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## Concerns about patient safety dominate case

*BY SUSAN JENKS  
FLORIDA TODAY*

One of the physicians who ordered the recent suspension of four of five trauma surgeons at Holmes Regional Medical Center testified Wednesday he believed “patients were at imminent risk” of something going medically wrong.

“Our greatest concern was that, when a negative outcome occurred, we might not even know about it,” Dr. Richard Hynes, the Melbourne hospital’s chief medical officer, told the court, during the third day of a hearing before retired 18th Judicial Circuit Court Judge Larry Johnston.

He said the physician leadership at the hospital had attempted for more than a year to get quality data about the trauma service from hospital administrators, including reports required by the state of Florida on a quarterly basis, but without success.

“The quality data was missing from these physicians, and not sent through the (hospital’s) committees,” as is customary, Hynes said. “We were frustrated.”

As a result, Hynes said he and Dr. Lance Grenevicki, chairman of Holmes’ surgery department, invoked a “summary suspension” of the four trauma surgeons in the early-morning hours of Jan. 31, under the hospital’s bylaws, rather than “wait for an adverse event to occur.”

The suspension, however, lasted only nine hours after Health First, which operates Holmes and employs the four trauma surgeons, successfully won a temporary injunction and then an extended one, set to expire Friday.

During the proceedings, Health First officials have testified that the surgeons’ suspension did not meet the “imminent danger” test of the bylaws, instead “jeopardizing patient safety” by disrupting trauma care for the most critically ill patients.

In trauma, surgeons work against the “golden hour,” in which patients’ lives often hang in the balance.

Dr. Joseph Tepas, director of pediatric trauma at the University of Florida Regional Trauma System in Jacksonville, and an expert trauma witness for Health First, likened basic surgical skills to “riding a bicycle,” with less complex surgeries relearned with relative ease.

“General surgery is the core of trauma surgery,” Tepas said, in a second day of videotaped testimony.

So, even though a trauma surgeon may lack general surgery privileges at a hospital, he said, “of course, they’re proficient in general surgery as well.”

Hynes used that argument to buttress his own, quoting Tepas as saying “the more you do, the better you are,” with respect to general surgical skills.

Yet, one — if not two — of the four trauma surgeons at Holmes, Hynes said, “have no general surgery credentials.”

He said Dr. Jon Johnson lacked general surgery privileges at Holmes, while Dr. Samuel Pelligrino performed “five general surgeries in as many years, while most of us do that number in a day.”

The other surgeons in the case are Dr. Edgar Figueroa and Dr. Bartel Turk.

“You can get into more problems with general surgery than trauma,” Hynes said, adding that this was one of the reasons he and Grenevicki attempted the suspension to do a confidential peer review.

Had the suspension gone through, he said, “We would have formed a committee, gotten the data as quickly as possible and settled any issues of state requirements.”

“It’s possible it might have taken less than 14 days,” Hynes said.

But Health First’s attorney, Dominic MacKenzie, argued that Hynes’ put the four doctors on suspension because of his perception of “a lack of respect by the hospital board of directors toward the 17 doctors on the medical executive committee.”

He said the board had given Pellegrino, who recently came up for reappointment, general surgery privileges at the hospital and Hynes had been offended, because he had voted to table them.

“You felt it was a slap in the face, didn’t you?” MacKenzie asked.

“That’s incorrect,” Hynes responded. “But there is no doubt when a large number of physicians are overruled by the board without weighing our concerns, that’s an issue.”

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## Additional Facts

What’s next

A fourth day of hearing is scheduled for today.

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