

ORIGINAL

1 PAUL M. HITTELMAN SBN: 33449
2 PAUL M. HITTELMAN
3 A PROFESSIONAL CORPORATION
12400 Wilshire Boulevard, 15th Floor
Los Angeles, California 90025-1023

4 Telephone: 310-442-0555
5 Facsimile: 310-442-0888

6 Attorneys for Petitioner

FILED
LOS ANGELES SUPERIOR COURT

JAN 21 2005

JOHN A. CLARKE, CLERK

Araceli Godinez
BY ARACELI GODINEZ, DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

11 GIL N. MILEIKOWSKY, M.D.,

12 Petitioner,

13 v.

14 WEST HILLS HOSPITAL MEDICAL
15 CENTER, an unknown entity; MEDICAL
16 STAFF of WEST HILLS HOSPITAL
17 MEDICAL CENTER, an unknown entity,
18 HOSPITAL CORPORATION OF
AMERICA, also known as HCA, INC., a
Tennessee Corporation, JOHN D.
HARWELL; JAMES R. LAHANA and
DOES 1 through 100, inclusive,

19 Respondents.

CASE NO: BS 091943

SUPPLEMENTAL DECLARATION OF
GIL N. MILEIKOWSKY, M.D. IN
SUPPORT OF PETITION FOR WRIT
OF MANDATE

[Exhibits 000 Through XXX]

Date: March 23, 2005
Time: 9:30 a.m.
Dept: 85

[Filed Concurrently with Petitioner's
Opening Brief and Administrative
Record]

1 Petitioner, Gil N. Mileikowsky declares as follows:
2

3 1. I am the Petitioner in the above-entitled proceeding. I can testify to the matters
4 hereinafter set forth of my own, personal knowledge.

5 2. John M. Harwell ("Harwell") was appointed the hearing officer for my judicial
6 review proceeding at West Hills Hospital Medical Center ("WHHMC") in June, 2002. This
7 occurred many months after he had been appointed as hearing officer in a peer review
8 proceeding involving me at Century City Hospital ("CCH"). When I learned of his appointment
9 as Hearing Officer at WHHMC, I asked Mr. Harwell to recuse himself for a number of reasons,
10 including fact that he was also the hearing officer for the ongoing proceedings at CCH Mr.
11 Harwell refused to recuse himself as the WHHMC hearing officer.

12 3. Later, because Harwell was serving as the hearing officer in the proceeding at
13 WHHMC from which this proceeding arises, I felt it would be wrong for him to continue to
14 serve as the hearing officer at CCH and, thus, requested his recusal at CCH in early March,
15 2003. Attached hereto, marked Exhibits OOO through TTT (A.R. P004080-P004088)
16 respectively, and incorporated herein by this reference are the correspondence items that led to
17 and confirmed his recusal at CCH. More particularly, the correspondence engaged in among
18 myself, Century City Hospital, Mr. Harwell and his recommended, conflicted successor,
19 Suzanne Van Hall, consists of the following:

- 20 A. A March 4, 2003 letter from Stephen Kay, M.D., the Century City Hospital
21 Chief of Staff, to Mr. Harwell requesting that he recuse himself (Exhibit
22 OOO; A.R. P004080-P004081);
- 23 B. A March 7, 2003 letter from Mr. Harwell to me and Dr. Kay offering
24 recusal if he is so advised by me (Exhibit PPP; A.R. P004082-P004083);
- 25 C. My March 8, 2003 letter to Mr. Harwell confirming my request for recusal
26 (Exhibit QQQ; A.R. P004084));
- 27 D. Dr. Kay's March 11, 2003 letter to me advising of Harwell's recusal and

1 informing of the new hearing officer, Suzanne Van Hall (Exhibit RRR;
2 A.R. P004085–P004086);

3 E. Mr. Harwell’s March 12, 2003 letter to Dr. Kay and me notifying of his
4 withdrawal effective March 8, 2003 (Exhibit SSS; A.R.
5 P004087–P004088);

6 F. An August 8, 2003 letter from Suzanne Van Hall to me and Dr. Wolf of
7 Century City Hospital (Exhibit TTT; A.R. P004089–P004094) declining
8 to recuse herself, but revealing of page 4 thereof (P004093) the extent of
9 her relationship with Harwell, who “. . . was the person who first asked me
10 if I would be willing to serve, and also has served as a hearing officer in
11 three matters in which I represented the Medical Executive Committee and
12 has been person I have recommend (along with others) to about 5 people
13 who needed referrals to attorneys who could handle physician business
14 issues.”

15 4. Two weeks after his recusal at CCH, Harwell issued his terminating sanctions and
16 dismissal order at WHHMC, thereby unilaterally destroying my due process and fair hearing
17 rights.

18 5. As a result of his recusal at CCH from participating as the hearing officer in the
19 proceeding involving me, Mr. Harwell was denied the compensation he would have otherwise
20 derived therefrom. The CCH proceedings were extensive and undoubtedly generated
21 considerable revenue for his successor, Ms. Van Hall. Attached hercto, marked Exhibit UUU
22 (A.R. P004095–P004119) and incorporated herein by this reference is a true and correct copy
23 of my 25 page log of the 288 separate items of correspondence involved in that proceeding. Half
24 of those communications, starting with item 146, were generated during the period of Ms. Van
25 Hall’s tenure. Ms. Van Hall engaged in activities, as did Mr. Harwell at WHHMC, to deny me
26 my right to a fair, evidentiary hearing, by attempting to impose entirely unlawful terminating
27 sanctions at that Tenet HealthSystems facility. The proceedings were pending when CCH

1 closed in April 2004.

2 6. Because of the concerted efforts of Tenet HealthSystems, HCA, Inc., Encino
3 Tarzana Regional Medical Center (“ETRMC”), WHHMC and CCH to destroy my career and
4 livelihood notwithstanding the total absence of any patient complaints relating to the quality of
5 medical care provided by me, I conducted online research to determine whether or not there
6 were any relationships among Tenet HealthSystems and HCA, Inc., the owner of WHHMC. My
7 online research revealed that Tenet HealthSystems and HCA have been and are joint venture
8 partners in ETRMC in a 75% – 25% ownership pattern through subsidiaries. Attached hereto,
9 marked Exhibits VVV, WWW and XXX, respectively, are the following printouts from internet
10 web sites of Tenet HealthSystems and HCA, Inc. corporate filings:

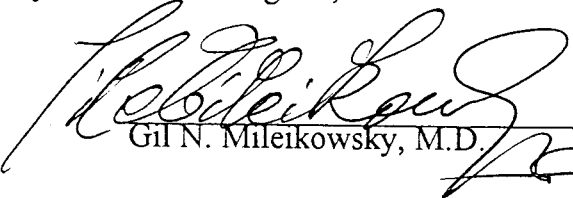
- 11 A. A copy of selected pages from the Tenet Healthcare Corporation Securities
12 and Exchange Commission Form 10-K for the fiscal year ended December
13 31, 2003, which reveals that the joint venture that owns Encino Tarzana
14 Regional Medical Center is owned 75% by Tenet subsidiaries and 25% by
15 “Encino Hospital Corporation”, which is in turn, owned by HCA, Inc. A
16 true and correct copy of this printout is attached hereto marked Exhibit
17 VVV (A.R. P004120–P004121) and is incorporated herein by this
18 reference;
- 19 B. A printout from the California Secretary of State’s web site reflecting that
20 the business post office box address of “Encino Hospital Corporation, Inc.”
21 is in Nashville, Tennessee, home of HCA, Inc. A true and correct copy of
22 this printout is attached hereto marked Exhibit WWW (A.R. P004122) and
23 is incorporated herein by this reference;
- 24 C. A printout from the HCA, Inc. December 31, 2003 Securities and
25 Exchange Commission Form 10K, which reveals HCA, Inc.’s ownership
26 of “Encino Hospital Corporation, Inc.” and West Hills Hospital Medical
27 Center. A true and correct copy of this printout is marked hereto as

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Exhibit XXX (A.R. P004123-P004125) and is incorporated herein by this reference.

6. As the result of the relationships between these entities, in is unavoidable to infer that Tenet HealthSystems and HCA, Inc. are participating, with the attorneys who regularly represent hospitals and medical staffs, in efforts to drive me out of business and destroy my livelihood.

I declare under penalty of perjury that the foregoing is true and correct and this Declaration was executed this 21st day of January 2005 at Los Angeles, California.



Gil N. Mileikowsky, M.D.

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
3 COUNTY OF LOS ANGELES)

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18 years
5 and not a party to the within action. My business address is 12400 Wilshire Boulevard, 15th
6 Floor, Los Angeles, California 90025-1023.

7 On January 21, 2005, I served the foregoing document(s) described as: **SUPPLEMENTAL**
8 **DECLARATION OF GIL N. MILEIKOWSKY, M.D. IN SUPPORT OF PETITION FOR**
9 **WRIT OF MANDATE** on the interested parties in this action by placing a true copy thereof
10 enclosed in a sealed envelope, addressed as follows:

11 Ron S. Kaufman, Esq.
12 Devin M. Senelick, Esq.
13 Fenigstein & Kaufman
14 1900 Avenue of the Stars, Suite 2300
15 Los Angeles, California 90067-4314

16 (BY MAIL) In accordance with the regular mail collection and processing practices
17 of this business office with which I am familiar, by means of which mail is deposited with the
18 United States Postal Service at Los Angeles, California that same day in the ordinary course of
19 business, I deposited such sealed envelope for collection and mailing on this same date
20 following ordinary business practices,

21 (BY PERSONAL SERVICE)

22 By personally delivering copies to the person served.

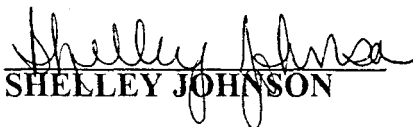
23 I delivered the referenced document(s) by hand to the office of the addressee pursuant to
24 C.C.P. § 1011.

