH**  
6 **Q** I apologize. I should have made introductions  
7 on the front end. I assumed you knew Mr. Warren and may  
8 have even talked to Mr. Warren.  
9 We will get that out of the way. Mr. Warren  
10 is here representing the Agency For Health Care  
11 Administration.  
12 I take it from your off-the-record discussion  
13 just now you've never spoken to Mr. Warren?  
14 **THE WITNESS:** I have not.  
15 **BY MR. SMITH**  
16 **Q** Have you ever spoken to Mr. Menton or  
17 Mr. Ecenia?  
18 **A Not to my knowledge.**  
19 **Q** You didn't speak to anybody from the Agency  
20 For Health Care's legal team to prepare for this  
21 deposition today?  
22 **A No, sir.**  
23 **Q** We were kind of going through your role and  
24 you were telling me your role as the Chief of the Bureau  
25 of Preparedness and Response and your role as emergency

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1 coordination.  
2 You said you were the liaison to the state  
3 emergency response chief. Who is that individual?  
4 **A The state emergency response chief is**  
5 **currently Leo LaChat, last name L A C H A T.**  
6 **Q** Is Mr. LaChat employed at the Department of  
7 Health?  
8 **A No, sir. He is deployed at the Division of**  
9 **Emergency Management. He answers to the director of**  
10 **DEM.**  
11 **Q** Is Wes Maul currently the head of Division of  
12 Emergency Management?  
13 **A That's correct. That's Leo's boss.**  
14 **Q** And prior to Mr. Maul, who was the director of  
15 Emergency Management?  
16 **A Bryan Koon.**  
17 **Q** And when did Mr. Koon leave?  
18 **A Mr. Koon left approximately two weeks --**  
19 **Let me think.**  
20 **He left sometime in October after the**  
21 **emergency response was essentially transferred from a**  
22 **response phase to a recovery phase. So it was sometime**  
23 **in October.**  
24 **Q** And I take it from your answers thus far that  
25 you are very knowledgeable of the Department of Health's

1 role in preparing for and responding to hurricane  
2 emergencies in the State of Florida?

3 **A I would say that's accurate.**

4 **Q** I would like to have you give us an overview  
5 of that response -- preparedness and response system.  
6 I'm somewhat familiar, but I'd like to hear your view on  
7 how the system is organized.

8 **A Okay.**

9 **Q** Can you give me an overview -- we will start  
10 with hurricane preparedness in Florida.

11 **A Okay. Absolutely.**

12 **So we receive funding from two separate**  
13 **sources, one being the CDC; the other being the**  
14 **assistant secretary for Preparedness and Response, and**  
15 **that is within the U.S. Department of Health and Human**  
16 **Services.**

17 **The funding we get from CDC is earmarked for**  
18 **public health, therefore a majority of that funding goes**  
19 **to the county health departments in Florida to do**  
20 **preparedness things like develop plans, develop systems,**  
21 **develop rosters, community engagement.**

22 **The HHS side, or refer it to is as ASPR,**  
23 **assistant secretary for preparedness and response, that**  
24 **funding is earmarked for the health-care system within a**  
25 **community. That money makes its way down to the locals**

1 **Q** You used the term mission several times. Tell  
2 me about that term. Where does it come from? How do  
3 you define a mission?

4 **A Sure. Absolutely.**

5 **Missions are requests for assistance, and they**  
6 **are entered in by the locals, when local capabilities**  
7 **are exceeded.**

8 **The vernacular is from FEMA. It also has**  
9 **mission --**

10 **Missions are I would say an auditing tool, and**  
11 **reimbursement relies heavily on documented mission.**

12 **So we wouldn't just get a call directly from a**  
13 **county saying we need portolets. It would have to come**  
14 **up through that formal mission chain.**

15 **Q** What is the formal mission chain?

16 **A** So someone within the community has a need for  
17 a good or a service as it pertains to a response. If  
18 they do not have the assets or the resources locally to  
19 accomplish that, they will put in a mission from the  
20 Local Emergency Management Office. Sometimes it is the  
21 ESF8 desk, sometimes the local EM. So it comes from the  
22 Local Emergency Operation Center to the State Emergency  
23 Operation Center where it is triaged to the appropriate  
24 Emergency Services branch -- or to the appropriate  
25 branch. ESF8 happens to fall under Emergency Services.

1 **via health-care coalitions that have been established**  
2 **all over the state. They loosely follow our regional**  
3 **domestic security task force regions, but not perfectly.**  
4 **So we provide funding to both of these entities to**  
5 **prepare for an event. And we do all hazards**  
6 **preparation, so not specific to severe weather or a**  
7 **biological incident or anything like that.**

8 **Our framework is capabilities that are issued**  
9 **by both entities, CDC and ASPR that sort of give us a**  
10 **framework for a baseline for where we need to be in the**  
11 **state to do adequate response.**

12 **Q** Go ahead.

13 **A Okay. When an event happens, all events are**  
14 **local. The counties respond to emergencies within their**  
15 **jurisdictions.**

16 **At the point that local resources have become**  
17 **overwhelmed and are not available and they have exceeded**  
18 **their capabilities, there is a process for inputting a**  
19 **mission into EM Constellation, which is the system used**  
20 **by DEM to track missions, state missions.**

21 **If a mission is input into EM Constellation**  
22 **that has anything to do with the health and medical,**  
23 **ESF8, then it is tasked to first the emergency services**  
24 **branch and ultimately to ESF8 and we will start working**  
25 **that mission.**

1 **If the request is within the parameters of**  
2 **what ESF8 can provide, then it is tasked to us and we**  
3 **fill that mission. A mission request could be a team**  
4 **such as a special-need shelter team or it could be a**  
5 **resource such as shelter cots.**

6 **Q** Okay. How does the community member at the  
7 local level know where to make that request for  
8 assistance?

9 **A** Local emergency managers are responsible for  
10 making sure that their community knows how to request a  
11 resource.

12 **Q** Were you involved in the preparations for  
13 Hurricane Irma?

14 **A** Yes.

15 **Q** And I know that there were meetings that were  
16 held between various state officials, including the  
17 Governor --

18 **A** Yes, sir.

19 **Q** -- and representatives of various industries.  
20 Were you aware of that?

21 **A** Yes, sir.

22 **Q** Did you participate in any of those meetings?

23 **A** I participate in a lot of meetings.

24 **Do you want to know the particular meetings**  
25 **that I can remember that I went to?**

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1 Q The ones I would be most interested in and to  
2 kind of focus our attention would be the meetings  
3 between the Governor and representatives or leadership  
4 of anybody in the skilled nursing or assisted living  
5 industries.  
6 A I do believe I was on at least two of those  
7 calls, calls that include Justin Senior and the State  
8 Surgeon General.  
9 I also participated in calls that were set up  
10 by the Florida Healthcare Association who represents  
11 nursing homes and also with Florida Hospital  
12 Association, represents hospitals.  
13 Q Do you recall the Governor being on those  
14 calls?  
15 A I'm pretty sure he was on at least one that I  
16 can remember.  
17 Q And during those calls, at least the people  
18 that I represent, recall there being a Governor  
19 providing his cellphone as a point of contact with the  
20 assurance if you have any problem call me on my  
21 cellphone and here is the number.  
22 A I don't remember his --  
23 MR. WARREN: Object to the form.  
24 BY MR. SMITH  
25 Q Do you recall that number being provided to

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1 the community -- the industry community as a point of  
2 contact?  
3 A I do remember him giving out his cell number.  
4 Yes, sir.  
5 Q And was it your understanding the reason was  
6 as a point of contact if anybody was experiencing a  
7 problem this was a number that could be called to get a  
8 problem resolved?  
9 MR. WARREN: Object to the form.  
10 THE WITNESS: Do I answer?  
11 BY MR. SMITH  
12 Q Yes.  
13 A Can you repeat the question, please?  
14 Q Well, I'll ask it in a non-leading way.  
15 What was your understanding of the reason for  
16 providing that point of contact? Obviously it wasn't to  
17 call and talk about the weather. It was to resolve  
18 problems, correct?  
19 A That is correct.  
20 Q Have you worked hurricanes prior to Irma?  
21 A Yes, sir.  
22 Q About how many times?  
23 A As the lead for ESF8, I worked Hermine,  
24 Matthew. I think that's all.  
25 Prior to that I --

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1 Q That would have been the 2016 hurricane  
2 season?  
3 A That's correct.  
4 Q Okay.  
5 A Did you ask me specifically about hurricanes  
6 or other responses?  
7 Q Really just focusing right now on hurricanes.  
8 A Okay. I have worked other hurricanes, but in  
9 a capacity of a planning section chief.  
10 Q And how long were you a planning section  
11 chief?  
12 A Maybe two years before.  
13 Q I'm sorry to skip around.  
14 A That's okay.  
15 Q In terms of your career here at the Department  
16 of Health, how long have you been at the Department of  
17 Health?  
18 A I have been at the Department of Health about  
19 -- I would have to say 19 years.  
20 Q And can you kind of give me the thumbnail  
21 sketch of what you did in your career in a nutshell?  
22 A Sure. Okay. Here at the Department of  
23 Health?  
24 Q At the Department of Health.  
25 A Okay. When I came to the Department of Health

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1 I worked in an office called Performance Improvement. I  
2 was hired to review comprehensive emergency management  
3 plans from home-health agencies, nurse registries and  
4 hospice. That was my first job.  
5 I then went to the Office of Public Health  
6 Nursing and continued to do -- to work with special  
7 needs shelters going around the state and finding best  
8 practices, getting data, see how different counties did  
9 special-needs shelters.  
10 Then the Office of Public Health Nursing sort  
11 of split out of that department and I basically worked  
12 with Office of Public Health Nursing to -- gosh, let's  
13 see. I'm trying to think what I did there. It's so  
14 long ago. I wrote contracts, things like that.  
15 And then I went to the Bureau of Epidemiology  
16 where over the course of a couple years I became the  
17 surveillance systems manager, so I was in charge of all  
18 of the systems that the Department uses to collect  
19 disease data -- certain diseases in Florida are  
20 reportable, so I was over those -- sort of the liaison  
21 if you will between the -- in other words nerdy  
22 epidemiologists and the IT people.  
23 Then I was asked to come to the Bureau of  
24 Preparedness and Response where I did analysis on  
25 hospitals who are receiving grant funding and what they

