

Exhibit D-1

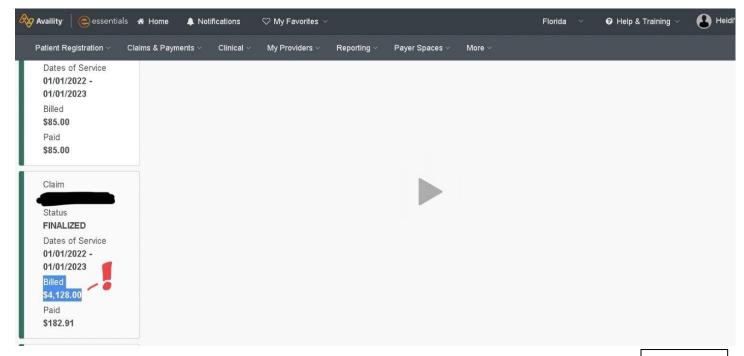


Exhibit D-2

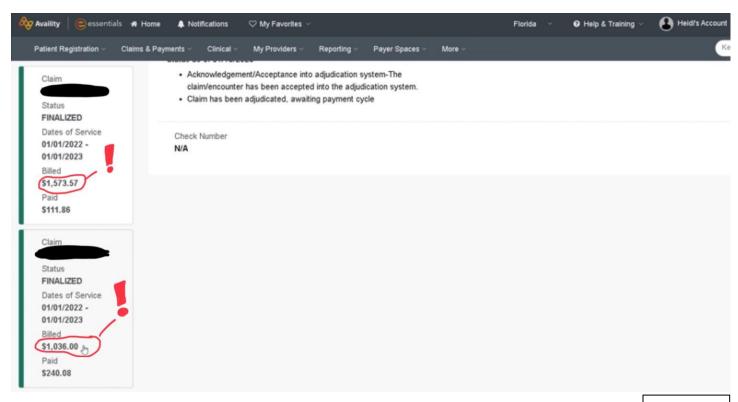


Exhibit D-3

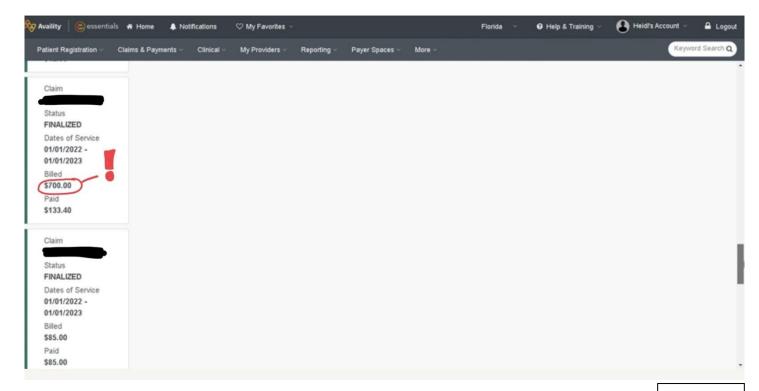
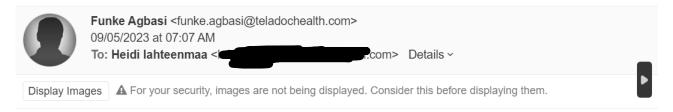


Exhibit D-4

## Exhibits K; Teladoc Systems Malfunctions

RE: TDH--Encrypt: RE: From Dr. Lahteenmaa; urgent question regarding the phone option



Thank you for these examples Dr. Lahteenmaa, I will share this with the engineering team. It might be best for you to chat with them directly so all your concerns are addressed. Is there a phone number I can provide to them?

Best.

#### Funke Agbasi MD, MBA

Senior Medical Director

Clinical Network Management Western Region Teladoc Health, Inc.