25 I caused the referenced document(s) to be delivered by hand to the office of the addressee
26 either by overnight courier or by local courier service.

27 I caused the referenced document(s) to be delivered to the office of the addressee by
telecopier or facsimile machine to the telephone number listed. Proof of such delivery is
attached to this Proof of Service.

28 STATE

29 I declare under penalty of perjury under the laws of the State of California that the above
30 is true and correct. Executed on January 21, 2005 at Los Angeles, California.

31 
32 **SHELLEY JOHNSON**

33 **001450**

Century City
Hospital
Tenet HealthSystem

March 4, 2003

John D. Harwell, Esq.
225 27th Street
Manhattan Beach, California 90266

RE: Administrative Hearing Involving Gil N. Mileikowsky, MD

Dear Mr. Harwell:

We appreciate your services as the Hearing Officer in the above-referenced administrative hearing. However, because Dr. Mileikowsky has advised us that you are presently serving as the Hearing Officer in Dr. Mileikowsky's administrative hearing at West Hills Hospital, and that he objects to your continued service as the Hearing Officer in this proceeding, we believe it is appropriate that you recuse yourself in this matter to avoid any appearance of impropriety.

Thank you for your prompt response to our request.

Sincerely,

Stephen P. Kay, MD

Stephen Kay, MD
Chief of Staff

cc: Gil Mileikowsky, MD

001451

2070 Century Park East • Los Angeles, California 90067 • (310) 553-6211
www.centurycityhospital.com



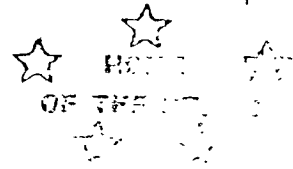
003/035

Century City
Hospital
Tenet California

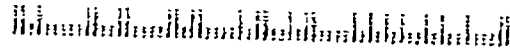
2070 Century Park East • Los Angeles, California 90067

IMPORTANT MEDICAL STAFF

Gil Mileikowsky, MD
5363 Balboa Bl. #2245
Encino, California 91316



91316+2805



7P004081

001452

01/19/2005 15:49 FAX

JOHN D. HARWELL

ATTORNEY AT LAW

225 27TH STREET

MANHATTAN BEACH, CALIFORNIA 90264

E-MAIL jdh@harwellapc.com

TELEPHONE (310) 545-7078

FACSIMILE (310) 545-6175

March 7, 2003

Via Facsimile

Gil Mileikowsky, M.D.
5363 Balboa Blvd
Suite 2245
Encino, CA 91316

Stephen Kay, M.D.
Chief of Staff
Century City Hospital
2070 Century Park East
Los Angeles, CA 90067

Re: *Century City Hospital - Dr. Mileikowsky - Notice of Hearing*

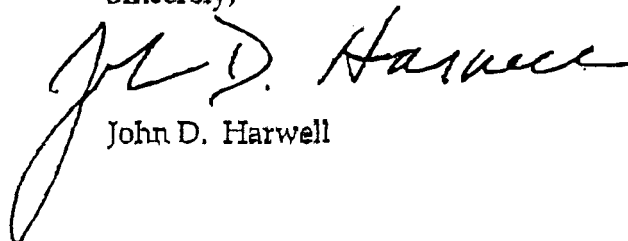
Dear Doctors:

Yesterday I received correspondence from Dr. Kay (dated March 4, 2003) which recited that both parties wished me to withdraw as hearing officer and stated reasons. Although I would not withdraw if only one party made such a request without a hearing to determine whether good cause exists, it seems appropriate to withdraw if both parties agree. Accordingly, unless Dr. Mileikowsky advises me that the representation in Dr. Kay's letter that he also wishes me to withdraw is inaccurate, I am pleased to abide by the wishes of the parties. If Dr. Mileikowsky does not wish me to withdraw, he must advise me immediately.

I thank the parties for their continued courtesy in this matter and wish both parties the best luck in this matter.

Should any replacement hearing officer wish my files, please have him/her so advise me. Please do not hesitate to contact me (in writing only, with a copy to the other party) if you have any questions.

Sincerely,



John D. Harwell

JDH/tld

C:\Office\WPDOCS\HEARINGS\parties3703.cent

001453

FAX TRANSMISSION

JOHN D. HARWELL
 ATTORNEY AT LAW
 225 27TH STREET
 MANHATTAN BEACH, CA 90266
 TEL: 310.546.7078
 FAX: 310.546.6175
 E-MAIL: jdh@harwellapc.com

MULTIPLE ADDRESSEE FACSIMILE

Date: March 7, 2003 (9:27am)

Pages: Two

PLEASE DELIVER TO:	FACSIMILE NUMBER:
Peter Wolfe, M.D.	310-201-6623
Gil Mileikowsky, M.D.	310-858-1303 818-981-1994

From: John D. Harwell

Regarding: Century City Hospital

Comments:

Original sent by: None

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001454

Gil N. Mileikowsky, M.D.

Telephone: (310) 858-1300

Facsimile: (310) 858-1303

Fax Cover Sheet

CONFIDENTIAL

Date: Saturday 3/8/03 Time: 12:00 PM

Re: Century City Hospital

Attn: John D. HARWELL, Esq Fax: (310) 545 6175

CC: Stephen KAY, M.D. (310) 201 6623

From: Gil N. Mileikowsky, M.D.

Number of Pages, Including This Cover Sheet: 1

If you do not receive all pages, please call me as soon as possible at (310) 858-1300.

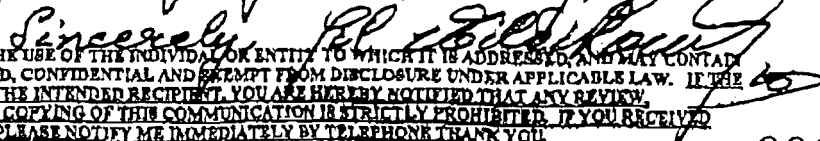
Re: Request for Dr. Harwell to recuse
Message: himself as Hearing officer.

Dear Mr. Harwell,

Thank you very much for faxing me Dr. Kay's letter dated 3/4/03 as well as your letter dated 3/7/03.

I hereby confirm that Dr. Kay's letter is accurate. It should not surprise you as I raised that issue before you at your Vic Dire at West-Hills Hospital.

Thank you very much for your courtesy.

Sincerely, 

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY ME IMMEDIATELY BY TELEPHONE THANK YOU.

001455

Century City Hospital

Tenet HealthSystem
March 11, 2003

CERTIFIED MAIL and VIA FACSIMILE 310-858-1303

Gil Mileikowsky, M.D.
5363 Balboa Boulevard, Suite 2245
Encino, California 91316

Re: Notice of Change of Hearing Officer

Dear Dr. Mileikowsky:

As you know, in response to your objection that John D. Harwell continue serving as the Hearing Officer in your ongoing administrative hearing at Century City Hospital, I have asked Mr. Harwell to recuse himself from further service. By now you should have received a copy of my letter.

In accordance with Article VIII, Section 5.D (page 40) of the Bylaws, the Chief Executive Officer has appointed Suzanne Van Hall to serve as the new hearing Officer. As before, the Hearing Officer will not act as an advocate for either side, but will assure the hearing is properly conducted.

In order to expeditiously resolve any objection you may have to Ms. Van Hall serving as the Hearing Officer, we would like to schedule a *voire dire* session. Ms. Van Hall is available for an in-person conference at 6:00 p.m. on March 17, 2003 in the Century Room (second floor) at Century City Hospital. A certified court reporter will be present to transcribe the proceedings. Please notify the Medical Staff Office immediately as to whether you can attend the in person *voire dire* session on March 17th.

If you are unable to attend the conference in person, *voire dire* will be conducted telephonically and will be recorded by a certified court reporter. In the event the *voire dire* occurs via telephone, we ask that Ms. Van Hall set the time and date of the telephonic conference.

Please be advised that Peter Wolfe, M.D., the Medical Staff's representative, will participate in the *voire dire* session of Ms. Van Hall, whether it is conducted in person or by telephone.

Sincerely,

Stephen P. Kay

Stephen Kay
Chief of Staff

cc: Suzanne Van Hall

001456

IDOCs:9778.19:4354970 Century Park East • Los Angeles, California 90067 • (310) 553-6211
www.centurycityhospital.com



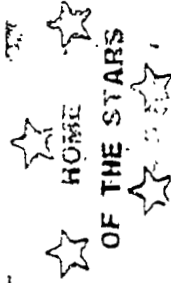
Century City
Hospital
Tenet Health System

2070 Century Park East • Los Angeles, California 90067

CERTIFIED MAIL



7000 2670 0006 4293 7480

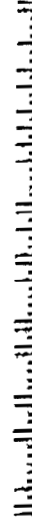


** RETURN RECEIPT REQUESTED*

Received on 3/13/03 time: 12:02 pm

Abraham S. Galt

91316+2805 29



001457

P004086

JOHN D. HARWELL

ATTORNEY AT LAW

225 27th STREET

MANHATTAN BEACH, CALIFORNIA 90266

E-MAIL jdh@harwellapc.com

TELEPHONE (310) 546-7078

FACSIMILE (310) 545-6175

March 12, 2003

Via Facsimile

Gil Mileikowsky, M.D.
5363 Balboa Blvd
Suite 2245
Encino, CA 91316

Stephen Kay, M.D.
Chief of Staff
Century City Hospital
2070 Century Park East
Los Angeles, CA 90067

Re: *Century City Hospital - Dr. Mileikowsky*

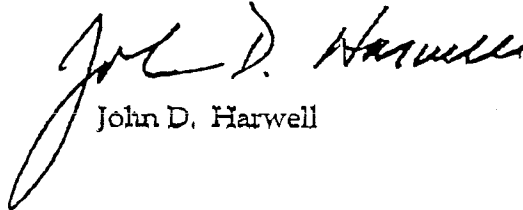
Dear Doctors:

To keep the record tidy, on March 8, 2003, I received correspondence from Dr. Mileikowsky confirming the representation in Dr. Kay's letter of March 6, 2003 that he joins in the request that I withdraw as hearing officer. Accordingly, I abide by the wishes of the parties and do so withdraw effective March 8, 2003.