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1 were spending that funding on.  
2 **Then I was promoted to head of the medical**  
3 **surge unit, then strategic planning, and acting bureau**  
4 **chief, and finally permanent bureau chief.**  
5 Q Very good. What is your educational  
6 background?  
7 A **I have a Bachelor's in humanities from Florida**  
8 **State University, and I also have a Master's in public**  
9 **administration from Florida State University with a**  
10 **specialization in emergency management.**  
11 Q The comprehensive emergency management plan  
12 system, is that something that's required by statutes  
13 and rules in Florida?  
14 A **I believe the statute --**  
15 **Yes. Comprehensive emergency management plans**  
16 **are required by statute.**  
17 Q Okay. And the people that are required -- the  
18 entities required to have a comprehensive emergency  
19 management plan, would it include the State of Florida,  
20 all of the counties in Florida, all of the licensed  
21 health-care facilities in Florida, each has to have  
22 their own comprehensive emergency management plan?  
23 A **I cannot say with any degree of certainty that**  
24 **it is every licensed health-care facility. But I know a**  
25 **majority of them have to have one.**

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1 Q And can you describe for me what is the role  
2 of the Department of Health in the review of  
3 comprehensive emergency management plans?  
4 A **Where funding is provided the Department has**  
5 **the responsibility to review comprehensive emergency**  
6 **management plans from home-health agencies, nurse**  
7 **registries, hospice, and durable medical equipment.**  
8 Q Are you aware that when the health-care  
9 facility submits a plan to be reviewed it goes to the  
10 local division of emergency management at the county  
11 level, correct?  
12 A **Not all plans I believe go to local emergency**  
13 **management. I think the four that I just listed out go**  
14 **directly to the Department of Health.**  
15 Q Do you know where skilled-nursing facility  
16 plans are reviewed?  
17 A **I do not.**  
18 Q Are you aware if the Agency For Health Care  
19 Administration and the Department of Health are provided  
20 the opportunity to comment upon any licensed facility's  
21 comprehensive emergency management plans?  
22 A **As a whole, I don't know.**  
23 **That would definitely be something done at the**  
24 **local level. If local emergency management asked the**  
25 **Department of Health to take a look at a comprehensive**

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1 emergency plan that we do not review, I'm sure that we  
2 would.  
3 Q But to your knowledge there's not a statutory  
4 requirement that a local division of emergency  
5 management officials will provide the notice and  
6 opportunity to Agency For Health Care Administration,  
7 Department of Health to review and comment on any  
8 licensed facility's proposed comprehensive emergency  
9 management plan?  
10 A **I don't believe so.**  
11 **But CEMPs are not my area of expertise as far**  
12 **as who reviews them, with the exception of those for the**  
13 **-- as I said before.**  
14 Q And as far as the system with the CEMP for the  
15 state, the county, the health-care facilities, would you  
16 agree with me the notion embedded in this is that there  
17 is an overall comprehensive emergency management  
18 planning system in Florida that is supposed to be  
19 integrated so that all the pieces are fit together and  
20 everybody is talking to everybody?  
21 A **I agree with that.**  
22 Q We talked a little bit about the  
23 generalizations of what you do to prepare for a  
24 hurricane.  
25 Would comprehensive emergency management plans

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1 be a part of ongoing hurricane preparation for the State  
2 of Florida, it is an integral part of what the state  
3 does to be prepared for hurricanes?  
4 A **I would say yes. We expect our health-care**  
5 **coalitions to bring in those community partners that do**  
6 **include licensed health-care facilities to share their**  
7 **plans to make sure that there is not duplication of**  
8 **resources.**  
9 **(Discussion off the record.)**  
10 **BY MR. SMITH**  
11 Q I think we were talking about comprehensive  
12 emergency management plans being an overall integral  
13 part of planning for hurricane preparedness.  
14 A **Yes, sir, I would agree with that.**  
15 Q I want to talk about the specifics of  
16 Hurricane Irma and what was done by the Department of  
17 Health to prepare for Hurricane Irma.  
18 I guess if you could just walk me through what  
19 were the steps -- how would you outline to somebody this  
20 is how we began preparing for this hurricane?  
21 A **Let me clarify your question.**  
22 **Are you talking about the Department of Health**  
23 **specifically or ESF8?**  
24 Q Well, let's talk about both. You make the  
25 distinction for me.

1 What did DOH do and what did ESF8 do?  
2 **A Okay. So we have a series of playbooks that I**  
3 **don't have here with me right now. But we have**  
4 **playbooks for specific incidents, and they include**  
5 **severe weather, biological hazards, other hazards that**  
6 **we've had here in the state that have ranked high on**  
7 **probability of occurring.**

8 Within those playbooks we list out -- so 120  
9 hours out we start doing this, this, this. And that  
10 might include public messaging, it might include sending  
11 out communications to partners letting them know that  
12 there is the potential; in the case of a hurricane, that  
13 there is the potential for a system to develop into a  
14 hurricane. We would update them on what we were doing.  
15 Definitely we tell our employees to have a personal  
16 preparedness plan ready to go.

17 Seventy-two hours out we would I believe start  
18 to notify facilities that we are going to be requesting  
19 Florida Health Stat reporting. Florida Health Stat is  
20 the system that is currently being utilized to collect  
21 bed availability data and facility status information  
22 from licensed health-care facilities.

23 Again, we would form an IMT, incident  
24 management team. Those section chiefs would roster  
25 people that they need.

1 The ICS system, the incident command system is  
2 designed to be scalable and flexible. So we would  
3 assemble the people that we needed -- that we thought we  
4 needed at the time to start doing these things, getting  
5 --

6 The first thing we would do is have a planning  
7 meeting where we would outline our objectives, what do  
8 we need to do during this time and then assign either a  
9 section chief or an agency to carry out those  
10 objectives.

11 Some of our objectives include providing  
12 support to counties that have opened special-need  
13 shelters and need additional staff. We provide sandbags  
14 or portolets, if you will. We would probably begin to  
15 move caches of equipment and things closer to what we  
16 are anticipating the impact site to be.

17 Q And you are speaking sort of hypothetically  
18 this is what we would do?

19 A That is what we did.

20 Q This is what you did in Hurricane Irma,  
21 correct?

22 A Yes, sir.

23 Q So you got to 72 hours before the storm, you  
24 are kind of making preparations?

25 A (Witness nods head).

1 Q With respect to Hurricane Irma, were your  
2 preparations complicated at all by the trajectory of the  
3 storm; did it seem to be somewhat more -- less  
4 predictable perhaps than storms that had been in the  
5 past?

6 A Yes, sir. This particular storm Irma because  
7 of the width of the storm and its anticipated  
8 trajectory, we were essentially looking at all 67  
9 counties in Florida being affected.

10 Normally we would move away from the  
11 anticipated impact area and start assembling teams to go  
12 to that area. Unfortunately that was not an option.  
13 Nobody was really in a position to send any teams  
14 because we really didn't know if it was going to hit the  
15 west coast or the east coast.

16 So because of its trajectory straight up the  
17 center of the state a lot of the plans that we had made  
18 were not applicable.

19 Q And because of that sort of shifting path,  
20 projected path of the hurricane, would you agree with me  
21 that what happened throughout the state is that with  
22 health-care facilities some of them implemented  
23 evacuation plans only to find that they were evacuating  
24 to a location that was now in the path of the storm or  
25 else found that their proposed partner for evacuation,

1 mutual aide was already evacuating themselves, so it was  
2 a complicated situation with evacuations, was that fair?

3 A That's correct.

4 MR. WARREN: Object to the form.

5 BY MR. SMITH

6 Q Does the Department have any guidance at all  
7 for health-care facilities with respect to whether all  
8 health-care facilities that might be impacted by a storm  
9 should evacuate or whether they should shelter in place?

10 A No, sir.

11 Q Are you aware of there being any -- among  
12 emergency management planners, generally, whether  
13 shelter-in-place is a preferred policy to evacuation for  
14 facilities that are not in a mandatory evacuation zone?

15 MR. WARREN: Object to the form.

16 MR. WILLIAMS: Object to the form.

17 THE WITNESS: I don't think that I can answer  
18 that.

19 BY MR. SMITH

20 Q And the reason you couldn't answer is because  
21 you don't have the expertise?

22 A Right. I think that would be speculation on  
23 my part. I don't know necessarily what the counties are  
24 telling.