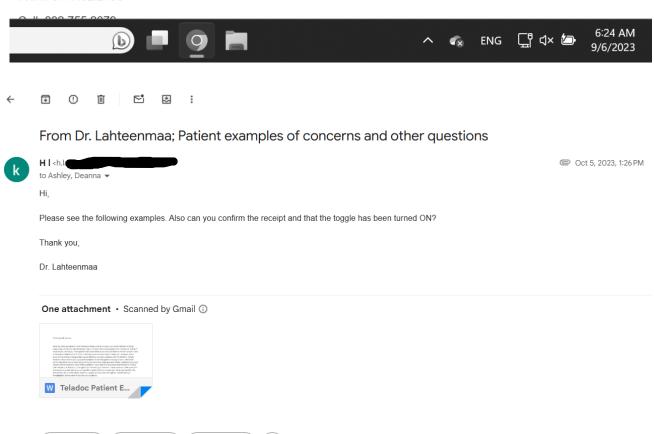
Work: 617.402.2136

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**(2)** 



"Hi Ashley and Deanna,

Here are some examples for your reference. Please note this is just a very small collection of issues comprising a short time period between Sept 1<sup>st</sup> to date. The common pattern for Teladoc to "address" these issues is to tell you "have patient take screenshots so we can send them to IT team" and/or "send us the patient Member/Consult IDs or otherwise we cannot proceed to help you". However, due to many of the problems being system issues, effecting numerous patients over the platform, I simply would not have time to type up patient examples for all of my patients raising concers. I alerted Dr. Dainer about this issue in early 2022 but my concerns were dismissed and Teladoc continues to request specific patient examples. Many of the questions, I have sent over to various departments on Teladoc over the years, as they occur, but again I am still waiting for answers. I have numerous other questions and concerns as well, but as you can see this is extremely time consuming. I fail to see how this info, provided by this provider alone, would not require and warrant a throughout multidisciplinary investigation? Let me know if you have any questions.

Thank you,

Dr. Lahteenmaa

#### **MEDICATION REFILL ISSUES:**

### 1) JW Consult ID seen on 09/30/23

"She reports having issues with Walgreens as "their system keeps telling me I have no refills, even though I know I do, and then I run out of meds. Eventually they fill it like a week later. Their automated system is handled by another company and does not work. I keep getting letters also stating that through CVS Caremark I can get 90 days ". Currently she gets 30 days of meds at a time at Walgreens, despite me ordering 90 days. She tells me she changed the pharmacy to CVS mailorder, yet it still shows Walgreens on my end. During the appointment she changed it to CVS Mailorder again, and removed all other pharmacies on the Teladoc app, yet it still showed Walgreens on my end, after refreshing my screen, so I changed it to CVS Caremark MAILSERVICE for her. She has Team Care Blue Cross/Shield."

## 2) CMI Consult ID seen on 09/28/23

"She made this appointment only to get refills as she had ran out of fluoxetine 20 mg caps last week. She never got the #90 from Publix, I had ordered on 08/03/23 and was only given #30 10 mg caps. She states "they never even mentioned it as if they did not even have it". She has Blue Cross/Shield. Since last week she has been taking 2 x 10 mg fluoxetine daily. No other changes from prior."

### 3) B MG consult ID seen on 10/03/2023

"She tells me again today that she has been having issues getting her meds from Walgreens as their app keeps telling her she does not have any more refills left. She only has #4 tabs left of sertraline 25 mg. Per their

app she has 0 refills for 25 mg tabs and 1 refill for 100 mg tabs. She has Aetna. They only give her 30 days at a time."

## 4) MF Consult ID seen on 10/02/2023

"She has 2 caps left, and states that Walgreens app showed she has 1 refill on the 90 days script; supposedly the one I sent over last time. When she clicked to request it to be filled she got an alert "Action Needed. Caution!" and when she calls Walgreens they cant fill it but wont tell her why. She has Blue Cross/Shield."

#### 5) AJ Consult ID seen on 09/16/23

"She tells me that CVS never got the script, I had ordered at our last visit on 08/19/23, and she had to call Teladoc who "reordered it and changed the pharmacy to Walgreens" although did not change on her chart on my end or on her and still showed CVS today, so I changed it to Walgreens again. She states this is the second time this happened with CVS. She has Blue Cross/Shield."

# 6) BS Consult ID Seen on 09/14/23

"She ran out of bupropion ~ last weekend ~5 days ago as per Walgreens there is no prescriptions although I sent both in at our last appointment on 09/06/23. She made this appointment just to sort out this issue about refills. She tells me she got a message from Walgreens on 09/09/23 stating that they have "sent a request to the provider but could not get a hold of anyone"."

#### **PHARMACY MAIL ORDER ISSUES:**

# 1) HH Consult ID seen on 10/03/23

"She is asking me to change her pharmacy to Express Scripts Home Delivery as she is unable to change it on Teladoc platform stating "it does not let me pick Express Scripts as I am not in Missouri". I changed it for her. She has Signa"

## 2) JW Consult ID seen on 09/30/23 (also under Med refill issues section)

"She reports having issues with Walgreens as "their system keeps telling me I have no refills, even though I know I do, and then I run out of meds. Eventually they fill it like a week later. Their automated system is handled by another company and does not work. I keep getting letters also stating that through CVS Caremark I can get 90 days ". Currently she gets 30 days of meds at a time at Walgreens, despite me ordering 90 days. She tells me she changed the pharmacy to CVS mailorder, yet it still shows Walgreens on my end. During the appointment she changed it to CVS Mailorder again, and removed all other pharmacies on the Teladoc app, yet it still showed Walgreens on my end, after refreshing my screen, so I changed it to CVS Caremark MAILSERVICE for her. She has Team Care Blue Cross/Shield"