I thank the parties for their continued courtesy and wish both parties the best luck in this matter.

Should any replacement hearing officer wish my files, please have him/her so advise me. Please do not hesitate to contact me (in writing only, with a copy to the other party) if you have any questions.

Sincerely,



John D. Harwell

JDH/tld

C:\Office\WPDOCS\HEARINGS\parties31203.cent

001458

FAX TRANSMISSION

JOHN D. HARWELL
ATTORNEY AT LAW
225 27TH STREET
MANHATTAN BEACH, CA 90266
TEL: 310.546.7078
FAX: 310.545.6175
E-MAIL: jdh@harwellapc.com

MULTIPLE ADDRESSEE FACSIMILE

Date: March 12, 2003 (7:22am)

Pages: Two

PLEASE DELIVER TO:	FACSIMILE NUMBER:
Peter Wolfe, M.D.	310-201-6623
Gil Mileikowsky, M.D.	310-858-1303 818-981-1994

From: John D. Harwell

Regarding: Century City Hospital

Comments:

Original sent by: None

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001459

SUZANNE FULLERTON VAN HALL, P.C.
 VAN HALL LAW OFFICES
 31692 Horseshoe Drive
 Evergreen, CO 80439
 svhlaw@aol.com
 Office: (303)670-6880 Toll Free: (888)670-6880
 Facsimile: (303)670-6879



Facsimile From Suzanne F. van Hall, P.C.
Cover Sheet

Date: August 8, 2003

To:	Facsimile No:	Phone No.:
Gil N. Mileikowsky, M.D.	(310)858-1303 and (818)981-1994	
Peter Wolfe, M.D.	(310)201-6623	
Russell Iungerich	(310)697-0289	(310)697-0288
Mark Kawa	(310)318-3168	(310)318-3198

Number of Pages, including the cover: 6

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001460

EXHIBIT TTT 7004089

SUZANNE FULLERTON VAN HALL, P.C.
VAN HALL LAW OFFICE
31692 Horseshoe Drive
Evergreen, CO 80439
svhlaw@aol.com
Office: (303)670-6880 Toll Free: (888)670-6880
Facsimile: (303)670-6879



August 8, 2003

By Facsimile (310)858-1303 and (818)981-1994 and Mail
Gil N. Mileikowsky, M.D.
5363 Balboa Boulevard, Suite 245
Encino, California 91316

By Facsimile (310)201-6623 and Mail
Peter Wolfe, M.D.
c/o James Barnes
Medical Staff Services Office
Century City Hospital
2070 Century Park East
Los Angeles, California 90067

Re: Century City Hospital, Dr. Gil N. Mileikowsky
Hearing Officer Voir Dire Ruling
Representation by Attorneys

Dear Dr. Mileikowsky and Dr. Wolfe:

As you know, on Tuesday, August 5, 2003, we convened the Medical Staff hearing at Century City Hospital in the matter of Gil N. Mileikowsky for the purpose of the continuation of the voir dire of myself, as the potential hearing officer. Dr. Mileikowsky was there, with Dr. Jose Spiwak serving as his physician advisor through part of the proceedings and Dr. Peter Wolfe represented the Medical Executive Committee. James Barnes also attended. The proceedings were recorded by a court reporter.

Prior to convening the session, Dr. Mileikowsky had submitted specific questions to me, in a letter dated July 22, 2003. I responded to those questions in a letter dated August 3, 2003. Dr. Mileikowsky then requested copies of articles and opinions I had written, in a letter dated August 3, 2003, and I responded to that request in a letter dated August 3, 2003. These letters were marked as Hearing Officer Exhibits A, B, C and D, respectively. At the commencement of the oral voir dire session, I also provided both parties with another copy of a brochure I had prepared entitled, "Serving on a hearing committee: What can you expect?" This was marked as Hearing Officer Exhibit E.

001461

VAN HALL LAW OFFICE



Gil N. Mileikowsky, M.D.
 Peter Wolfe, M.D.
 August 8, 2003
 Page 2

Dr. Mileikowsky provided 15 exhibits, marked in order as follows:

- M1 March 31, 2003, letter from Steven Kay, M.D. to Gil N. Mileikowsky, M.D. re "Second Amended Notice of Charges, Witnesses, Discovery Request"
- M2 June 23, 2003, 2:00 p.m., letter from Gil N. Mileikowsky, M.D., to S.F. van Hall, re: "Request for You t o Recuse Yourself" plus attachments.
- M3 June 23, 2003, 8:00 p.m., letter from Gil N. Mileikowsky, M.D., to S.F. van Hall, re: "Request for Production of Documents" plus attachments.
- M4 May 7, 2003, 2:00 p.m., letter from Gil N. Mileikowsky, M.D., to S.F. van Hall, re: "Request for Continuance and Request for S. Van Hall to Recuse Herself" plus attachments.
- M5 July 2, 2003, 10:30 p.m. letter from Gil N. Mileikowsky, M.D., to S.F. van Hall, re: "Status of Tenet's Attorneys in my Litigations and Status of my Litigations v. Tenet"
- M6 July 4, 2003, 10:00 a.m. letter from Gil N. Mileikowsky, M.D., to S.F. van Hall, re: "Status of Tenet's Attorneys in my Litigations, Part II"
- M7 July 30, 2003, letter from S.F. van Hall to Russell Iungerich and Mark Kawa re: "Scheduling"
- M8 "Duty of Impartiality"
- M9 "First things first in peer review" AMA articles
- M10 March 21, 2002, 11:30 p.m. Letter to Daniel Willick from Gil N. Mileikowsky, M.D. re: "Rape of the Medical Peer Review Process by Tenet Health System"
- M11 December 29, 2001, 6:30 p.m. letter to Daniel Willick from Gil N. Mileikowsky, M.D. re: "Your Analogy with a Speeding Ticket and Related Compoment"
- M12 Horthy Springer slide
- M13 Article by Mark T. Kawa, "Taming the Disruptive Physician," Los Angeles Business Journal, October 14, 2002.
- M14 Cover Page by Gil N. Mileikowsky, M.D., re: Mr. Kawa's article and attachments.
- M15 Medical Staff Leader, December 2002, "The Organized Medical Staff is Part of the Hospital" a Horthy Springer publication.

Following the voir dire, the following three letters and attachments were received and have marked in order as follows:

001462

VAN HALL LAW OFFICE



Gil N. Mileikowsky, M.D.
 Peter Wolfe, M.D.
 August 8, 2003
 Page 3

- M16 August 7, 2003, 3:00 a.m. letter from Gil N. Mileikowsky, M.D., to S.F. van Hall, re: My Motions for You to Recuse Yourself and Your Ties to Mr. Harwell" with attachments.
- M17 August 7, 2003, 3:00 a.m. Fax, with the transcript from the proceedings before David P. Yaffe, Department 86, Los Angeles County Superior Court, in Mileikowsky v. Tenet Healthsystems Inc., case B5079131, from Friday, March 14, 2003.
- M18 August 7, 2003, 1:00 a.m. letter from Gil N. Mileikowsky to S.F. van Hall re: "Stipulations Regarding Recordings of 7-24-03 Conference Call and Voir Dire of Ms van Hall on August 5, 2003."

I have carefully read all of the exhibits and considered all of the questions and comments made by the parties at the oral voir dire. Following this careful review, I have concluded that there are no grounds to require me to recuse myself from serving as the hearing officer in this matter.

Dr. Mileikowsky has asserted two primary reasons why I should not serve as the hearing officer in this case. First he points out that I have primarily focused that portion of my legal practice that relates to medical staff cases upon representing hospitals and medical staffs rather than individual doctors against whom adverse recommendations have been made. He then argues that it is inappropriate for an attorney who has rather consistently represented medical staffs and hospitals to be allowed to serve as an impartial hearing officer. I understand the argument, but I disagree that I cannot fulfill my obligations to be impartial because of my practice pattern. As I assured both parties, I understand my role is simply to serve as the legal advisor to the hearing panel. I will not be making any decisions upon, nor will I be giving any advice concerning the merits of the case. I also will not be serving as the advocate for either side or any viewpoint. My role is to assure that all parties have a right to be heard and that the requirements of California law and the bylaws are met.