25 Q So you don't have any opinion on behalf of the

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1 Florida Department of Health whether facilities should  
 2 plan to evacuate if they may be impacted or should plan  
 3 to try to shelter in place?  
 4 **MR. WILLIAMS:** Object to the form.  
 5 **THE WITNESS:** I wouldn't have an opinion  
 6 either way.  
 7 BY MR. SMITH  
 8 Q Are you familiar with any literature or  
 9 clinical research, peer-reviewed research that has found  
 10 that evacuations pose a risk in and of themselves of  
 11 adverse consequences and deaths for frail elderly  
 12 people?  
 13 **MR. WARREN:** Object to the form.  
 14 **MR. WILLIAMS:** Object to the form.  
 15 **THE WITNESS:** I would have to say that the  
 16 person in charge of the health-care facility would  
 17 need to weigh the consequences of staying in the  
 18 projected path versus transporting what may  
 19 potentially be medically frail individuals away  
 20 from the site.  
 21 BY MR. SMITH  
 22 Q The health-care facilities are sometimes faced  
 23 with difficult choices as to whether they should  
 24 evacuate and pose the risks that are inherent in  
 25 evacuation or should attempt to shelter in place knowing

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1 that there's risks associated with sheltering in place?  
 2 **MR. WARREN:** Object to the form.  
 3 **THE WITNESS:** That's an accurate statement.  
 4 BY MR. SMITH  
 5 Q Walking through the actions that were taken  
 6 with Hurricane Irma, is there a point in time where  
 7 there is an activation of the State Emergency Operation  
 8 Center?  
 9 A Yes, sir.  
 10 Q And when is that point in time?  
 11 A **That's dependent on when the director of the**  
 12 **Division of Emergency Management feels it's the right**  
 13 **time to go to the next level.**  
 14 Q With Hurricane Irma, do you know when the  
 15 Emergency Operation Center was activated?  
 16 A **I do. It was Tuesday morning at 07:30, that**  
 17 **would have been September 5th, the day after Labor Day.**  
 18 Q And tell me to the best of your recollection  
 19 what were the -- other than what you already told me in  
 20 terms of preparation, was there any other major items  
 21 that you haven't told me about from September 5th until  
 22 the hurricane actually made its first landfall in  
 23 Florida in the Florida Keys?  
 24 A **Let me take a look real quick.**  
 25 **So we sent out the Florida Health Stat request**

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1 **to report. We would have started having calls with our**  
 2 **county health departments. We would have called in our**  
 3 **partners from the Florida Health Care Association and**  
 4 **Florida Hospital Association. And I believe on that**  
 5 **Tuesday we requested AHCA presence at the State**  
 6 **Emergency Operation Center. And that is mostly what we**  
 7 **were doing during that lead-up time.**  
 8 Q The role of DOH, is it correct to say that the  
 9 Department of Health is considered to be the lead  
 10 agency --  
 11 A **That is correct.**  
 12 Q -- in the state?  
 13 A **For ESF8, yes, sir.**  
 14 Q And ESF8 --  
 15 Go ahead. I think you were telling me  
 16 earlier, but give me an overall description. What is  
 17 ESF8?  
 18 A **Okay. ESF8 is responsible for the public**  
 19 **health and medical response to a disaster. We**  
 20 **coordinate staffing for special-needs shelters.**  
 21 **And there are very specific missions that I**  
 22 **don't have in front of me but I'll do my best to**  
 23 **remember what they are.**  
 24 **We support environmental health post-storm.**  
 25 **We --**

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1 **It's not coming like it probably should. But**  
 2 **--**  
 3 Q There is a document then that we can get that  
 4 would tell us this is what the missions and roles of  
 5 ESF8 are?  
 6 A **That's correct.**  
 7 Q What is that document?  
 8 A **That document is the 8 Annex of the CEMP. So**  
 9 **the annexes are ESF8. Our annex is 8.**  
 10 Q When you say annex, I believe the state CEMP  
 11 is actually adopted as a rule of the Division of  
 12 Emergency Management, if I'm not mistaken.  
 13 But these annexes, I'm not familiar with it.  
 14 Let me do it this way --  
 15 A **Okay.**  
 16 Q -- if I make --  
 17 **MR. SMITH:** Counsel, could I make a public  
 18 records request to get the document and it will  
 19 shorten a lot of need?  
 20 **MR. WILLIAMS:** Sure. You just want --  
 21 **MR. SMITH:** The 8th Annex that she is  
 22 referring to.  
 23 **MR. WILLIAMS:** You got it.  
 24 You want me to get it to you now?  
 25 **MR. SMITH:** That would be great. You don't

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1 have to do it right this minute.  
2 **MR. WILLIAMS:** Off the record for like 30  
3 seconds?  
4 **MR. SMITH:** That's fine.  
5 (Discussion off the record.)  
6 BY MR. SMITH  
7 Q With respect to the missions and  
8 responsibility for medical needs, is there a special  
9 role or function played by the licensed hospitals in  
10 Florida? Is there some function that the ESF8 or the  
11 Department of Health says the role of a hospital will be  
12 this?  
13 **A I don't believe that there is anything that**  
14 **says that specifically. No, sir.**  
15 Q Generally speaking do you find that hospitals  
16 are serving as -- in Florida serving as evacuation  
17 shelters?  
18 **A I would not say that they serve as evacuation**  
19 **shelters.**  
20 **I think I can say that there are a couple**  
21 **different scenarios where hospitals would play a role**  
22 **during a disaster.**  
23 **Number one, if we were to get a client in a**  
24 **special-needs shelter whose health acuity exceeded our**  
25 **nursing capabilities, it's possible and probable that we**

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1 **would attempt to get that person placed in a hospital or**  
2 **step-up facility.**  
3 **Certainly during some events hospitals have**  
4 **understandings with certain groups of people. For**  
5 **instance, some of the children who get services provided**  
6 **through Children's Medical Services, because they are so**  
7 **medically fragile they make it straight to a hospital**  
8 **and have an understanding that they are automatically**  
9 **admitted.**  
10 **Does that answer the question?**  
11 Q Yes.  
12 My understanding is that hospitals typically  
13 don't serve as evacuation shelters and that they are  
14 there to serve the emergency medical needs of the  
15 community and to be a place where people who need  
16 in-patient hospital care will go.  
17 **A Yes.**  
18 Q And it would be my understanding also, would  
19 you agree, that you don't want hospitals to be  
20 overwhelmed with being attending to needs of people who  
21 don't have emergency medical needs because you are going  
22 to need those facilities to adequately respond to the  
23 true emergencies, would you agree?  
24 **MR. WILLIAMS:** Object to the form.  
25 **MR. WARREN:** Object to the form.

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1 **THE WITNESS:** Yes. I think it is important  
2 that hospitals maintain some emergency  
3 capabilities, obviously.  
4 BY MR. SMITH  
5 Q And the reason I ask, because it has been  
6 widely suggested, well, in the wake of Hurricane Irma,  
7 why didn't the nursing home, Hollywood Hills just pack  
8 everybody up and say let's go across the street to the  
9 hospital.  
10 Would you agree that's typically the -- the  
11 hospital's role isn't here to say we are here to be the  
12 backup in case air-conditioning or power goes out at  
13 local nursing homes?  
14 **MR. WARREN:** Object to the form.  
15 **THE WITNESS:** I have seen in the past where  
16 facilities had understandings with hospitals. If  
17 the hospital had space and the facility was willing  
18 to bring their staff with them, I mean, I've seen  
19 these agreements before certainly. It wouldn't be  
20 out of the realm of possibility.  
21 BY MR. SMITH  
22 Q I'm not asking what's out of the realm of  
23 possibility.  
24 What you're talking about, again going back to  
25 planning, certainly a hospital could be a partner or

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1 mutual aide contract with a facility and say we can take  
2 some of your people, and that would all be part of the  
3 CEMP, right?  
4 **A Yes, sir.**  
5 Q And if it is not part of the CEMP, it would be  
6 highly unusual to say -- a nursing home is going to say,  
7 well, we will move all our people, whether it was a  
8 hospital or any other facility, we are just going to  
9 say, well, you've got power and we don't, so we're  
10 coming to you?  
11 **MR. WARREN:** Object to the form.  
12 **THE WITNESS:** I have not heard of that  
13 happening before.  
14 BY MR. SMITH  
15 Q Going back to the specifics of Hurricane Irma.  
16 We kind of talked about the preparations.  
17 You mentioned communication with partners and  
18 specifically mentioned FHCA and FHA.  
19 What about facilities who aren't members of  
20 those organizations, are they not considered partners or  
21 how do you view those? Any differently?  
22 **A I don't view them differently at all.**  
23 **Our understanding from FHA and FHCA is that**  
24 **during an emergency their communications are not limited**  
25 **to members and their --**

1           **Let me back up.**  
 2           **So we have representatives from FHA and FHCA**  
 3 **embedded into ESF8, and they are very useful if we have**  
 4 **problems placing certain types of people that may not be**  
 5 **appropriate for a special needs shelter. And our**  
 6 **understanding -- or at least my understanding from the**  
 7 **three people that typically work with us in ESF8 are**  
 8 **that during times of an emergency a member or nonmember**  
 9 **doesn't make a difference.**  
 10        Q   And specifically you say they are embedded in  
 11 ESF8.  
 12        Are there actual positions held within ESF8 by  
 13 Florida Hospital Association, Florida Health Care  
 14 Association?  
 15        A   **We would consider them technical specialists**  
 16 **under the planning section.**  
 17        **During Irma they did not sit in the ESF8**  
 18 **breakout room at the Emergency Operation Center. They**  
 19 **were actually here -- I'm sorry -- in building 4052 with**  
 20 **the rest of my staff.**  
 21        Q   And so they were housed -- the FHA and FHCA  
 22 representatives were housed at the Department of Health?  
 23        A   **Um-hum.**  
 24        Q   I'm sorry. Yes?  
 25        A   **Yes, sir.**

1 **ALFs. But within those tiers there is no mechanism for**  
 2 **prioritizing one facility over another.**  
 3        Q   And is that tiered approach of hospitals  
 4 first, nursing homes second, then ALFs anywhere  
 5 contained in any kind of document, any written document?  
 6        A   **It very well might be in our Severe Weather**  
 7 **Playbook.**  
 8        Q   Okay. And I hate to keep making requests, but  
 9 could we make a public records request to get a copy of  
 10 the Severe Weather Playbook?  
 11        A   **Again, our office can provide that --**  
 12        **MR. SMITH:** Maybe we can get it on a break or  
 13 something.  
 14 **BY MR. SMITH**  
 15        Q   With Hurricane Irma, were you involved at all  
 16 in any request to escalate the priority of power  
 17 restoration? I'm using you both individually and as  
 18 representative of the Department of Health.  
 19        Were you involved in trying to seek priority  
 20 or escalate the importance of getting power back on at  
 21 any health-care facilities?  
 22        A   **Are you asking me at any point during Irma did**  
 23 **that occur or --**  
 24        Q   Yes.  
 25        A   **-- or prior to a certain date?**