## 3) BRDO Consult ID seen on 09/28/23

"She has a missed appointment on 09/04/23 and is running low on meds. She requested this appointment for today to rediscuss the pharmacy on her file and to get refills as she never got any from OptumRx Mail Service. I told her they were not ordered at last visit as we were going to meet on the 09/04/23. I had changed her pharmacy from CVS to Optum, at our last visit on 08/15/23, as she was unable to as she gets a message on Teladoc stating "you must choose a pharmacy in your state". She then chose CVS and told me that "every time I request an appointment it makes me choose the pharmacy again, or I cannot schedule". This was the case scheduling todays visit as well. Her pharmacy shows as CVS again on my end as well, so I changed it to Optum Rx Mail Service. She also reports that she had requested refills from me on Optum Rx app, and opens the app during our appointment today. She tells me "It says here "Will contact Dr. Lahteenmaa for more refills" and I clicked on it before". I informed her that I have not gotten these refill requests/messages from Teladoc. She has United."

# 4) KC Consult ID seen on 09/23/23

"She is asking me to change the pharmacy from Walgreens to CVS Caremark. as when she tried to change it on the app she gets an error "cannot have pharmacy in the state you are not located in". Her insurance only pays for 90 days supplies she states. Pharmacy changed to CVS Caremark MAILSERVICE"

#### PATIENT ACCESS TO CARE ISSUES:

#### A. FOLLOW UPS DISQUISED AS NEW AND UNABLE TO GET IN

Note; My NEW patients have been turned off for an extended time period; most recently by Admin for reasons unknown to me. Prior to this I had to keep the toggle turned OFF due to "flooding" issue I informed you about previously. I have numerous other examples to show if needed, however that would require chart review going further back, and can be quickly performed by Teladoc.

# 1) KB Consult ID seen on 09/29/23

"She is a follow up patient to me and was last seen on 06/19/23 at which time we increased fluoxetine to 20 mg Daily and continued hydrOXYzine hydrochloride 10 mg; take 1-3 tablets 1-2 times a day for anxiety as needed. She tells me today that her insurance changed from Blue Cross to Aetna and in June and therefore was given a NEW patient account on Teladoc. None of the previous visits with me show on this new account. She reports she had to fill "everything all over again just like a NEW patient". She also tells me that "it took 3 weeks to get scheduled with you, as you were not accepting new patients, and I called Teladoc and they made me a follow up". She is a NEW pt today however in a 45 minute slot."

# 2) CS Consult ID seen on 09/02/23

"She is a follow up patient to me and was last seen on 08/18/23 under member ID 5 Despite her being a follow up she is taking an entire 45 minute slot on my schedule and is visible on my calendar as well. None of the old notes is carried over to this new account. She states that she called Teladoc as she could not login to her old account. Her plan with United changed. She was using Healthiest you prior as well. She states "the guy from TDoc told me I have to make a new account and there was no other way to get on your schedule. He unblocked the "accepting new patients" on your account just long enough that I can get in, as you were not taking any new patients at the time". She also states that "our appointment for Dec 1st was cancelled by him as it was linked to the old account". She is seeing me today, essentially to do what we already did a few weeks ago, to set up the Dec appointment again and to make sure she is set to follow with this provider."

#### B. DUPLICATE APPOINTMENTS IN ONE/SEPARATE SLOTS FOR THE SAME PATIENT/DAY

## 1) DMS Consult ID seen on 10/03/23

"He tells me today that he was not able to accept the appointment we had picked together on 07/27/23. Teladoc app kept asking him to update his insurance, even though there has been no changes. He has Blue Cross. Eventually the appointment dropped off, as he was unable to accept it despite trying numerous times. He then had to request a new appointment for today, and tells me he ended up requesting 2 appointments for today to make sure he can be seen. He made these appointments yesterday. He denies requesting them for the same time and has no idea how he has 2 appointments in the same slot. He also states that "no availability was shown for you at all after the 7th of October" and he was "unable to click on any of the dates after 10/07/23" as they were greyed out on my profile shown to him on his TDoc app."

## 2) AR seen on 09/11/23

"She had another appointment with me this am and states she did not see it on her end and it had cancelled, despite still being on my calendar taking a slot from another patient. She states that she got "a message last week from TDoc to update my billing info. Something that they needed a deductible payment so I went to update it and I did not see the appointment for today anymore and it was not there. So I picked a new one for today at this time". She has Blue Cross."