Second, Dr. Mileikowsky asserts that I am biased or have a conflict of interest in serving as the hearing officer because one attorney with whom I have worked in the past (over 15 years ago) served as the hearing officer in another case (in the case of Lowell Brown); a second attorney with whom I have worked in the past (also over 15 years ago) advised the Medical Executive Committee from another hospital in a medical staff case that ultimately ended up in court (in the case of Jay D. Christensen); and I know several attorneys who have played various roles in different hearings (including Peter Rank and Lynne Kaufman). He also alleges that I

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have a bias and/or conflict of interest because John Harwell, who originally was the hearing officer in this matter and who recused himself at the request of both parties, was the person who first asked me if I would be willing to serve, and also has served as a hearing officer in 3 matters in which I represented the Medical Executive Committee and has been a person I have recommended (along with others) to about 5 people who needed referrals to attorneys who could handle physician business issues. In deciding whether any of these claims would require me to recuse myself, I carefully reviewed the notice of charges, which include, on page 12, a reference to proceedings from other hospitals. I do not find that my prior working relationships or professional ties to any of the attorneys would create a bias or conflict that would require me to recuse myself. In making this ruling, I am fully aware that the notice of charges indicates that the proceedings from other hospitals may be before this committee. However, the function of this hearing is not to decide whether the hearings held or not held at other hospitals were fair or whether their decisions were or were not right or wrong. Those questions will be addressed in the litigation that is pending; not at the Century City Hospital hearing. Thus, I would expect that the only information from other hospitals that is admissible would be the actual factual problems that reflect alleged incompetence or unprofessional conduct and those matters would have to be established by the testimony of percipient witnesses and other proper forms of evidence.

Having decided that I can serve as the hearing officer, I will now turn to the next order of business.

Dr. Mileikowsky has repeatedly asked to be represented by an attorney at this hearing. The Medical Staff Bylaws, Article VIII, Section 6.E, "Representation" address this issue, in pertinent part, as follows:

The hearings provided for in these Bylaws are for the purpose of intraprofessional resolution of matters bearing on conduct or professional competency. Accordingly, neither the practitioner, the Medical Executive Committee, nor the Governing Body shall be represented at the formal hearing unless the MRC in its discretion, permits both sides to be represented by legal counsel. A request for legal representation must be made at the time a hearing is requested. Neither the Medical Executive Committee nor Governing Body shall be represented by an attorney if the affected practitioner is not so represented. The foregoing shall not be deemed to deprive any party of its right to the assistance of legal counsel for the purpose of preparing for the hearing.

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It is my understanding that Dr. Mileikowsky failed to ask for attorney representation in his request for a hearing and subsequent requests were denied as untimely. It appears from the record I have before me that the question of attorneys representing the parties has never been put to the Medical Review Committee since no committee has yet been formed and completed voir dire.

Even if Dr. Mileikowsky's request was untimely, I nevertheless have concluded that this is a case in which attorneys must be allowed to represent the parties. The record before me reveals that Dr. Mileikowsky has tried to represent himself at two different hospitals' medical staff hearings and that both of those hearings have been aborted before completion because of problems that occurred during the hearing. Further, I have received numerous letters from Dr. Mileikowsky and participated in my own voir dire in which Dr. Mileikowsky served as his own representative. I have found that Dr. Mileikowsky is an impassioned advocate of his own cause, but he certainly is not trained as a lawyer and struggles to comply with the rules that govern this hearing process. Based upon the record before me, I have concluded that a fair hearing requires the presence of attorneys. Once a hearing panel has been selected and completed voir dire, I will put the question to that panel along with my strong recommendation that attorneys be allowed to present the case. But until a properly constituted hearing panel can reconsider, I will order that Dr. Mileikowsky may be represented by an attorney at the hearing commencing with our next session which is scheduled for September 16, 2003, for the voir dire of the hearing panel. The Medical Executive Committee may continue to be represented by Dr. Wolfe or to have its own attorney.

Dr. Mileikowsky had also indicated that so long as Mr. Jungerich was not allowed to represent him at the hearing, Mr. Jungerich could not represent him in pre-hearing procedural matters, such as resolving the current discovery status. Given this order allowing attorneys, which I expect to continue throughout this hearing process, I would ask for a conference call with Mr. Kawa and Mr. Jungerich to work on the pending discovery matters. I suggest this call on Wednesday, August 13th, at 9:30 a.m. If that time does not work with you, please let me know.

Sincerely,

Suzanne F. van HALL, Esq. P.C.
 for Van Hall Law Office

cc: Russell Jungerich
 Mark Kawa

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Chronological Table Of CCH – Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
1.	9/12/96	John Nickens	Dr. M.		1
2.	3/3/97	Diane Koshimiu	Dr. M. Dr. Mezrow Dr. Kornafel Dr. Salem Dr. Ary	Handwritten	2
3.	4/17/97	Dr. M.	Medical Staff	CCH Reappointment Application	8
4.	2/11/00	Barbara Joyner	Dr. M.		1
5.	3/9/00	Peer Review/ Mortality committee	Dr. M.		1
6.	3/17/00	Dr. Chaikin	Dr. M.	Voluntary Resignation	2
7.	4/6/00 2:30	Dr. M.	Gail Geyer	Timing of my dictations at CCH	5
8.	4/27/00	Debbie Levevter	James Barnes	Dr. Mileikowsky's privileges	3
9.	4/28/00	Barbara Joyner	Art Dept.		1
10.	4/28/00	Dr. Chaikin	Dr. M.		2
11.	5/1/00 3:00pm	Dr. M.	James Barnes		1
12.	5/2/00	Dr. Chaikin	Dr. M.		1
13.	5/3/00	Dr. M.	James Barnes	My "temporary privileges at CCH"	3
14.	5/8/00	Dr. Meth	Dr. M.		4
15.	5/16/00	Dr. Chaikin	Dr. M.	Request for Explanation warning regarding temporary privileges.	2

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Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
16.	5/26/00	Dr. M.	Dr. Chaikin	Your letter dated 5/16/00	5
17.	6/1/00	Molly Deibert	Dr. M.	Courtesy Notification	2
18.	6/6/00	Dr. Meth	Dr. M.		1
19.	6/23/00	Denise Grana	Dr. M.	Donor- Recipient (Sutalo & Enriquez)	1
20.	7/10/00	Dr. Chaikin	Dr. M.	Request for Explanation warning regarding temporary privileges.	2
21.	7/13/00	Dr. Meth	Dr. M.		1
22.	7/25/00	Dr. Chaikin	Dr. M.	General rules and regulation requirements delays to the OR	6
23.	8/1/00	Dr. M.	Dr. Chaikin	Your letters dated 7/10 and 7/25	9
24.	8/7/00	Dr. Behr	Dr. M.		1
25.	8/7/00	Dr. Meth	Dr. M.		1
26.	8/14/00	Mr. Hittelman	Dr. Meth	Gil Mileikowsky, M.D.	50
27.	8/16/00	Denise Grana	Dana Cusimano		2
28.	8/?/00	Dr. Chaikin	Dr. M.		2
29.	9/22/00	Dr. Schiller	Dr. M.		1
30.	10/3/00	Dr. Wolfe	Dr. M. Committee Review	Ad Hoc Peer review / Mortality	7

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Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
31.	10/15/00	D. M.	Dr. Wolfe		7
32.	11/7/00	Dr. Chaikin	Dr. M.	Notice of Adverse Recommendation and right to request a Hearing	3
33.	11/8/00	James Barnes	Dr. M.	Century City Hospital and Appellate	10
34.	11/13/00	Dr. Schiller	Dr. M.		1
35.	11/13/00	Dr. Schiller	Dr. M.		1
36.	11/22/00	Rebecca Gomez	Dr. M.	Courtesy Notification	2
37.	11/27/00	Dr. M.	Medical Staff	Consent and authorization to release information	1
38.	11/30/00	Dr. Chaikin	Dr. M.	Rescheduling IVF procedures if delays	4
39.	12/5/00	Dr. M.	Mr. Tullman	Notice of Adverse Recommendation and right to request a Hearing	1
40.	12/5/00	Dr. M.	Dr. Chaikin	Notice of Adverse Recommendation and right to request a Hearing	6
41.	12/12/00	Dr. Chaikin	Dr. M.	Response to your letter dated December 5, 2000	3
42.	1/8/01	Soraya Ross	Dr. M.		1
43.	1/8/01	Dr. Chaikin	Dr. M.	Consent and authorization to release information	33
44.	1/16/01	Dr. M.	Dr. Chaikin		1
45.	1/18/01	Dr. Chaikin	Dr. M.	Extension to respond to request for information	2
46.	1/25/01	Don Schiller	Dr. M.		1

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Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
47.	2/21/01	Rebecca Gomez	Dr. M.	Courtesy Notification	2
48.	2/13/01	Don Schiller	Dr. M.		1
49.	2/15/01	Dr. Chaikin	Dr. M.	Failure to respond to request for information Notice of Adverse Recommendation and right to request a Hearing	3
50.	2/24/01	B.J. Kaufman			1
51.	3/2/01	Dr. M.	Ms. Cora Burgess	1) DEA- Registration- renewal 2) Change of Address	2
52.	3/15/01	Dr. M.	Dr. Chaikin	Extension to respond to request for	4
53.	3/15/01	Dr. Chaikin	Dr. M.		1
54.	3/15/01	Dr. Wolfe	Dr. M.		1
55.	3/16/01	Dr. M.	Dr. Chaikin	Notice of adverse recommendation and right to request q hearing	3
56.	3/27/01	Don Schiller	Dr. M.		2
57.	3/27/01	Barbara Joyner	File-MD # 5752		3
58.	4/9/01	Dr. Wolfe	Dr. M.		1
59.	4/13/01	Dr. Chaikin	Dr. M.	Notice of Hearing, charges, witnesses	20
60.	4/17/01	Dr. Chaikin	Dr. M.	Century City Hospital Administrative Hearing- Gil Mileikowsky, M.D.	1
61.	4/22/01	Dr. M.	Dr. Chaikin		10
62.	4/27/01	Dr. M.	Dr. Schiller		4