1        Q   When you are doing your planning, is there --  
 2 I assume there's thought given to the likelihood there  
 3 will be widespread power outages resulting from a  
 4 hurricane, correct?  
 5        A   **Correct. That is correct.**  
 6        Q   And are there specific plans that are put in  
 7 place for how power will be restored to health-care  
 8 facilities?  
 9        A   **My understanding that is typically done at the**  
 10 **local level. We do not have a mechanism at the state to**  
 11 **determine prioritization for facilities.**  
 12        **So ESF12 is utilities and fuel, power and**  
 13 **fuel.**  
 14        **There is not a mechanism to prioritize one**  
 15 **facility over another for restoration as far as I know.**  
 16 **We do not have a methodology for prioritization.**  
 17        Q   And when you say "we," would it be -- can I  
 18 assume what you're saying is that neither the Department  
 19 of Health nor ESF8 have any role or function in trying  
 20 to prioritize restoration of power say to a nursing home  
 21 as a priority over other residential or commercial  
 22 restoration of power?  
 23        A   **I will say typically we have gone with a**  
 24 **tiered approach, so hospitals being the most important**  
 25 **facilities to have back online, then nursing homes, then**

1        Q   No. I'm asking during Irma, did that occur?  
 2        A   **I was asked by the SERT chief to come up with**  
 3 **a prioritization after September 13th had occurred,**  
 4 **because we were then collecting information from all**  
 5 **health-care facilities related to whether they needed a**  
 6 **generator or if they needed fuel. I was asked by the**  
 7 **SERT chief to prioritize these facilities, and I told**  
 8 **him I would be happy to do so if he provided a priority**  
 9 **criteria.**  
 10        Q   And first of all, you are using bureaucratic  
 11 shorthand, I think.  
 12        Who is the SERT chief?  
 13        A   **Leo LaChat.**  
 14        Q   SERT being?  
 15        A   **State emergency response team.**  
 16        Q   And Mr. LaChat asked you to develop a priority  
 17 for restoration of facilities that still lacked power as  
 18 of September 13th?  
 19        A   **Yes. We were turning over spreadsheets to**  
 20 **ESF12 of facilities that either needed a generator or**  
 21 **fuel. They were substantial spreadsheets. And I was**  
 22 **asked to take those spreadsheets and prioritize within**  
 23 **the spreadsheets which facilities should be handled**  
 24 **first.**  
 25        Q   And your response to that was I don't have

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1 criteria, you'll have to give me the criteria on how you  
2 want me to prioritize them?  
3 **A I'm not comfortable coming up with a criteria,**  
4 **that if you could provide me a criteria we would be**  
5 **happy to do that at his direction.**  
6 Q And did Mr. LaChat provide you with the  
7 criteria?  
8 **A He did not.**  
9 Q So were you able to do the prioritization?  
10 **A We did not.**  
11 Q And you said that occurred -- the request to  
12 prioritize, that occurred after September 13th?  
13 **A That is correct.**  
14 Q And did you bring with you documents today of  
15 those emails?  
16 I got a ton of email documents --  
17 **A It was not an email. It was during a -- it**  
18 **was during the, what do they call it, it was DEM730 --**  
19 **their-high level people meeting. I can't remember.**  
20 Q So it was verbal --  
21 **A Yes.**  
22 Q -- during an early morning leadership meeting?  
23 **A Yes, sir.**  
24 Q And your request for criteria, was that -- it  
25 was all one meeting? You talked about it, you said I'd

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1 be happy to prioritize it if you give me the criteria,  
2 and he said, well, I can't do it; or did he say let me  
3 get back to you and he just never did?  
4 **A It was more let me think about it, let me get**  
5 **back to you. I think at one point he said, well, why**  
6 **don't you use the counties with the highest percentage**  
7 **of power outages.**  
8 Q But there was never anything formalized?  
9 **A There was never anything --**  
10 Q How about during the storm, you mentioned that  
11 you were passing spreadsheets from ESF8 to ESF12 --  
12 **A This was after the 13th.**  
13 Q Okay. So during the hurricane, between --  
14 let's use the dates September 8th through the 13th --  
15 **A Okay.**  
16 Q -- during that time period was there anything  
17 in place to pass requests for power restoration priority  
18 from ESF8 to ESF12?  
19 **A Yes.**  
20 Q And what was that?  
21 **A There was a mission, an EM Constellation**  
22 **mission number 2729 input by ESF12. It did not come**  
23 **from ESF8 nor did it come to ESF8. It was authored by**  
24 **ESF12. It was for power restoration for Larkin and**  
25 **Hollywood Hills. It was put in on 9/11/17 at 21:41.**

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1 Q So September 11th, 21:41 --  
2 **A 9:41 at night.**  
3 Q 9:41 p.m. And who input that mission in EM  
4 Constellation?  
5 **A Someone from ESF12. I don't know the specific**  
6 **person.**  
7 Q And you gave me a mission number. What was  
8 it?  
9 **A 2729. Again, the Department of Health/ESF8,**  
10 **we didn't put in the mission, we didn't author it, and**  
11 **it never came to us.**  
12 Q Who at ESF12 would have put it in, do you  
13 know?  
14 **A One of the people working the desk there.**  
15 Q And who staffs ESF12? Is it Public Service  
16 Commission or --  
17 **A I believe that they are probably several**  
18 **partners that staff that desk.**  
19 **I know one of the ladies that staffs it is**  
20 **Debbie Bass from Division of Emergency Management, and**  
21 **she's mostly who we dealt with.**  
22 **I don't know how the mission came to be. If**  
23 **it was the result of a phone call, I don't know.**  
24 Q Was there any process established for how to  
25 manage phone calls made to the Governor's cellphone that

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1 had been distributed to industry as a point of contact?  
2 **MR. WILLIAMS:** Object to the form.  
3 **THE WITNESS:** That's not something I would  
4 know.  
5 BY MR. SMITH  
6 Q To your knowledge, you in your role and on  
7 behalf of DOH were not aware of any process in place to  
8 manage the Governor's response to phone calls to his  
9 personal cellphone?  
10 **MR. WARREN:** Object to the form.  
11 **THE WITNESS:** I can tell you that our Chief of  
12 Staff Alexis Lambert was tasked with making some  
13 return calls as a result of voice mails left on the  
14 Governor's cellphone. As to who listened to those  
15 voice mails, how they were triaged, I don't know.  
16 BY MR. SMITH  
17 Q So you are not aware of any formal process  
18 being in place in advance of the storm that said if we  
19 get calls to the Governor's cellphone here is the  
20 process we are going to follow for handling those calls  
21 for assistance?  
22 **MR. WARREN:** Object to the form.  
23 **THE WITNESS:** No, sir, I don't -- I wouldn't  
24 know.  
25

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1 BY MR. SMITH  
2 Q You said that you are aware that Chief of  
3 Staff Alexis Lambert was tasked with making some return  
4 phone calls. How did that occur?  
5 A I believe it occurred through email from  
6 someone at the Governor's Office.  
7 Q And are those emails here today?  
8 A I can tell you they are part of the press  
9 release that the Governor released several days after  
10 the incident of Hollywood Hills.  
11 Q Are you familiar with -- and I'm going to go  
12 down to some of the topics that we noticed in the  
13 deposition.  
14 The first big topic area was communications  
15 with, it says with the Hollywood Hills, communications  
16 with Hollywood Hills from September 9th, 2017 through  
17 September 13th, 2017.  
18 Are you familiar with any communications  
19 either with the Department of Health or ESF8 and  
20 Hollywood Hills?  
21 A I'm aware that --  
22 What dates --  
23 Yes, from the 9th to the 13th.  
24 Local Broward County ESF8 received two calls  
25 from Natasha Anderson, who identified herself as the CEO

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1 of Larkin.  
2 No mention was made of Hollywood Hills during  
3 either of those calls.  
4 Q And what was the content of those calls to the  
5 local broad ESF8?  
6 A The content of the call that occurred at  
7 approximately 10:00 a.m. was her requesting to be put on  
8 the priority power restoration list.  
9 Q I'm sorry. What date?  
10 A That was -- I believe it was 9/12. And that  
11 her psych patients were unhappy about the heat.  
12 And then I believe she called back around  
13 noon, so about two hours later, and reported a tree on  
14 the transformer.  
15 Q And what was the source of the information,  
16 since you didn't talk to her, how did you determine that  
17 was the content and nature of the calls?  
18 A It was probably --  
19 Q I mean, did you review documents, interview  
20 people?  
21 A I reviewed a whole bunch of documents.  
22 We also --  
23 So it wouldn't include this (indicating).  
24 But we also do get daily situation reports  
25 from all of the county health departments as part of

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1 regular situational awareness.  
2 I do know on the 12th at 2:00 p.m. Broward  
3 County sent in a situation report that reported  
4 Hollywood Hills on generator power adversely affecting  
5 patients, and that a ticket was submitted to FP&L for  
6 priority. And that should be part of the duces tecum  
7 stuff that you got.  
8 Q You are kind of reading through notes. Are  
9 those notes that you took based upon document review?  
10 A Yes. Primarily what the Governor put out  
11 however many five, six days afterwards.  
12 Q Could we get a copy of your notes and maybe  
13 attach them as well and call it Exhibit 51 to the  
14 deposition?  
15 A Fine by me.  
16 (Exhibit No. 51 marked for  
17 identification.)  
18 BY MR. SMITH  
19 Q So you saw something from the situational  
20 report from the local county saying that the facility  
21 was on generator power, is that correct?  
22 A Correct.  
23 Q And so there's some document that would show  
24 that.  
25 The reason I'm asking, because I interviewed

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1 all the people who were at the facility, it was never on  
2 generator power. So I'm not sure where that information  
3 came from.  
4 A Okay.  
5 Q I'm just curious. It's something from the  
6 county you said that they were on generator power?  
7 A Yes. My understanding that they were on  
8 generator power but it was not running their HVAC.  
9 Q Okay. That's your understanding.  
10 A And that they had fans.  
11 Q They had fans in spots --  
12 A And spot coolers.  
13 Q I will ask you to assume that the situation  
14 was that they never lost their electrical power, they  
15 lost a transformer that powered the chiller for the  
16 HVAC. They never went on generator power.  
17 A Okay.  
18 Q So there's some error in information coming  
19 from the county, if I'm right?  
20 A If you are right, then --  
21 Q And maybe somebody just understood -- made an  
22 assumption if they have power they must be on a  
23 generator, correct?  
24 A If they have this and not that, then they must  
25 be on a generator.

