

1 BEFORE THE DEPARTMENT OF CONSUMER AFFAIRS

2 STATE OF CALIFORNIA

3 In the Matter of the Investigation of Gil Mileikowsky, M.D.

Case No. 17-2000-116392

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5 DECLARATION IN SUPPORT OF A PETITION TO COMPEL AN ADMINISTRATIVE,
6 INTERNAL MEDICINE AND PSYCHIATRIC EVALUATION
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8 I Randolph H. Noble, M.D. declare as follows:

9 If called as a witness in the case entitled Gil Mileikowsky, M.D., Case no: 05-2000-116392, OAH
10 # _____, I would testify as follows:11 I am licensed to practice medicine in the State of California having been issued Physician and
12 Surgeon's certificate number A26017 by the Medical Board of California in 1974. I have attached a true
13 and accurate copy of my most recent curriculum vitae (Exhibit 1) to this Declaration. It accurately sets forth
14 my education, training and experience. I am board certified by the American Board of Internal Medicine
15 for Internal Medicine and the sub-specialty of Pulmonary Diseases. I am also board certified as a
16 psychiatrist by the American Board of Psychiatry and Neurology. By this reference, I incorporate the
17 contents of my curriculum vitae into this Declaration as if herein fully set forth.18 I am a District Medical Consultant with the Medical Board of California. One of my duties is to
19 review questionable medical and surgical practices of Physicians and Surgeons licensed by the Board. In
20 this regard, it is my responsibility to maintain familiarity with the standard of practice in the State of
21 California, and based upon my personal knowledge, I am familiar with the standard of practice in the State
22 of California. Business and Professions Code Section 2001 through 2008 set forth the composition of the
23 Medical Board of California and describe the statutory mandated functions of each division pursuant to the
24 provisions of Business and Professions Code Section 2004, 2220 and 2224. The Division of Medical
25 Quality of the Medical Board of California bears responsibility for reviewing the quality of medical practice
26 carried out by Physicians and Surgeons licensed by the Board and the responsibility for the enforcement
27 of the disciplinary and criminal provisions of the Medical Practice Act. Business and Professions Code
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1 Section 820 et. seq. provides that the Division of Medical Quality shall take action against any licensee who
2 is charged with mental illness which interferes with their appropriate conduct as a physician.

3 The Medical Board of California received an 805 Report from Encino-Tarzana Regional Medical
4 Center dated 12-5-00 and signed by the Chief Executive Officer, Mr. Dale Surowitz and David Kayne,
5 M.D., Chief of the Medical Staff, which states that the staff privileges for Gil Mileikowsky, M.D. were
6 suspended as of November 28, 2000 for an indefinite period of time. The 805 Report states that Dr.
7 Mileikowsky "exhibited a pattern of disruptive, threatening and non-cooperative behavior" during his
8 tenure as a member of the Medical Staff. The 805 Report alleges that Dr. Mileikowsky has been
9 threatening, out of control, and assaultive with hospital staff. On 2-2-99, Dr. Mileikowsky presented to the
10 Medical Center of Tarzana staff office to complain that he received a notice that his medical staff
11 appointment had expired based on his failure to submit a timely application for reappointment. He
12 demanded to see his credential file and was told that this would have to be discussed with a supervisor
13 before rendering him access. Dr. Mileikowsky became angry, loud and aggressive, and employee Pat Jones
14 related that she feared for her safety and moved away from Dr. Mileikowsky. Another employee, Ms.
15 Rosie Franco was physically assaulted by Dr. Mileikowsky as he is reported in the 805 Report to have
16 "roughly grabbed her by the lapel badge." Dr. Mileikowsky then threatened Pat Jones saying that she had
17 "fucked up" and then responded to security with a comment "Don't listen to that bitch; she doesn't know
18 what she is talking about."

19 A second incident occurred on 12-17-99 when Dr. Mileikowsky attempted to use a Physician
20 Surgical Assistant who was found to not have privileges at the hospital. The Director of Surgical Nurses
21 attempted to speak to the Assistant Surgeon, however, Dr. Mileikowsky left his anesthetized patient, and,
22 as described in the 805 Report, after screaming at the Director, approached her jabbing his finger at her
23 face and backing her up against a wall. The Director is said to have feared physical assault. The 805
24 Report states that "Many staff members reported that they believed that the Director was in imminent
25 danger of harm." Subsequent to this incident and beginning June 23rd, 2000, the Chief Executive Officer
26 required Dr. Mileikowsky to be monitored by security personnel whenever he was on hospital premises.