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Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	# Pgs.
63.	4/27/01	Dr. M.	Barbara Joyner		2
64.	4/27/01	Dr. M.	Velma/ Jean		5
65.	4/27/01	Dr. M.	James Barnes		4
66.	5/14/01	Don Schiller	Dr. M.	Your April 27, 2001 response to inquiry Re: MR # 232192	3
67.	5/17/01	Dr. Chaikin	Dr. M.	Response to Notice of Hearing, charges, and witnesses	5
68.	5/22/01	Mr. Harwell	Dr. M. Dr. Chaikin	Century City Hospital- Dr. Mileikowsky	4
69.	5/22/01	Mr. Harwell	Dr. M.	Century City Hospital- Dr. Mileikowsky	2
70.	5/30/01	Dr. Wolfe	Dr. M.	Your April 27, 2001 letter addressing Peer Review/ Mortality Committee	4
71.	6/11/01	Dr. M.	Barbara Joyner		5
72.	6/13/01	Mr. Harwell	Dr. M. Dr. Chaikin	Century City Hospital- Dr. Mileikowsky	2
73.	6/13/01	Mr. Harwell	Dr. M. Dr. Chaikin	Century City Hospital- Dr. Mileikowsky Notice of continuance and notice of hearing	2
74.	6/13/01	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital- Dr. Mileikowsky- Notice of Hearing	1
75.	6/18/01 3:00am	Dr. M.	Mr. Harwell		1
76.	6/18/01	Dr. M.	Mr. Harwell		1

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Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
77.	6/18/01 5:30am	Dr. M.	Mr. Harwell		7
78.	6/21/01	Mr. Harwell	Dr. M.	Century City Hospital- Dr. Mileikowsky- Notice of Hearing	1
79.	6/21/01	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital- Dr. Mileikowsky- Notice of Hearing	7
80.	6/21/01 11:00am	Dr. M.	Mr. Harwell		7
81.	6/21/01 2:20pm	Dr. M.	Mr. Harwell		3
82.	6/22/01	James Barnes	Dr. M.	MRC members CU's	23
83.	6/28/01 3:10am	Dr. M.	Mr. Harwell	Scheduling of "Voir Dire" of JRC	40
84.	6/28/01	Mr. Chenen	Dr. M.	Mileikowsky vs. ETMC	1
85.	6/28/01	Dr. Schiller	Dr. M.	Your April 27, 2001 response to inquiry re: MR #232192	3
86.	6/29/01	Carmen Corral	Dr. M.		
87.	7/4/01	Dr. M.	Mr. Harwell		57
88.	7/6/01	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital- Dr. Mileikowsky- Notice of Hearing	3
89.	7/6/01 8:30am	Dr. M.	Mr. Harwell		5

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
90.	7/6/01	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital- Dr. Mileikowsky- Notice of Hearing	2
91.	7/10/01	Mr. Harwell	Dr. M. Dr. Wolfe Mr. Chenen	Century City Hospital	11
92.	7/11/01	Dr. M.	Mr. Harwell	Tonight's Meeting	3
93.	7/11/01	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital- Dr. Mileikowsky- Notice of continuance	2
94.	7/11/01	Dr. Spivak	Dr. M.		1
95.	7/11/01	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital- Dr. Mileikowsky- Incident Reports	2
96.	7/16/01	Dr. Schiller	Dr. M.	Your April 27, 2001 response to Inquiry re: MR # 232192 third request	3
97.	8/8/01	Debbie Levevter	Jean-Medical Records	Dr. Mileikowsky's dictations.	3
98.	8/8/01	Dr. M.	Jean	Signatures for Vanessa Tomlinson	5
99.	9/17/01	Dr. Wolfe	Mr. Harwell	Century City Hospital- In the matter of Gil Mileikowsky, M.D.	3
100.	9/24/01	Mr. Chenen	Dr. Wolfe	In re: Gil Mileikowsky, M.D.	2
101.	10/15/01	Dr. M.	Mr. Harwell		3
102.	10/22/01	Mr. Harwell	Mr. Willick	Century City Hospital- Dr. Mileikowsky	1
103.	10/23/01	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital- Dr. Mileikowsky- Notice of Hearing	7

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Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
104.	10/23/01	Dr. M.	Mr. Willick	Mr. Harwell	2
105.	10/31/01	Dr. Wolfe	Dr. M.	Century City Hospital In the matter of Gil N. Mileikowsky, M.D.	103
106.	10/31/01	Dr. Wolfe	Mr. Harwell	Century City Hospital – In the matter of Gil Mileikowsky, M.D.	5
107.	11/4/01	Dr. M.	Mr. Harwell	Request for continuance to 2/02	11
108.	11/30/01	Dr. Wolfe	Dr. M.	First amended notice of charges, witnesses	4
109.	12/6/01	Dr. Kay	Dr. M.	Consent and authorization to release information	2
110.	12/12/01	Dr. Kay	Dr. M.	Consent and authorization to release information	4
111.	12/14/01	Dr. M.	Mr. Lahana	Release of information to West Hills	5
112.	12/16/01	Dr. M.	Medical Staff		14
113.	12/19/01	Dr. Kay	Dr. M.	Century City Hospital Staff Roster	5
114.	1/1/02	Dr. M.	Mr. Harwell	Request for continuance to April , 2002	16
115.	1/8/02	Ms. Mirch	Mr. Kawa	Gil Mileikowsky, M.D.	4
116.	1/9/02	Kim Rosling	Mr. Kawa	Gil Mileikowsky, M.D.	1
117.	1/18/02	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital – Dr. Mileikowsky- Notice of Hearing	2
118.	1/18/02 10:00am	Dr. M.	Mr. Harwell	Request for continuance to 4/02	6

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
119.	1/18/02 2:00pm	Dr. M.	Mr. Harwell	My request for continuance.	2
120.	1/19/02	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital- Dr. Mileikowsky-	2
121.	1/19/02	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital- Dr. Mileikowsky- Notice of Hearing	2
122.	1/20/02 10:00pm	Dr. M.	Mr. Harwell	My request for continuance for good cause	12
123.	1/20/02	Dr. M.	Mr. Harwell		3
124.	1/21/02 10:15pm	Dr. M.	Mr. Harwell	My request for continuance for good cause	5
125.	1/23/02	Dr. M.	Mr. Harwell	Continuance for good cause	3
126.	1/30/02	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital- Dr. Mileikowsky- Notice of hearing	2
127.	1/30/02 10:30pm	Dr. M.	Mr. Harwell	My Representation by counsel in this hearing	5
128.	1/30/02	Dr. M.	Mr. Harwell	Your appointment by the CEO of CCH	10
129.	1/31/02	Mr. Harwell	Dr. Wolfe Dr. M.	Century City Hospital – Dr. Mileikowsky- Notice of hearing	6
130.	2/6/02	Patricia Davis	Dr. M.	Courtesy Notification	2

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
131.	3/3/02	Dr. M.	Mr. Harwell	Continuance of your hearing for good cause	5
132.	3/4/02 4:00am	Dr. M.	Mr. Harwell	Copy of all communications to Mirch & Mirch	8
133.	3/4/02	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital – Dr. Mileikowsky	2
134.	3/27/02	Partricia Davis	Dr. M.	Courtesy notification	2
135.	8/16/02	Elizabeth Madigan	Dr. M.	CSHA/ Professional & General Liability insurance program Policy no. 1177- 7213- 0123	1
136.	10/7/02	Medical Staff	Dr. M.	Current DEA Registration	2
137.	1/16/03	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital- Dr. Mileikowsky- Notice of Hearing	3
138.	1/28/03	James Barnes	Mr. Harwell	Century City Hospital- Dr. Mileikowsky- Notice of Hearing	1
139.	2/20/03	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital- Dr. Mileikowsky- Notice of Hearing	2
140.	3/4/03	Dr. Kay	Mr. Harwell	Administrative Hearing involving Gil N. Mileikowsky, M.D.	1
141.	3/7/03	Mr. Harwell	Dr. M. Dr. Wolfe	Century City Hospital- Dr. Mileikowsky- Notice of Hearing	2
142.	3/8/03 12:00pm	Dr. M.	Mr. Harwell	Request for Harwell to recuse himself as hearing officer.	1

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
143.	3/11/03	Dr. Kay	Dr. M.	Notice of change of Hearing officer	1
144.	3/12/03	Patricia Davis	Dr. M.	Suspension	2
145.	3/12/03	Mr. Harwell	Dr. M. Dr. Kay	Century City Hospital- Dr. Mileikowsky	2
146.	3/13/03	Dr. Wolfe	Dr. M.	Post- operative wound surveillance	1
147.	3/13/03	Dr. Meth	Dr. M.		1
148.	3/16/03 10:30am	Dr. M.	Dr. Kay	Request for Mr. Harwell to recuse himself as hearing officer	6
149.	3/16/03	Dr. M.	Dr. Kay	Appointment of a new hearing officer	6
150.	3/16/03 12:30pm	Dr. M.	Dr. Kay	Attorneys of the Medical Staff of CCH and their conflicts of interests.	48
151.	3/17/03	Dr. M.	Mr. Barnes	Meeting tonight re: Voir Dire of S. Van Hall	4
152.	3/17/03 5:15pm	Dr. M.	Mr. Harwell	Disposition of your files in this matter	3
153.	3/21/03	Barbara Joyner	Dr. M.		2
154.	3/21/03 8:00am	Dr. M.	Dr. Kay	Lack of integrity in data reporting at CCH	14
155.	3/21/03 10:30am	Dr. M.	Barbara Joyner		1
156.	3/21/03 12:30pm	Dr. M.	Barbara Joyner		1