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1 Q But everybody was aware at least as of  
2 2:00 p.m. on September 12th, from what you can see from  
3 the local emergency management, they were aware that the  
4 facility's air conditioning was not working?  
5 A **That is correct.**  
6 Q And was there anything done to your knowledge  
7 from that time -- I think you may have told me, but at  
8 any time was there anything done that would have been an  
9 effort by the Department of Health or ESF8 to escalate  
10 with Florida Power & Light, hey, these are frail elderly  
11 residents, get their power back on?  
12 **MR. WARREN:** Object to the form.  
13 **THE WITNESS:** What I would say is on the  
14 situation reports that we received from counties,  
15 there were tens, if not hundreds, of the same  
16 reports that facilities weren't on generator power  
17 or their HVAC wasn't working. But we would not  
18 have acted on the information in that situation  
19 report. It was provided to us as information only.  
20 BY MR. SMITH  
21 Q So the answer to my question, there really was  
22 no effort made, at least by the Department of Health or  
23 ESF8 to escalate the priority for restoring power at  
24 Hollywood Hills?  
25 **MR. WARREN:** Object to the form.

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1 BY MR. SMITH  
2 Q Is that correct?  
3 A **At the state level, that's correct.**  
4 Q And are you aware at some other level was  
5 there an effort made to escalate the priority of power  
6 restoration at Hollywood Hills?  
7 A **Well, as I stated, there was a mission put**  
8 **into EMC, EM Constellation on 9/11 for power restoration**  
9 **for Larkin.**  
10 Q And what does it mean that there is a mission?  
11 Does that mean they make it a priority?  
12 A **So the fact that it is a mission means that**  
13 **the local -- locals were overwhelmed, it was put in as a**  
14 **state mission.**  
15 **My assumption, I don't work in ESF12, but my**  
16 **assumption is that they would turn it over to the**  
17 **utility company who was on site in the State Emergency**  
18 **Operation Center and potentially try to get these folks**  
19 **on the priority list.**  
20 **But, again, ESF8 did not offer the mission and**  
21 **we never saw the mission.**  
22 Q Are you aware of any other communications with  
23 any representatives of Hollywood Hills or Larkin  
24 Behavioral Hospital and state officials about getting  
25 their power restored?

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1 A **No, sir.**  
2 Q So you would have no knowledge of a phone call  
3 to Governor Scott's cellphone, 5:34 p.m. on  
4 September 11th of -- from Miss Anderson stating they  
5 needed to have their power restored because of the  
6 population being served including nursing home elderly,  
7 some on oxygen?  
8 **MR. WILLIAMS:** Object to the form.  
9 **THE WITNESS:** The only knowledge I have of  
10 that is what I read in the Governor's release last  
11 night. I went back and read the whole release.  
12 BY MR. SMITH  
13 Q Are you aware of a call from Miss Natasha  
14 Anderson to the Florida Emergency Information line,  
15 which is 1-800-342-3557, again identifying that the AC  
16 transformer had been struck and being directed to call a  
17 Tallahassee number (850)815-4925?  
18 A **I did read that transcript last night as well**  
19 **as part of the Governor's press release.**  
20 Q But --  
21 A **I don't have personal knowledge of it. No,**  
22 **sir.**  
23 Q You don't have any other information other  
24 than it appears that she called?  
25 A **That is correct.**

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1 Q And do you recognize that number,  
2 (850)815-4925?  
3 A **No, sir.**  
4 Q It is referred to as the Florida Emergency  
5 Information line. It says, "According to Miss Anderson,  
6 she spoke with somebody who identified himself as  
7 George. She explained that it was a hospital and a  
8 nursing home with 162 patients, many elderly on oxygen.  
9 This is on 9/11 at 5:39 p.m. And that George informed  
10 me that the matter would be escalated. I also informed  
11 him that we contacted FP&L and our work order number was  
12 4301. At no time did anyone advise to call 911."  
13 But are you aware of Miss Anderson making that  
14 call on 9/11 at 5:39 p.m.?  
15 **MR. WARREN:** Object to the form.  
16 **THE WITNESS:** I do not have any personal  
17 knowledge of it.  
18 BY MR. SMITH  
19 Q Have you seen reference to it in any  
20 documents?  
21 A **I haven't.**  
22 Q Are you aware of somebody, George, that worked  
23 at the Emergency Operation Center?  
24 A **George Merceron who works for me worked the**  
25 **night shift, so the second 12-hour shift. The timing of**

1 **5:30 is a little bit odd, because I typically didn't**  
2 **leave the State Emergency Operation Center until 7:00,**  
3 **8:00, 9:00 at night. But it's possible that George**  
4 **could have taken a call from somebody.**

5 Q Also on 9/11 at 6:57 p.m. there is a second  
6 call that Miss Anderson reports making. It says, "She  
7 spoke to George and asked if he had any new updates  
8 regarding our emergency, and he informed me there were  
9 no new updates. He reassured me that this has been  
10 reported and escalated and he would continue to  
11 follow-up."

12 Did you talk with Mr. Merceron about phone  
13 calls that he may have had with Miss Anderson?

14 A **No, sir. This was the first I heard of this.**

15 Q And so you're not able as a representative, at  
16 least to those communications with Hollywood Hills, you  
17 would not be the person at the Department that has the  
18 most knowledge of those particular calls?

19 A **I would not.**

20 Q Are you aware of a call at 7:29 p.m. on  
21 9/11 that went from the Emergency Center to  
22 Miss Anderson saying that they were working on the  
23 emergency. She again explained, "We got elderly on  
24 oxygen, mentally ill individuals and was told we will  
25 continue to update you." Do you have any information

1 A **This was as a result of one of the messages**  
2 **left on the Governor's voice mail.**

3 Q Do you have any information of other calls  
4 from -- or communications from Hollywood Hills other  
5 than what you told me about?

6 A **The only communication I believe we had with**  
7 **them was they called our help desk for the Florida**  
8 **Health Stat System to work out a password issue.**

9 Q And when was that?

10 A **It's in that paperwork. It was prior to 9/13,**  
11 **so it happened before the 12th. I believe there were**  
12 **two calls and they were both resolved.**

13 Q Checking off topic areas.

14 So have you told me everything that you know  
15 about with respect to communications between Hollywood  
16 Hills and any Department of Health or ESF8 employees?

17 A **Yes.**

18 Q And were there any communications of which you  
19 are aware that may not have been with a representative  
20 of Hollywood Hills or Larkin Behavioral but was about  
21 Hollywood Hills or Larkin Behavioral that said, well,  
22 this is what we need to do or this is what we are going  
23 to do?

24 A **I have no knowledge of those calls.**

25 Q Do you have any knowledge of the Governor's

1 about that?

2 A **No, sir.**

3 Q Do you have any information about a call at  
4 9:24 p.m. by Miss Anderson again contacting the  
5 Emergency Line to inform she had not received any  
6 update? Do you have any information on that call?

7 A **No, sir.**

8 Q And there's another call at 9:57 p.m. saying  
9 this is from the Emergency Center to Miss Anderson  
10 saying that they were working on the request but there  
11 was no new update. She expressed the urgency of getting  
12 FP&L to come reset the AC chiller transformer.

13 You don't have any information on that call?

14 A **No, sir.**

15 **The only call on 9/11 that I have any**  
16 **knowledge of is Alexis Lambert's call to Natasha**  
17 **Anderson at 10:11 p.m.**

18 Q At 10:11 p.m. on which day?

19 A **On 9/11. The call would have been made prior**  
20 **to 10:11. Alexis' email back to the Governor's Office**  
21 **was at 10:11 which informed them that she had made the**  
22 **calls requested.**

23 Q So you are aware of a call somewhere,  
24 10:11 p.m., somewhere around 10:00 p.m. on the 11th that  
25 was made by Miss Lambert on behalf of the Governor?

1 direction to AHCA and DOH to immediately suspend  
2 Hollywood Hills' license?

3 A **No knowledge other than the press release when**  
4 **it came out.**

5 Q I think you told me there were none.

6 But do you have any other knowledge of any  
7 effort made by DOH to escalate or otherwise increase  
8 priority of power restoration to Hollywood Hills from  
9 September 10th through September 13th?

10 **MR. WARREN:** Object to the form.