27 A third incident occurred on August 30th, 2000 when Dr. Mileikowsky telephoned the Nursing
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1 Supervisor at midnight and requested to drop off prenatal records at the hospital prior to his vacation out
2 of the City. Dr. Mileikowsky arrived at the Labor and Delivery Unit with an unknown companion and
3 entered the medication room and began taking pictures. Dr. Mileikowsky attempted to close the door with
4 his foot to keep the Charge Nurse from entering the medication room at which time the Nursing Supervisor
5 was called in order to intervene. Dr. Mileikowsky was observed taking pictures of the various nurses on
6 the hospital floor as well as pictures of the nursing facility after midnight. He insisted that his non-medical
7 companion be allowed to sit at the nurses station and security finally escorted both of them out of the Unit
8 and hospital. Dr. Mileikowsky was later observed outside the emergency room exit taking pictures and a
9 medical staff member became "...startled, frightened, and upset" after her pictures were unexpectedly taken
10 by Dr. Mileikowsky.

11 Dr. Mileikowsky has also been observed to exercise poor judgment and possible negligence and
12 incompetence in regards to a vacuum extraction delivery on October 24, 2000. He ignored the hospital
13 obstetrical policy and unsuccessfully applied vacuum extraction repeatedly against policy. He also asked
14 the nurse to apply fundal pressure which is also said to be against hospital policy. The baby was delivered
15 with fetal distress and required emergent intubation. The 805 Report mentions that Dr. Mileikowsky's care
16 was below the standard and in violation of expressed hospital rules.

17 On November 5, 2000, Dr. Mileikowsky was observed to exhibit bizarre behavior while
18 performing a circumcision. Dr. Mileikowsky was observed wearing a radiology vest instead of a surgical
19 gown and he asked whether he should wash his hands for this surgical procedure. He also asked the nurse
20 about the types of clamps and the technique required for the surgical procedure. The observing nurse was
21 questioned in a threatening manner which caused her to experience fear. The circumcision was performed
22 such that no foreskin was left on the infant's penis and urological consultation and further care was
23 required.

24 Finally, on November 16, 2000, the union which represents the Encino-Tarzana nurses submitted
25 a complaint to Mr. Surowitz, Chief Executive Officer complaining that their physical safety was threatened
26 because of Dr. Mileikowsky's inappropriate behavior. They alleged a non-safe working environment
27 because of him. Subsequent to this action and further review of Dr. Mileikowsky's behavior and care
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1 rendered to patients, his request for reappointment to the hospital staff was denied.

2 In conclusion, an 805 Report from Encino-Tarzana Regional Medical Center dated December 5th
3 2000 states that staff privileges for Gil N. Mileikowsky, M.D. were suspended as of November 28th 2000
4 for an indefinite period of time. The hospital staff observed Dr. Mileikowsky's behavior to be inappropriate
5 and bizarre at times. He was described as threatening, out of control and assaultive with hospital staff.
6 Furthermore, there are instances where his bizarre behavior was associated with inappropriate medical care.
7 During the 12-17-99 incident, Dr. Mileikowsky left his anesthetized patient in surgery and was
8 subsequently admonished by the Chief of Obstetrics and Chief Operating Officer at the hospital for "...his
9 assaultive, dangerous, disruptive and unacceptable behavior and his flagrant disregard of hospital policy."
10 The patient undergoing surgery was subject to prolonged anesthesia by Dr. Mileikowsky's inappropriate
11 behavior.

12 There is reason to believe that Dr. Mileikowsky has behavioral dysfunction with anger dyscontrol
13 and a possible Intermittent Explosive Disorder. His behavior could also be explained by an Axis I
14 psychiatric disorder such as a Mood Disorder from either depression, anxiety or bipolar illness. It is also
15 reasonably probable that Dr. Mileikowsky has a Paranoid Personality Disorder as he has been observed to
16 take up to 150 pictures after performing a hysterectomy and his statements indicate significant paranoid
17 thoughts. There is also the consideration of a thought disorder such as Schizoaffective Disorder, and lastly,
18 a possible organic problem with underlying brain dysfunction from a neoplastic, degenerative or
19 inflammatory process must also be considered. Therefore, Dr. Mileikowsky will benefit by having both
20 a compelled psychiatric as well as an internal evaluation in order to rule out an organic as well as a
21 functional psychiatric disorder. Finally, Dr. Mileikowsky's behavior may represent drug abuse or
22 dependency and a drug screen should also be performed during the course of his compelled examinations.

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1 Screening for drugs of abuse can easily be performed using simple urine testing which can screen for
2 multiple possible drugs of abuse.

3 I declare under penalty of perjury that foregoing is true and correct and, as to those statements
4 made on information and belief, I believe them to be true.

5 Executed this 10th day of October 2002 at Glendale, County of Los Angeles, California.

6 *Randolph H. Noble, M.D.*

7 **RANDOLPH H. NOBLE, M.D., F.C.C.P.**
8 **DISTRICT MEDICAL CONSULTANT**
9 **DIPLOMATE, AMERICAN BOARD OF PSYCHIATRY AND NEUROLOGY**
10 **DIPLOMATE, AMERICAN BOARD OF INTERNAL MEDICINE**
11 **AND PULMONARY DISEASES**

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