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
157.	3/24/03 5:30pm	Dr. M.	Dr. Meth	Accusation by the Medical Board of Ca.	100
158.	3/25/03	Dr. Kay	Ms. Van Hall	Request to set Voir Dire Hearing	2
159.	3/26/03	Barbara Joyner	Dr. M.	Request for review of credentials files	3
160.	3/28/03	Ms. Van Hall	Dr. M. Dr. Wolfe	Medical Staff Hearing	4
161.	3/31/03	Dr. Kay	Dr. M.	Second amended notice of charges, witnesses, discovery request.	16
162.	4/8/03	Dr. Wolfe	Ms. Van Hall	Medical Staff vs. Gil Mileikowsky, M.D.	5
163.	4/8/03	Dr. Meth	Dr. M.		2
164.	4/17/03	Barbara Joyner	Dr. M.	Request for review of credentials file	2
165.	4/17/03	Dr. Wolfe	Ms. Van Hall	Medical Staff vs. Gil Mileikowsky, M.D.	3
166.	4/17/03	Ms. Van Hall	Dr. M. Dr. Wolfe	Medical Staff Hearing	13
167.	4/29/03	Dr. Wolfe	Ms. Van Hall	Medical Staff vs. Gil Mileikowsky, M.D.	13
168.	5/7/03 00:15am	Dr. M.	Ms. Van Hall	1. Request for continuance for good cause and judicial economy in my appeal vs. the MEC of Century City Hospital (CCH), a TENET facility. 2. Request for S. Van Hall, Esq. to recuse herself	88

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
169.	5/13/03	Dr. Meth	Dr. M.		2
170.	5/15/03	Dr. Wolfe	Ms. Van Hall	Medical Staff vs. Gil Mileikowsky, M.D.	2
171.	5/31/03	Ms. Van Hall	Dr. M. Dr. Wolfe	Hearing officer objections and Voir Dire, continuance request, scheduling the hearing, discovery	7
172.	6/23/03 2:00pm	Dr. M.	Ms. Van Hall	Request for you to recuse yourself	40
173.	6/23/03 6:00pm	Dr. M.	Ms. Van Hall	Continuance request and scheduling the hearing	5
174.	6/23/03 7:30pm	Dr. M.	Ms Van Hall	Discovery	5
175.	6/23/03 8:00pm	Dr. M.	Ms. Van Hall	Request for production of documents by Dr. Gil Mileikowsky, M.D. to Century City Hospital's (CCH) Medical Executive Committee (MEC) and Various Branches of CCH's administration.	53
176.	6/24/03 2:30pm	Dr. M.	Mr. Stern	1. Economic De- credentialing of CCH. 2. Alleged closure of the IVF program at CCH in 7/02.	13
177.	6/25/03 2:00am	Dr. M.	Dr. Kay, Mr. Stern	Motion to rescind the appointment of S.F. Van Hall as hearing officer of the Medical review committee	9

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
178.	7/2/03 10:30pm	Dr. M.	Ms. Van Hall	1. Status of TENET's attorneys in my litigations. 2. Status of my litigations vs. TENET.	41
179.	7/2/03	Mr. Kawa	Ms. Van Hall	Century City Medical Staff vs. Gil Mileikowsky, M.D.	3
180.	7/4/03 10:00am	Dr. M.	Ms. Van Hall	1. Status of TENET's attorneys in my litigations- Part 2	64
181.	7/10/03 10:30pm	Dr. M.	Ms. Van Hall	Status of TENET's attorneys in my litigations - Part 3.	15
182.	7/11/03 00:05	Dr. M.	Dr. Miller Dr. Wolfe Dr. Kay	1. Role of TENET's attorneys in my appeal in these proceedings at CCH. 2. Liability insurance of MEC and officer of the Medical Staff of CCH 3. Medical Staff self governance requirements by law	19
183.	7/11/03 2:40am	Dr. M.	Dr. Wolfe	1. Motion for Mrs. Van Hall to recuse herself. 2. Motion for you to ask Mrs. Van Hall to recuse herself. 3. Motion for you and R. Stern - CEO of CCH to rescind the appointment of Mrs. Van Hall as hearing officer in these Proceedings.	11
184.	7/15/03 1:00am	Dr. M.	Dr. Wolfe	1. Motion for Mrs. Van Hall to recuse herself. 2. Motion for you to ask Mrs. Van Hall to recuse herself. 3. Motion for you and R. Stern- CEO of CCH to rescind the appointment of Mrs. Van Hall as hearing officer in these Proceedings.	7

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Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
185	7/15/03	Ms. Van Hall	Dr. M. Dr. Wolfe	Century City Hospital, Dr. Mileikowsky Hearing officer objections Discovery conference	3
186.	7/21/03	Ms. Van Hall	Dr. M. Dr. Wolfe	Century City Hospital , Dr. Mileikowsky Hearing officer officer objections Discovery conference	2
187.	7/21/03 11:30pm	Dr. M.	Ms. Van Hall	Your total lack of authority as potential future hearing officer in these proceedings at present time.	7
188.	7/22/03	Ms. Van Hall	Dr. M. Dr. Wolfe	Century City Hospital, Dr. Gil Mileik- owky Scheduling conference call	2
189.	7/22/03	Dr. M.	Ms. Van Hall	1. Scheduling your Voir Dire 2. Request for disclosures prior to and in preparation for your Voir Dire.	10
190.	7/23/03	Mr. Kawa	Ms. Van Hall	Medical Staff vs. Mileikowsky.	4
191.	7/24/03	Dr. M.	Mr. Kawa	TENET vs. Mileikowsky-Disclosures	6
192.	7/30/03	Ms. Van Hall	Mr. Iungerich Mr. Kawa	Century City Hospital, Dr. Gil Mileikowsky scheduling	3
193.	8/3/03	Ms. Van Hall	Dr. M. Dr. Wolfe	Century City Hospital, Dr. Gil Mileikowsky Voir Dire	9
194.	8/3/03 1:00pm	Dr. M.	Ms. Van Hall	Scheduling your follow up Voir Dire	6
195.	8/3/03	Ms. Van Hall	Dr. M. Dr. Wolfe	Century City Hospital, Dr. Mileikowsky Voir Dire	3
196.	8/4/03	Debbie Leventer		Ms. Van Hall's speeches	5

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
197.	8/6/03 1:00am	Dr. M.	Ms. Van Hall	Century City Hospital [CCH]	57
198.	8/7/03 00:30am	Dr. M.	Ms. Van Hall	Stipulation regarding recordings of 7/24/03 conference call and Voir Dire of Ms. Van Hall on 8/5/03	8
199.	8/7/03 1:15am	Dr. M.	Ms. Van Hall	My Motions for you to recuse yourself and your ties to Mr. Harwell	10
200.	8/8/03	Ms. Van Hall	Dr. M. Dr. Wolfe	-Century City, Dr. Gil N. Mileikowsky Hearing officer Voir Dire ruling representative by attorneys.	6
201.	8/10/03 10:15am	Dr. M.	Ms. Van Hall	Your lack of respect and consideration for our institutions.	9
202.	8/10/03	Mrs. Van Hall	Dr. M. Dr. Wolfe	Century City Hospital, Dr. Gil N. Mileikowsky, Motion for reconsideration Of ruling on hearing officer; recusal And allowing attorneys at the hearing; Dates for Voir Dire.	3
203.	8/11/03 5:15am	Dr. M.	Dr. Miller	Motion to the Medical Executive Committee [MEC] to request Ms. Van Hall, Esq. to recuse herself and/or, request that the CEO- Ron Stern rescind her appointment.	4
204.	8/11/03 5:30am	Dr. M.	Dr. Miller	Motion to the Medical Executive Committee [MEC] to request Mark Kawa Esq. to cease and desist alleging to represent the MEC.	6

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
205.	8/11/03 6:20am	Dr. M.	Mr. Stern	Motion to the CEO of CCH to request that Mrs. Van Hall recuse herself as hearing officer in these proceedings and /or, for the CEO to rescind her appointment.	5
206.	8/11/03 9:10am	Dr. M.	Mr. Kawa	TENET vs. Mileikowsky, M.D.	12
207.	8/12/03 10:00am	Dr. M.	Ms. Van Hall	Conference call on 8/13/03	4
208.	8/12/03	Ms. Van Hall	Dr. M. Dr. Wolfe	Century City Hospital, Dr. Gil Mileikowsky discovery; document production; notice of charges.	21
209.	8/13/03	Ms. Van Hall	Dr. M. Dr. Wolfe	Century City Hospital, Dr. Gil N. Mileikowsky scheduling and discovery issues	3
210.	8/18/03	Mark Kawa	Ms. Van Hall	Medical Staff vs. Mileikowsky	4
211.	8/18/03	Dr. Becky Miller	Dr. M.	Medical Staff vs. Mileikowsky	2
212.	8/20/03	James Barnes	Dr. M.	MEC Members	3
213.	8/20/03 6:00pm	Dr. M.	James Barnes		5
214.	8/22/03	Dr. Miller	Ms. Van Hall	Medical Staff vs. Gil Mileikowsky, M.D.	4
215.	9/3/03 1:30pm	Dr. M.	Dr. Miller	Motion to the MEC for Mrs. Van Hall's recusal	2
216.	9/4/03	Dr. Wolfe	Dr. M.	Post operative wound surveillance.	1