11 **THE WITNESS:** I am aware that on  
12 9/12 Hollywood Hills put a mission into WEB EOC,  
13 which is the local sort of disaster management  
14 system. My understanding is that certain  
15 health-care facilities -- or certain facilities,  
16 certain partners can input local missions directly  
17 into that local system, and I believe one was put  
18 in on 9/12 saying that they had no power, they were  
19 requesting priority restoration. And that's the  
20 only --

21 BY MR. SMITH

22 Q There is a document that you are referring to  
23 that shows the Hollywood Hills input a request --

24 A **It is just off of my notes. And it could have**  
25 **been from talking to the locals -- our local ESF8.**

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1 Q Who did you talk to at local ESF8?  
2 A **I know I talked -- I do believe I talked to**  
3 **Terry Sudden at one point.**  
4 Q S U D D E N?  
5 A **Um-hum.**  
6 Q I'm sorry. You need to say yes or no.  
7 A **Yes, sir.**  
8 Q Okay. So Mr. Sudden is a contact for the  
9 Broward County Division of Emergency Management?  
10 A **It is a she.**  
11 Q She.  
12 A **She works at the ESF8 desk in Broward County.**  
13 Q And you had some interview with her about what  
14 she recalled about the Hollywood Hills issues?  
15 A **Correct.**  
16 Q And when did you speak with her?  
17 A **It would have probably been a day or two after**  
18 **the 13th.**  
19 **We were looking at their situation reports to**  
20 **see what communication we had had, if any, with**  
21 **Hollywood Hills.**  
22 Q And what prompted you to do that?  
23 A **The fact that people had died.**  
24 Q I mean, was it on your own initiative or did  
25 somebody request --

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1 A **No. No one told me to. We just started**  
2 **looking into what communication we had had with them.**  
3 Q Did you talk with anybody else with respect to  
4 communications between Hollywood Hills and any state or  
5 county officials?  
6 A **No, sir. I know that the Agency For Health**  
7 **Care Administration had some communications with them,**  
8 **but I wasn't privy to those.**  
9 Q Have you talked to anybody at AHCA about  
10 Hollywood Hills?  
11 A **No, sir.**  
12 Q And I'm correct that I think you told me  
13 earlier that the Department of Health was not involved  
14 in any efforts to escalate or otherwise increase  
15 priority of power restoration to Hollywood Hills from  
16 September 10th to September 13th, is that correct?  
17 A **To my personal knowledge, no.**  
18 **Since you were asking me about calls made to**  
19 **George and him telling her that they were working on the**  
20 **issue, I don't know what those conversations consisted**  
21 **of. So my personal knowledge, no.**  
22 Q And you said Mr. Merceron is somebody that  
23 works for you?  
24 A **He does.**  
25 Q But you haven't talked to him about what calls

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1 he may have handled from Hollywood Hills?  
2 A **I can tell you he does not remember taking any**  
3 **calls from Hollywood Hills.**  
4 Q So you did have a conversation with him and he  
5 said he didn't recall it?  
6 A **When he was subpoenaed I was concerned like**  
7 **why, where on earth did they get your name, how did you**  
8 **come into this, and he has no idea.**  
9 Q Other than what we discussed, do you have any  
10 knowledge of communications with other state agencies in  
11 the Governor's Office regarding Hollywood Hills?  
12 A **No, sir.**  
13 Q Do you have any communications with Department  
14 of Health in the Governor's Office regarding Hollywood  
15 Hills?  
16 A **No, sir.**  
17 **The only thing that I was a part of was when**  
18 **they were trying to reconstruct a timeline and they**  
19 **asked us for Florida Health Stat reports for when the**  
20 **facility reported into the system.**  
21 Q And would that have come -- who would that  
22 have come from at the Governor's Office?  
23 A **I don't know.**  
24 Q And that was subsequent to September 13th?  
25 A **Yes, sir.**

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1 Q Has the Department of Health made any efforts  
2 to determine the number of nursing home residents or ALF  
3 residents that died between September 9th through  
4 September 16th?  
5 A **Not to my knowledge.**  
6 Q Do you know if there are records available  
7 from which you could determine the number of nursing  
8 home residents or ALF residents that died between  
9 September 9th and September 16th?  
10 A **I assumed that there's probably a way to pull**  
11 **that information out of Vital Statistics.**  
12 Q But neither you nor anybody to your knowledge  
13 on behalf of DOH has been interested in looking at that  
14 issue?  
15 **MR. WILLIAMS:** Object to the form.  
16 **THE WITNESS:** I don't know if they have an  
17 interest in it or not. To my knowledge, no one has  
18 done that.  
19 BY MR. SMITH  
20 Q Do you have any other information regarding  
21 any investigation by Department of Health pertaining to  
22 Hollywood Hills from September 9th to the present?  
23 A **I do not.**  
24 Q Do you have any information regarding  
25 investigation by DOH of any nursing homes or assisted

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1 living facilities for deficiencies alleged to be  
2 associated with Hurricane Irma?  
3 **A That would not be within the scope of the**  
4 **Department of Health.**  
5 Q That would be an AHCA issue?  
6 **A Yes.**  
7 Q Do you have any knowledge regarding the deaths  
8 of the residents at Hollywood Hills and the medical  
9 cause of those deaths?  
10 **A Other than what I saw on the television; no,**  
11 **sir.**  
12 Q And you have no knowledge of the medical  
13 records of those residents?  
14 **A No, sir.**  
15 Q You mentioned spreadsheets. Do you have with  
16 you spreadsheets or any knowledge of nursing homes and  
17 assisted living facilities who reported losing  
18 electrical power during Hurricane Irma?  
19 **A I know that there were some.**  
20 **I know that because of reports that were --**  
21 **No. Let me --**  
22 **I know that there were facilities that**  
23 **reported no power or being on generator power into the**  
24 **Florida Health Stat system. And then after 9/13 we were**  
25 **assembling spreadsheets of facilities that either needed**

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1 **a generator or fuel. So I do know that there were other**  
2 **facilities that had either no power or partial power.**  
3 Q And do you know how many facilities?  
4 **A I do not.**  
5 **MR. WILLIAMS:** Off the record for a second.  
6 (Discussion off the record.).  
7 BY MR. SMITH  
8 Q In terms of the communications between  
9 Hollywood Hills and any representatives of the  
10 Department of Health, have you fully told me everything  
11 that you know?  
12 **A Yes, sir.**  
13 Q I'm going to show you what we will mark as  
14 Exhibit 52.  
15 (Exhibit No. 52 marked for  
16 identification.)  
17 BY MR. SMITH  
18 Q You mentioned some emails or correspondence  
19 with Alexis Lambert. If you can just take a minute and  
20 look through that.  
21 My question is, is this reference on page one  
22 and two the only information that you have with respect  
23 to calls to -- or communications with Hollywood Hills or  
24 Larkin Community Behavioral?  
25 I see they are listed on page one. I thought

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1 they were listed on page two.  
2 **A Yes, sir. This is the only reference that I**  
3 **know of requesting the Department of Health to return**  
4 **phone calls to Miss Anderson-- or a phone call.**  
5 Q Did you have any discussions with Miss Lambert  
6 about that, whether she had been asked to return phone  
7 calls and what she did and said with respect to  
8 Hollywood Hills?  
9 **A I don't believe I had any conversations**  
10 **directly with Miss Lambert.**  
11 **I know that it came up the morning of the 13th**  
12 **when we were sitting with a representative from the**  
13 **Governor's Office. I believe Justin Senior was in**  
14 **there. We were trying to reconstruct the timeline**  
15 **leading up to the events. I remember someone saying**  
16 **Alexis had just spoken to them last night and told them**  
17 **to call 911 if there was a medical emergency. I don't**  
18 **remember who said it, but I remember that coming up**  
19 **during that meeting that we had.**  
20 Q And was Miss Lambert there?  
21 **A I don't believe so.**  
22 Q It was just somebody who said, well, Miss  
23 Lambert had a discussion and they knew that Miss Lambert  
24 had the specific discussion about 911?  
25 **A I know that Mara Gambineri, our communications**

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1 **director was there, so it could have been her.**  
2 Q So somebody was reporting a conversation that  
3 maybe Miss Lambert had reported to that person --  
4 **A Correct.**  
5 Q -- and you heard it in a meeting?  
6 **A That's correct.**  
7 Q But otherwise you don't really have any  
8 knowledge of what Miss Lambert may or may not have  
9 discussed?  
10 **A I do not.**  
11 Q Let me show up Exhibit 53. I think you  
12 referenced a couple times in your testimony an EM  
13 Constellation mission number 2729.  
14 **A Yes, sir.**  
15 Q Is this a copy of the document that you are  
16 referring to.  
17 (Exhibit No. 53 marked for  
18 identification.)  
19 **THE WITNESS:** Yes, sir. It appears to be.  
20 BY MR. SMITH  
21 Q Other than the fact that you were able to  
22 locate this document, do you have any knowledge about  
23 who entered the information, what follow-up was done?  
24 **A By looking at it I can tell that the author**  
25 **was someone within the ESF8 -- ESF12 branch -- or ESF12**

1 desk. I can tell when they entered it. I can tell that  
2 there was an update done at 9:41 at night saying that  
3 utility has been notified. There is already a ticket  
4 with FP&L. This is a request to expedite. And it shows  
5 the status as mobilizing, which meant in progress.

6 MR. SMITH: Could I send one of you a document  
7 and get you to print it, rather than sharing my  
8 computer screen?

9 MR. WILLIAMS: Sure.  
10 (Discussion off the record.)

11 BY MR. SMITH

12 Q I want to go over a document. The reason why  
13 we are interested George Merceron's potential testimony  
14 on this and see if it might refresh your memory at all.

15 A Okay.

16 MR. SMITH: Do you want to take a break to get  
17 that?

18 (Brief recess.)

19 BY MR. SMITH

20 Q I'm showing you what is a copy of Exhibit 54.  
21 (Exhibit No. 54 marked for  
22 identification.)

23 BY MR. SMITH

24 Q And the top of 54 has the line mission  
25 history, and then underneath that is request ESF12,

1 information on ALFs and nursing homes who needed  
2 generators or fuel.

3 There was a lot of confusion because this was  
4 after the folks had died at Hollywood Hills, the state  
5 Emergency Operation Center got very busy, and we were  
6 instructed -- we were trying to come up with a way to  
7 get the spreadsheets over to ESF12. So normally if we  
8 were trying to instruct another ESF8 to do something, we  
9 would put in a mission. Finally, we went to Director  
10 Wes Maul and he said break them down by counties, put  
11 them on a spreadsheet and give them to 12.

12 This was probably right before I had the  
13 conversation with the SERT Chief Leo LaChat, because he  
14 was getting complaints from ESF12 that they are  
15 overwhelmed, they don't know where to start with this,  
16 because it was hundreds of facilities.

17 And that's when I told him that if he provided  
18 a prioritization criteria that we would do that, but  
19 otherwise, you know, we --

20 Q Has there been any follow-up to that in the  
21 aftermath? Has there been any follow-up to develop a  
22 policy on priority power restoration for nursing homes  
23 or ALFs?