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
217.	9/7/03	Ms. Van Hall	Dr. M. Dr. Wolfe	Century City Hospital, Dr. Gil N. Mileikowsky scheduling and discovery Issues.	8
218.	9/8/03	Dr. Miller	Dr. M.	Medical Staff vs. Gil Mileikowsky, M.D.	2
219.	9/11/03 7:30pm	Dr. M.	Barbara Joyner	Status of West Hills Hospital Hearing.	9
220.	9/11/03 8:30pm	Dr. M.	Dr. Miller	Motion to the MEC to ask S. Van Hall, Esq. to recuse herself as hearing officer in these proceedings.	26
221.	9/12/03 00:10am	Dr. M.	Mr. Stern	Motion for you to ask Mrs. Van Hall, Esq. to recuse herself or rescind her appointment.	6
222.	9/12/03 01:00am	Dr. M.	Ms. Van Hall	<ol style="list-style-type: none"> 1. Scheduling your follow-up Voir Dire "face to face". 2. Request to be represented by an attorney who will conduct your Voir Dire 3. Appearance of impropriety on 8/5/03, In your initial " face to face" Voir Dire. 4. Request for production of documents and disclosures prior to your follow up Voir Dire. 5. Motion for you to recuse yourself. 	12
223.	9/12/03 3:30am	Dr. M.	Dr. Miller	<ol style="list-style-type: none"> 1. Attorney's retainers are <u>not</u> covered by attorney - client privilege. 2. Motion to the Medical Executive Committee [MEC] to evaluate and Investigate the conduct of Mark Kawa, Esq. as alleged representative of the MEC. 	8
224.	9/12/03 5:15am	Dr. M.	Barbara Joyner -Ron Stern	Request for production of retainer agreement of attorneys...	5

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
225.	9/14/03 11:00am	Dr. M.	Ms. Van Hall	Motion for you to recuse yourself in view of Mr. Harwell's close ties with you, following his key role at West Hospital Medical Center [WHHMC].	7
226.	9/26/03	Ms. Van Hall	Dr. M. Dr. Wolfe	Century City Hospital, Dr. Gil N. Mileikowsky scheduling and discovery Issues.	4
227.	9/27/03	Dr. M.	Ms. Van Hall	Motion for you to recuse yourself	5
228.	9/28/03 2:00pm	Dr. M.	Dr. Miller	Motion to the MEC requesting that the MEC ask Mrs. Van Hall to recuse herself.	25
229.	9/28/03 6:30pm	Dr. M.	Mrs. Joyner	My motion submitted to the MEC Regarding: 1) Recusal of Ms. Van Hall, Esq. 2) Removal of M. Kawa, Esq. as, Alleged counsel of the Medical Staff of CCH.	3
230.	9/28/03 8:00pm	Dr. M.	Ms. Van Hall	Motion to compel production of documents and response to interrogatories from Ms. Van Hall, Esq.	4
231.	9/29/03 1:00am	Dr. M.	Ms. Van Hall	Your suggestion that the Medical Staff of Century City Hospital [CCH] ignore the charges of other hospitals against me.	4
232.	9/29/03	Dr. M.	Mrs. Van Hall	Scheduling your follow-up Voir Dire.	3
233.	9/29/03	Medical Staff CCH	Dr. M.	Request for malpractice insurance certificate	1
234.	10/1/03	Dr. M.	Medical Staff CCH	Certificate of malpractice insurance	2

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
235.	10/1/03	Ms. Van Hall	Dr. M. Dr. Wolfe	Century City Hospital, Dr. Gil Mileikowsky	3
236.	10/6/03 00:45am	Dr. M.	Members of the MEC	Motion to rescind the appointment of Ms. Van Hall as hearing officer or, for the CEO and MEC to ask Mrs. Van Hall to recuse herself due to lack of integrity.	10
237.	10/6/03 2:30am	Dr. M.	Mrs. Van Hall	Appearance of impropriety.	4
238.	10/6/03 3:00am	Dr. M.	Mrs. Van Hall	1) Failure of the MEC to produce discovery. 2) Request for continuance for good cause.	4
239.	10/6/03 3:45am	Dr. M.	Mrs. Van Hall	Scheduling your follow-up Voir Dire.	4
240.	10/6/03 4:30am	Dr. M.	Mrs. Van Hall	The role of Mr. Iungerich, Esq. in these proceedings.	3
241.	10/8/03 1:15pm	Dr. M.	Barbara Joyner	805 report- response to West Hill Hospital and Medical Center [WHHMC].	5
242.	10/8/03	Dr. Wolfe	Mrs. Van Hall	Medical Staff vs. Gil Mileikowsky, M.D.	3
243.	10/10/03	Mrs. Van Hall	Dr. M. Mr. Iungerich	Century City Hospital, Dr. Gil N. Mileikowsky, M.D.	2
244.	10/16/03	Dr. M.	Mrs. Van Hall	Response time of MEC to correspondence	5

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
245.	10/26/03 00:30am	Dr. M.	Ms. Van Hall	Brief of Amici Curial of the CMA and AMA filed 7/18/03 in case No. CIV219107 in Superior Court of Ventura County.	43
246.	10/27/03	Dr. M.	Dr. Wolfe	Request for production of documents.	27
247.	10/30/03	Dr. Wolfe	Dr. M.	Medical Staff vs. Gil Mileikowsky, M.D.	1
248.	11/2/03 3:00pm	Dr. M.	Dr. Wolfe	The "Big Picture" Part 1 These proceedings are instigated engineered and controlled by TENET's administration and their attorneys who substituted the Medical Staff	18
249.	11/2/03 7:30pm	Dr. M.	Dr. Wolfe	The "Big Picture" Part 2 The perspective of third parties: - California Medical Association [CMA] - American Medical Association [AMA] - Union of American Physicians + Dentists [UAPD] - The Street. com. - Pittsburgh Post Gadgette.	
250.	11/2/03 9:00pm	Dr. M.	Dr. Wolfe	The "Big Picture" Part 3 Denial of clinical privileges based upon "alleged disruptive conduct" of a physician <u>is</u> against the law. Motion to the MEC to withdraw all charges Against me.	8
251.	11/2/03 10:30pm	Dr. M.	Dr. Wolfe	The "Big Picture" Part 4 Withholding exculpatory evidence is malicious and criminal conduct.	13

Chronological Table Of CCH – Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
252.	1/9/04	Dr. Wolfe	Ms. Van Hall	Medical Staff vs. Gil Mileikowsky, M.D.	3
253.	1/9/04	Adrenne Guster	-CCH Medical Staff -CCH Medical Records	Notification by Dr. Mileikowsky's office, that Dr. Mileikowsky is out of the country since 12/27/04 till about 1/25/04.	4
254.	1/26/04	CCH Medical Staff	Dr. M.	Letter from Dr. Wolfe dated 1/9/04. Same as # 252, sent by fax.	3
255.	1/27/04	Dr. M.	Dr. Wolfe Ms. Van Hall Mr. Stern	Opening Brief filed on 1/15/04 by Mr. Diamond, on behalf of Dr. Mileikowsky with the court of appeal. No. B168705	56
256.	1/28/04	Dr. M.	Ms. Van Hall Dr. Wolfe Mr. Stern	Letter dated 1/6/04 from the court of Appeal to A. Kahn, Esq. granting permission to file Amicus of the UAPD and copy of that Amicus in case No. B168705.	24
257.	2/13/04	Ms. Van Hall	Dr. M. Dr. Wolfe	Closure of Century City Hospital, and "Tentative Ruling."	8
258.	2/17/04 12:00am	Dr. M.	Ms. Van Hall	Alleged closure of Century City Hospital.	5
259.	2/17/04 1:00am	Dr. M.	Ms. Van Hall	Availability of R. Iungerich, Esq. to respond to your "Tentative Ruling."	4
260.	2/19/04	Dr. Wolfe	Ms. Van Hall	Medical Staff vs. Gil Mileikowsky, M.D.	3
261.	2/19/04 5:30pm	Dr. M.	Ms. Van Hall	Continuance to respond to your "Tentative Ruling" for good cause	4

Chronological Table Of CCH – Dr. Mileikowsky Correspondence

Date	From	To	Re:	#Pgs.	
262.	2/21/04 9:00am	Dr. M.	Dr. Wolfe	Your continuance denial of my right to be represented by counsel and/or to seek legal advise.	13
263.	2/21/04 11:00pm	Dr. M.	Dr. Wolfe	When does a physician waive his right to a hearing?	13
264.	2/22/04 9:30am	Dr. M.	Ms. Van Hall	Withholding of Exculpotory evidence and obstruction of justice, by the MEC.	16
265.	2/23/04	Dr. M.	Ms. Van Hall	Completion of Hearing.	5
266.	2/23/04	Dr. M.	Ms. Van Hall	Reporting outcome of peer review.	9
267.	2/23/04	Ms. Van Hall	Dr. M. Dr. Wolfe	Century City Hospital, Dr. Gil Mileikowsky.	2
268.	2/19/04 5:30pm	Dr. M.	Ms. Van Hall	Continuance to respond to your "Tentative Ruling" for good cause.	4
269.	2/19/04	Dr. Wolfe	Ms. Van Hall	Medical Staff vs. Gil Mileikowsky, M.D.	3
270.	2/21/04 9:00am	Dr. M.	Dr. Wolfe	Your continuous denial of my right to be represented by counsel and/or to seek legal advise.	13
271.	2/21/04 11:00pm	Dr. M.	Dr. Wolfe	When does a physician waive his right to hearing?	13
272.	2/22/04 9:30am	Dr. M.	Ms. Van Hall	Withholding of exculpotory evidence and obstruction of justice by the MEC.	16
273.	2/23/04 2:15am	Dr. M.	Ms. Van Hall	Completion of Hearing.	5
274.	2/23/04 3:30am	Dr. M.	Ms. Van Hall	Reporting outcome of peer review.	9
275.	2/23/04	Ms. Van Hall	Dr. M.	Century City Hospital, Dr. Gil Mileikowsky.	2

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Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
276.	3/10/04 10:00pm	Dr. M.	Dr. Miller	Motion to the MEC to withdraw its request that " Dr. Mileikowsky be deemed to have waived his right to a hearing"	8
277.	3/11/04 00:30am	Dr. M.	Dr. Wolfe	Taming the Disruptive Attorneys in the Healthcare industry.	45
278.	3/11/04 5:30am	Dr. M.	Ms. Van Hall Dr. Miller	Motion Requesting: 1. Recusal of Mrs. Van Hall, Esq. as Hearing officer. 2. That the MEC and/or the CEO of CCH request Mrs. Van Hall, Esq. to recuse herself. 3. That the MEC and/or the CEO of CCH reseind the appointment of Ms. Van Hall, Esq. as Hearing officer.	8
279.	3/11/04 7:10am	Dr. M.	Ms. Van Hall	1. My production of documents. 2. Your "tentative ruling." 3. Conference call to schedule.	4
280.	3/17/04 3:00am	Dr. M.	Dr. Miller Dr. Wolfe Mr. Stern Members of MEC of CCH	Motion for the immediate request for the recusal of Ms. Van Hall, Esq. as, alleged Hearing Officer in these proceedings and/or request that Mrs. Van Hall's appointment as Hearing officer be	55
281.	3/17/04 1:00pm	Dr. M.	Mr. Barnes	Emergency Motion to the MEC, on 3/18/04.	3
282.	3/19/04	Mark Kawa	Mr. Iungrich	Century City Hospital Medical Staff Administrative Hearing.	2
283.	3/22/04	Ms. Van Hall	Dr. M.	Century City Hospital, Dr. Gil N. Mileikowsky.	3
284.	3/22/04	Mr. Kawa	Ms. Van Hall	Medical Staff vs. Mileikowsky.	3

Chronological Table Of CCH- Dr. Mileikowsky Correspondence

	Date	From	To	Re:	#Pgs.
285.	4/13/04	Mr. Kawa	Dr. M.	Medical Staff vs. Gil Mileikowsky, M.D.	1
286.	4/30/04 3:00 pm	Dr. M.	Ms. Joyner	- My credentials files and all related records at CCH. - Request to transfer records to Midway Hospital.	28
287.	4/30/04 3:30 pm	Dr. M.	Ms. Joyner	Witness list in case No. BC292165	8
288.	4/30/04 4:00 pm	Dr. M.	Ms. Joyner	Witness list in case No. BC292165	11

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

Form 10-K

Annual report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 for the fiscal year ended December 31, 2003

OR

Transition report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 for the transition period from

Commission file number 1-7293

TENET HEALTHCARE CORPORATION

(Exact name of registrant as specified in its charter)

Nevada
(State or other jurisdiction of
incorporation or organization)

95-2557091
(IRS Employer
Identification No.)

3820 State Street
Santa Barbara, CA 93105
(Address of principal executive offices)

(805) 563-7000
(Registrant's telephone number, including area code)

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Tenet Healthcare, Annual Report (Document 7)

Exhibit 21

Subsidiaries of Tenet Healthcare Corporation

All of the following subsidiaries are 100% owned by Tenet Healthcare Corporation unless otherwise indicated.

...

AMI/HTI Tarzana Encino Joint Venture——

ownership——Tenet HealthSystem Medical, Inc. (30%)

Amisub of California, Inc. (26%)

New H Acute, Inc. (12%)

AMI Information Systems Group, Inc. (7%)

Encino Hospital Corporation (25%)

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California Business Portal

Secretary of State - State of California

DISCLAIMER: The information displayed here is current as of DEC 10, 2004 and is updated weekly. It is not a complete or certified record of the Corporation.

Corporation		
ENCINO HOSPITAL CORPORATION, INC.		
Number: C1585881	Date Filed: 5/4/1987	Status: active
Jurisdiction: California		
Address		
PO BOX 750		
NASHVILLE, TN 37202		
Agent for Service of Process		
CT CORPORATION SYSTEM		
818 WEST SEVENTH STREET		
LOS ANGELES, CA 90017		

For information about certification of corporate records or for additional corporate information, please refer to Corporate Records. If you are unable to locate a corporate record, you may submit a request to this office for a more extensive search. Fees and instructions for requesting this search are included on the Corporate Records Order Form.

Blank fields indicate the information is not contained in the computer file.

If the status of the corporation is "Surrender", the agent for service of process is automatically revoked. Please refer to California Corporations Code Section 2114 for information relating to service upon corporations that have surrendered.

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UNITED STATES

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

FORM 10-K

(Mark One)

ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934 For the fiscal year ended December 31, 2003

OR TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934 For the transition period from to

Commission File Number 1-11239

HCA INC.

(Exact Name of Registrant as Specified in its Charter)

Delaware (State or Other Jurisdiction of Incorporation or Organization)

75-2497104 (I.R.S. Employer Identification No.)

One Park Plaza Nashville, Tennessee (Address of Principal Executive Offices)

37203 (Zip Code)

Registrant's Telephone Number, Including Area Code: (615) 344-9551

Securities Registered Pursuant to Section 12(b) of the Act:

Title of Each Class

Name of Each Exchange on Which Registered

Common Stock, \$.01 Par Value

New York Stock Exchange

Securities Registered Pursuant to Section 12(g) of the Act: None

Indicate by check mark whether the Registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the Registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes No

Indicate by check mark if disclosure of delinquent filers pursuant to Item 405 of Regulation S-K is not contained herein, and will not be contained, to the best of Registrant's knowledge, in definitive proxy or information statements incorporated by reference in Part III of this Form 10-K or any amendment to this Form 10-K.

Indicate by check mark whether the registrant is an accelerated filer (as defined in Exchange Act Rule 12b-2). Yes No

As of February 29, 2004, there were outstanding 467,884,800 shares of the Registrant's Voting Common Stock and 21,000,000 shares of the Registrant's Nonvoting Common Stock. As of June 30, 2003, the aggregate market value of the Common Stock held by non-affiliates was approximately \$14.8 billion. For purposes of the foregoing calculation only, the Registrant's directors, executive officers and the HCA 401(k) Plan have been deemed to be affiliates.

DOCUMENTS INCORPORATED BY REFERENCE

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Portions of the Registrant's definitive Proxy Statement for its 2004 Annual Meeting of Stockholders are incorporated by reference into Part III hereof.

ALABAMA

Alabama-Tennessee Health Network, Inc.
 CareOne Home Health Services, Inc.
 Four Rivers Medical Center PHO, Inc.
 Selma Medical Center Hospital, Inc.

ALASKA

Chugach PT, Inc.
 Columbia Behavioral Healthcare, Inc.
 Columbia North Alaska Healthcare, Inc.

ARKANSAS

Central Arkansas Provider Network, Inc.
 Columbia Health System of Arkansas, Inc.

BERMUDA

Parthenon Insurance Company, Limited

CALIFORNIA

Birthing Facility of Beverly Hills, Inc.
 C.H.L.H., Inc.
 CFC Investments, Inc.
 CH Systems
 Chino Community Hospital Corporation, Inc.
 Columbia ASC Management, L.P.
 Columbia Fallbrook, Inc.
 Columbia Riverside, Inc.
 Columbia/HCA San Clemente, Inc.
 Community Hospital of Gardena Corporation, Inc.
Encino Hospital Corporation, Inc.
 Far West Division, Inc.
 Galen-Soch, Inc.
 HCA Allied Health Services of San Diego, Inc.
 HCA Health Services of California, Inc.
 HCA Hospital Services of San Diego, Inc.
 Healdsburg General Hospital, Inc.
 L E Corporation
 Las Encinas Hospital
 Los Gatos Surgical Center, a California Limited Partnership
 Los Gatos Surgical Center
 Los Robles Regional Medical Center
 Los Robles Regional Medical Center
 Los Robles Surgicenter JV
 MCA Investment Company
 Mission Bay Memorial Hospital, Inc.

Neuro Affiliates Company
Psychiatric Company of California, Inc.
Riverside Healthcare System, L.P.
 Riverside Community Hospital
Riverside Holdings, Inc.
Riverside Surgicenter, L.P.
 Riverside Community Surgi-Center
San Joaquin Surgical Center, Inc.
San Jose Healthcare System, Inc.
Southwest Surgical Clinic, Inc.
Surgicare of Beverly Hills, Inc.
Surgicare of Los Gatos, Inc.
Surgicare of Montebello, Inc.
Surgicare of Riverside, LLC
Surgicare of West Hills, Inc.
Ukiah Hospital Corporation
Visalia Community Hospital, Inc.
VMC Management, Inc.
VMC-GP, Inc.
West Hills Hospital
 West Hills Hospital & Medical Center
West Hills Surgical Center, Ltd.
 West Hills Surgical Center
West Los Angeles Physicians' Hospital, Inc.
Westminster Community Hospital
Westside Hospital Limited Partnership
Windsor Health Group Medical Building Partnership
Windsor Health Group Medical Building, LLC

COLORADO

Bethesda Psychealth Ventures, Inc.
Breckenridge Medical Center, LLC
Centrum Surgery Center, Ltd.
 Centrum Surgical Center
Colorado Health Systems, Inc.
Colorado Healthcare Management, LLC
Columbine Psychiatric Center, Inc.
Conifer MOB, LLC
Continental Division I, Inc.
Denver Mid-Town Surgery Center, Ltd.
 Midtown Surgical Center
Diagnostic Mammography Services, G.P.
Galen of Aurora, Inc.
HCA-HealthONE, LLC
 Advanced Center for Spinal Microsurgery
 Air Life
 Arapahoe Medical Plaza
 Aurora Trauma Service
 Belmar Multispecialty
 Bethesda Employee Assistance Program
 Bethesda Employee Assistance Services
 Beyond Your Expectations
 CallONE
 Cardiology Imaging Group

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