24 A I can tell you I met with ESF12, I believe it  
25 was last Friday. And we talked about this process that

1 assess and provide generator support to priority ALFs  
2 and SNFs as needed.

3 A Okay.

4 Q Are you familiar with this document?

5 A I don't --

6 I mean, it appears to be a printout of a  
7 mission from EM Constellation entered on 9/13 at 1:10 in  
8 the afternoon. It looks like an event was put in  
9 directing ESF8 to contact assisted living facilities and  
10 nursing homes about whether they need a generator or  
11 fuel. It's a little confusing, because it says SNFs,  
12 which are skilled-nursing facilities at the top, and  
13 then within the resource description it only mentions  
14 assisted living facilities and nursing homes. So I  
15 don't know if that was an error in acronym.

16 Q Is Mr. Merceron -- his name appears to be on a  
17 lot of the information as the point of contact. Now,  
18 Mr. Merceron works in ESF8, is that right?

19 A He does. He was --

20 Yes. He works in ESF8.

21 Q And it appears that he provided these requests  
22 to -- if I'm reading this right, to support priority --  
23 assess and provide generator support to priority ALFs  
24 and SNFs.

25 A We were instructed to start gathering

1 really wasn't a process, you know. And we left it at --  
2 I told them that the Agency For Health Care  
3 Administration needed to be involved in any procedural  
4 -- if we were to come up with an accepted procedure  
5 between these partners that the Agency For Health Care  
6 Administration needed to be at the table.

7 You know, Department of Health is not  
8 regulatory for these facilities and we don't -- I  
9 wouldn't have any way to prioritize them. So that was  
10 one thing that we did talk about.

11 If I'm not mistaken, the Florida Hospital  
12 Association may be working with a vendor called Powered  
13 For People that has something to do with utility  
14 monitoring.

15 Q But as we sit here today there's not any  
16 specific priority restoration plan that's been developed  
17 in the wake of Hurricane Irma and the deaths that  
18 occurred at Hollywood Hills?

19 A Not on a state level.

20 That is something in my opinion that should  
21 probably occur at the local level.

22 Q And why is it that you would not want to have  
23 a state policy on power restoration to nursing homes?

24 A I feel very strongly that the locals know  
25 their community, they know the facilities, they know the

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1 people that they are dealing with. They are in a much  
2 better position to evaluate priorities, folks who may be  
3 put on the priority list. They are just in a much  
4 better position to do it.  
5 And like I said, all disaster in Florida are  
6 local, and we only step in when the locals become  
7 overwhelmed. So this in my opinion is something that  
8 the locals should do.  
9 Q As part of emergency preparedness in the  
10 state, are you aware of any system in place to identify  
11 state resources, state agency resources in terms of  
12 portable generators that may be available and make that  
13 information available in the community so that if people  
14 lose power they know that there may be available backup  
15 generators that they can call on?  
16 A I do not have any knowledge about that.  
17 I know that ESF12 was working with the Army  
18 Corps of Engineers, that they had generators that they  
19 were able to place.  
20 But I don't know if the Division of Emergency  
21 Management -- I believe they maintain a cache of  
22 generators, but I'm not positive. And I wouldn't know  
23 what their marketing strategy was for --  
24 Q And as far as the role of ESF8 when facilities  
25 -- health-care facilities call and have these requests

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1 for power restoration, there's no mechanism in place  
2 that says, I'm sorry, you called the wrong branch, you  
3 need -- I need to get you over to ESF12?  
4 A We would probably --  
5 MR. WARREN: Object to the form.  
6 THE WITNESS: We would probably take the  
7 initiative to input a mission and assign it to  
8 ESF12 so that there was documentation.  
9 BY MR. SMITH  
10 Q But there's nothing formal --  
11 I guess that's a formal thing.  
12 So would the process be that if a licensed  
13 facility calls, then ESF8 would have the responsibility  
14 to notify ESF12, correct?  
15 A Um-hum.  
16 Q You need to answer yes or no.  
17 A Yes. Yes, sir.  
18 Q And then ESF12 would manage from there who  
19 would follow back with the facility to let them know  
20 what efforts were being made to prioritize power  
21 restoration?  
22 A That is correct.  
23 Q Okay. So who would that be that would follow  
24 up, would it be EFS8 or ESF12 to follow back up with the  
25 licensed facility and say here is where everything

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1 stands?  
2 A And that was probably part of the problem we  
3 experienced in the aftermath of September 13th, we did  
4 not have a process for dealing with the scale of  
5 facilities that we were dealing with at that point.  
6 So --  
7 Q You say scale, you mean the scale of the power  
8 outages to facilities that was experienced in Irma?  
9 A Before the events of September 13th there  
10 would not necessarily be any reason for the state to  
11 know that a nursing home was without power. That is a  
12 local issue. The locals obviously have access to the  
13 utility companies who are sitting right there.  
14 And my understanding is they sort of know, you  
15 know -- and what I heard from them it is not as easy as  
16 flipping a switch and this facility is back up. There's  
17 grids and there's all kinds of -- it is an intricate  
18 complex system. So our ability to affect change at the  
19 state level is probably pretty slim. I think that the  
20 locals probably have the better possibility of getting  
21 these folks on a priority list unless --  
22 I will tell you that during Hermine, I think  
23 it was last year, one of the gentleman working in the  
24 State Emergency Operation Center came to me and said his  
25 neighbor was in a nursing home and the power was out and

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1 there had been multiple pickups by EMS. And so I called  
2 local ESF8 here in Leon County and talked to the  
3 emergency manager and the power came back on not too  
4 soon after.  
5 Q When there was an instance where there were  
6 multiple EMS transports from the facility, where was  
7 that?  
8 A I don't remember which specific one it was.  
9 Q What part of the state?  
10 A Oh, it was here in Tallahassee. That's why I  
11 would have called Leon County.  
12 Q Okay.  
13 A So I guess what I'm trying to say was if I had  
14 received information that patients were in danger or  
15 their health had deteriorated, I personally probably  
16 would not have just put in a mission and let it go, I  
17 personally would have followed up on that, because that  
18 was something that the locals needed to know.  
19 Q And in that instance that you are describing,  
20 did you follow up as to what happened with the facility?  
21 Did it end up being evacuated?  
22 A My understanding from the gentleman in the  
23 SEOC was that the power came back on pretty soon after  
24 and everything was fine.  
25 Q I know I asked you earlier, are you -- I asked

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1 you if you conducted any investigation into nursing home  
2 residents that may have died.  
3 Have you received any information at all, even  
4 if you've not done a formal investigation, have you  
5 received any information as to nursing home residents  
6 that may have died at nursing homes that lost power  
7 during Hurricane Irma other than Hollywood Hills?  
8 **A No, sir. Other than knowing that 2 percent of**  
9 **this population dies naturally anyway, from what I**  
10 **understand.**  
11 Q 2 percent of the --  
12 **A Of the population of nursing homes.**  
13 Q Would be expected to die like --  
14 **A I mean within a week or something. I mean, I**  
15 **don't know. I suppose what I'm saying, I don't know.**  
16 Q You haven't heard --  
17 For example, I know that there were a couple  
18 facilities that had issues with heat rising in the  
19 Orlando area inside after they lost power, and I know  
20 that there were a number of 911 transports. You don't  
21 have any anecdotal information to other facilities where  
22 there were deaths that occurred as a result of Hurricane  
23 Irma?  
24 **A No, sir.**  
25 Q I want to go through some documents.

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1 Did you put together the document response to  
2 the subpoena duces tecum?  
3 **A I worked with Nichole Geary on it. We went**  
4 **through the subpoena.**  
5 Q Okay. I got a bunch of documents that were  
6 produced. I don't know how to match up the documents  
7 with what's been requested.  
8 So maybe we can just take a minute off the  
9 record and talk about that.  
10 And then what I would like to do, I printed  
11 out all of those documents that were produced to me, and  
12 I just want to try to order these and understand what I  
13 got.  
14 **A Okay.**  
15 **(Discussion off the record.)**  
16 **BY MR. SMITH**  
17 Q What I want to do is go through the documents  
18 that were requested by subpoena to be produced today and  
19 --  
20 I received a number of documents that were  
21 sent on a disk or a thumb drive. We printed all those  
22 out and brought them with us today. I will just have  
23 you identify the documents that we have produced and  
24 then I will go through the list and discuss how those  
25 documents that were requested in the subpoena relate to

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1 what's produced.  
2 **A Okay.**  
3 Q So the first set of documents, and it is a  
4 stack, and I have it in a file folder for my own  
5 records, Labeled A, but this File Folder A documentation  
6 appears to be many copies of a form that is titled at  
7 the top Environmental Health Emergency Assessment.  
8 Can you take a look at one of those?  
9 **A Okay.**  
10 Q First of all, can you tell me what is that  
11 document?  
12 **A It appears to be a document that the Broward**  
13 **County Health Department, Environmental Health staff**  
14 **would have taken with them out into the community to do**  
15 **a physical assessment of, in this case, an ALF called**  
16 **VIP Care Pavilion. It appears to have a section for the**  
17 **facility status, is it open, does it have power, et**  
18 **cetera. Then there is another section about any**  
19 **potential violations, which --**  
20 Q Do you recognize the form as being a  
21 Department of Health form?  
22 **A If it is a Department of Health form, it is a**  
23 **local form to Broward County, from what I can tell.**  
24 Q So this is not something that you in your  
25 capacity as chief of emergency preparedness know

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1 anything about?  
2 **A That's correct. We don't use this form.**  
3 Q Did you assemble this for response to the  
4 subpoena, this stack of documents?  
5 **A I did not. No.**  
6 Q And do you know how it would respond to any of  
7 the items that are requested -- there's items 1 through  
8 17.  
9 Do you know what these would be intended to  
10 represent?  
11 **A Can I mark on this?**  
12 **This is the one that's going to be entered**  
13 **into --**  
14 **MR. WILLIAMS:** I can get you a fresh copy.  
15 **THE WITNESS:** I don't have the 1 through 17,  
16 so I would have to mark --  
17 **MR. WILLIAMS:** If you go through the back --  
18 **THE WITNESS:** Okay. Hold on. Let me take a  
19 look.  
20 **MR. WILLIAMS:** There you go.  
21 **MR. SMITH:** One more page. Start right there.  
22 **THE WITNESS:** Okay. Let me take a look.  
23 It could be relevant to number two, since it  
24 does ask whether the facility has power or has lost  
25 electrical power.

1 It appears that it is relevant to number two.

2 BY MR. SMITH

3 Q So those documents could perhaps tell me the  
4 facilities that lost power. And if you went through  
5 this you could tell which ones answered, yes, they had  
6 lost power?

7 A **It appears to be the result of an actual  
8 face-to-face of an actual facility assessment. So I  
9 don't know that the actual facility said they had power  
10 or not, or whether the person doing the inspection  
11 observed that they had regular power or were on  
12 generator, or had nothing.**

13 Q Okay. All right. Let me show you the next  
14 set of documents.

15 Again at least for my purposes today, these  
16 are in a file that we called B. And File Folder B has a  
17 large stack of documents that appear to be the same form  
18 and there are two-page forms that they read State of  
19 Florida, Department of Health, County Health Department,  
20 Group Care Inspection Report.

21 Do you know what those documents would be  
22 responding to, if anything on the subpoena request?

23 A **It appears that --**

24 **Again, this is not a document that we used at  
25 the state level. This appears to be something used by**

1 Let me go then to the list of documents and  
2 see, because that's all I have from the disk that was  
3 printed.

4 Did you know if there were documents that  
5 would include any telephone logs, transcripts, notes,  
6 recordings, emails, analysis, memorandum, letters,  
7 notices, text messages, website updates, document  
8 category number one pertaining to Hollywood Hills? So  
9 is there any documents that you brought with you today  
10 that are responsive to number one or are you saying  
11 there really aren't any other documents that pertain to  
12 Hollywood Hills?

13 A **Sure. The only one that I know that we  
14 provided to Office of General Counsel was the  
15 handwritten notes of the two people working the Florida  
16 Health Stat Administrative desk that might have helped  
17 Hollywood Hills with their password reset, and then  
18 those handwritten notes were made into a spreadsheet.  
19 And I think we turned over both the handwritten notes  
20 and the spreadsheet.**

21 Q Okay. But we don't have those here today?

22 MR. WILLIAMS: I mean, they should be there.

23 THE WITNESS: They should be in there.

24 MR. WILLIAMS: They may have been attached to  
25 emails. We have email attachments. There were a

1 **the local county health department or -- yeah, local  
2 county health department. It just appears to be a  
3 facility inspection. I can't say that it appears to  
4 have anything to do with Hurricane Irma.**

5 Q So you don't know if or how it might relate to  
6 the subpoena request for documents?

7 A **No. It appears to just be an inspection. It  
8 was done on 9/26. But from what I can tell, it is  
9 asking about violations and not necessarily facility  
10 status per se.**

11 Q Okay.

12 A **I mean, I could infer from this that they did  
13 not have power because they are using candles, but I do  
14 not know these things for sure.**

15 Q Okay.

16 A **This particular facility they were using  
17 candles.**

18 Q Okay. That takes care of this; the bulk of  
19 what I have.

20 I have two more files that are labeled emails,  
21 and I looked through and they just appear to be various  
22 emails. I have not reviewed every email yet. To the  
23 extent that any of the documents requested were for  
24 emails or communications, then they might be within this  
25 set of documents.

1 lot of questions about documents, communications,  
2 so a lot of emails.

3 THE WITNESS: My assumption is that they would  
4 probably be in an email.

5 BY MR. SMITH

6 Q Let's go to category two.

7 A Okay.

8 Q Rather than me read them, they are attached.  
9 Just go ahead and take a look at category --  
10 the documents requested in category two.

11 A Okay.

12 Q Now, you told me that there are spreadsheets  
13 that have been prepared showing hundreds of facilities  
14 that lost power.

15 A Um-hum.

16 Q Do you have those? I did not see them in any  
17 of the documents.

18 MR. WILLIAMS: Can we go off the record for a  
19 second?

20 (Discussion off the record.)

21 BY MR. SMITH

22 Q I think what I would like to do is this:

23 Obviously what I have printed out, unless it is somehow  
24 attached to an email, doesn't seem to correlate to the  
25 documents requested. I'm trying to find a logical way

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1 to kind of tick-and-tie what was requested with the  
2 responses.  
3 What I will do is simply say we will go  
4 through the documents that have been produced and we  
5 will let Mr. Williams know if there are documents that  
6 don't appear to have been produced, and then we will  
7 address it from there.  
8 **MR. WILLIAMS:** That works.  
9 BY MR. SMITH  
10 Q But there are spreadsheets that would show  
11 nursing homes that lost power?  
12 A **Yes, sir.**  
13 Q Let me quickly run down any of the other of  
14 these.  
15 A **Um-hum.**  
16 Q Are you aware of any documents that would have  
17 like a timeline of events related to Hollywood Hills,  
18 other than the Governor's timeline?  
19 A **No, sir.**  
20 Q And other than what you already have given me,  
21 you are not aware of any other documents pertaining to  
22 Alexis Lambert's call with Natasha Anderson?  
23 A **No, sir.**  
24 Q And you would not have any involvement with  
25 Hollywood Hills making calls to EMS?

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1 A **No, sir.**  
2 Q Other than the EM Constellation document,  
3 would there be any documents to your knowledge of calls  
4 between DOH and Florida Power & Light regarding power  
5 restoration issues?  
6 A **No, sir.**  
7 Q You are not aware of any documents pertaining  
8 to air temperatures at the Hollywood Hills facility?  
9 A **No, sir.**  
10 Q Are you aware of any documents or recordings  
11 or any other kind of communications regarding any  
12 issues, compliance, noncompliance with emergency  
13 disaster plans for Hollywood Hills?  
14 A **I'm not.**  
15 Q I asked you about resident death data, and you  
16 said that would be something that would be housed in  
17 Vital Statistics?  
18 A **Yes, sir.**  
19 Q To the extent you were called upon -- I know  
20 you appeared today in response to a subpoena for an  
21 agency representative. You've not been asked to form  
22 any kind of expert opinions to share in this proceeding,  
23 have you?  
24 A **No, sir.**  
25 **MR. SMITH:** That's all I have.

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1 Thank you.  
2 **MR. WARREN:** Nothing from me.  
3 **MR. SMITH:** I forgot. We need to attach the  
4 documents and the notes. If I can get a copy of  
5 that. I just want to glance through and see if I  
6 have any questions.  
7 **THE COURT REPORTER:** Do you want this  
8 transcribed?  
9 **MR. SMITH:** Yes.  
10 **THE COURT REPORTER:** Do you want a copy?  
11 **MR. WARREN:** Copy.  
12 **THE COURT REPORTER:** Do you want a copy?  
13 **MR. WILLIAMS:** If I can get your card, I'll  
14 let you know.  
15 **THE COURT REPORTER:** Read?  
16 **MR. WILLIAMS:** Yes.  
17 (Thereupon, the deposition was concluded at  
18 11:15 a.m.)  
19  
20  
21  
22  
23  
24  
25

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1 **CERTIFICATE OF OATH**  
2  
3 STATE OF FLORIDA )  
4 COUNTY OF LEON )  
5  
6 I, the undersigned authority, certify that  
7 said designated witness personally appeared before me  
8 and was duly sworn.  
9  
10 WITNESS my hand and official seal this 18th  
11 day of December, 2017.  
12  
13  
14  
15  
16  
17  
18  
19  
20 JUDY CHIN, RPR, CRR  
21 #GG 098477  
22 Expiration: 5/25/21  
23 1-800-934-9090  
24 850-878-2221  
25

1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA )  
3 COUNTY OF LEON )

4 I, JUDY CHIN, Registered Professional  
5 Reporter, certify that the foregoing proceedings were  
6 taken before me at the time and place therein  
7 designated; that my shorthand notes were thereafter  
8 translated under my supervision; and the foregoing pages  
9 numbered 1 through 79 are a true and correct record of  
10 the aforesaid proceedings.

11 I further certify that I am not a relative,  
12 employee, attorney or counsel of any of the parties, nor  
13 am I a relative or employee of any of the parties'  
14 attorney or counsel connected with the action, nor am I  
15 financially interested in the action.

16 DATED this 18th day of December, 2017.

17

18

19

20

21 JUDY CHIN, RPR, CRR  
22 Notary Public  
23 #GG 098477  
24 Expiration: 5/25/21  
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6 December 18, 2017

7 MICHAEL J. WILLIAMS, ESQUIRE  
8 michael.williams2@flhealth.gov  
9 Florida Department of Health  
10 4052 Bald Cypress Way, Bin A-02  
11 Tallahassee, Florida 32399-3265  
12 850.245.4020

13 Re: AHCA v Hollywood Hills

14 Dear Mr. Williams:

15 As Christie Luce did not waive reading and signing of  
16 her deposition transcript, please make the necessary  
17 arrangements to have her read her transcript within the  
18 next 30 days at Accurate Stenotype Reporters, 2894  
19 Remington Green Lane, Tallahassee, Florida, 32308

20

21 Sincerely,

22

23 Judy Chin, RPR, CRR

24 cc: Counsel of Record

25

1 ERRATA SHEET

2 I have read the transcript of my deposition, pages 1  
3 through 79, and hereby subscribe to same, including any  
4 corrections and/or amendments listed below.

5 \_\_\_\_\_

6 Date: CHRISTIE LUCE

7

8 Page/Line	Correction/Amendment	Reason for Change
9 _____	_____	_____
10 _____	_____	_____
11 _____	_____	_____
12 _____	_____	_____
13 _____	_____	_____
14 _____	_____	_____
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18 _____	_____	_____
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24 _____	_____	_____
25 _____	_____	_____

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