## 3) KL Consult ID seen on 09/02/23

"She has 2 appointments today both at the same time but under a different Mental Health ID: 30 ws 30.5 She has no idea how this happened and states that when she tried to accept the appointment after out last visit on 08/19/23 the app would tell her to "review the past and future appointments" and when she tried to click on it she would get "Internal Server Error". She then sent a message to help desk but "they never replied" so she was never able to accept the appointment we had picked together for today at 9 am EST. She had to request a new appointment and sent it for 11 am EST today and states I accepted it. She was only given an option to pick one appointment request slot instead on 3 like in the past. She has FL Blue and had recent plan changes."

#### C. UNABLE TO FIND PROVIDER and/or PROVIDER SCHEDULE INCORRECT/NOT VISIBLE:

## 1) DMS Consult ID seen on 10/03/23

"He tells me today that he was not able to accept the appointment we had picked together on 07/27/23. Teladoc app kept asking him to update his insurance, even though there has been no changes. He has Blue Cross. Eventually the appointment dropped off, as he was unable to accept it despite trying numerous times. He then had to request a new appointment for today, and tells me he ended up requesting 2 appointments for today to make sure he can be seen. He made these appointments yesterday. He denies requesting them for the same time and has no idea how he has 2 appointments in the same slot. He also states that "no availability was shown for you at all after the 7th of October" and he was "unable to click on any of the dates after 10/07/23" as they were greyed out on my profile shown to him on his TDoc app."

#### 2) JJ Consult ID seen on 09/16/23

"Patient told me on 09/16/23 that he was not able to fill the mental health questionnaire for our appointment as his "account got locked" and he is unable to login at all. He states that before the appointment started he "got a message from TDoc saying "you no longer access to your account based on your provider's changes recently". He denies changes to his insurance and reports he was with Friday until April -23 and has been without insurance since. Recommended calling TDoc to gain access, as I am unable to help with login issues, and he communicated understanding. He also states that he has been trying to find this provider on TDoc on various occasions, to make an appointment with me, but has been unable to find me in the system. He states "I tried to find you trying all possible ways and preferences, and I could not find you in the system. I tried a month ago and then more recently with no luck, but I kept trying and one day you popped up once and I was able to request this appointment"

### 3) RJ Consult ID seen on 09/14/23

"She was a NOSHOW on 08/12/23 because of the move but when she tried to reschedule with me "1-1.5 weeks ago" I have no availabilities until today on her days off on Thursday, Fridays or Saturdays. She has Aetna."

# 4) JF Consult ID for 09/21/23 AND 09/07/23 /5

"He was lost to follow and states he got no notifications for the missed appointment on 04/07/23. He was then trying to locate this provider but when he logged in he'd get "a popup on screen stating my account does not exist" and could not locate it using his DOB, name or other common info. He later found it as he found his complicated username. He has FL Blue."

"He tells me today that he tried to access his notes a few days after our last visit, but was unable to. He called Teladoc but they were not able to help him. He still cannot see any of his notes on the platform and was no able to complete the mh questionnaire. He has FL Blue.

#### D. UNABLE TO CONFIRM FUTURE APPOINTMENTS:

#### 1) DMS Consult ID seen on 10/03/23

"He tells me today that he was not able to accept the appointment we had picked together on 07/27/23. Teladoc app kept asking him to update his insurance, even though there has been no changes. He has Blue Cross. Eventually the appointment dropped off, as he was unable to accept it despite trying numerous times. He then had to request a new appointment for today, and tells me he ended up requesting 2 appointments for today to make sure he can be seen. He made these appointments yesterday. He denies requesting them for the same time and has no idea how he has 2 appointments in the same slot. He also states that "no availability was shown for you at all after the 7th of October" and he was "unable to click on any of the dates after 10/07/23" as they were greyed out on my profile shown to him on his TDoc app."

# 2) JR Consult ID seen on 09/15/23

"She tells me that she has been having issues with the app. She tried to click on the prompt that I sent her on 09/02/23 for tomorrow 09/16/23 "at 10 am or 10:15 am" but was unable to accept it on her phone or on the regular computer as the "site would just freeze". The appointment was never confirmed, and "dropped off", and she requested today's appointment instead. She has Blue Cross."

## 3) ZH Consult ID 3 seen on 09/01/23

"She ran out of meds ~3 weeks ago as she could not get in to see this provider due to app issues. She states that the app would just close as soon as she would attempt to do anything on it. She made this appointment a week ago and first openings with this provider were in 2 days. She denies getting any reminders for 06/12 apptm and did not get phonecalls the day of the appointment, despite confirming it on her end after our meeting on 03/20/23. She has Aetna."

#### **E. NOT RECEIVING PROMPTS/REMINDERS:**

#### 1) EB Consult ID seen on 09/28/23

"She has been on sertraline 50 mg PO Q AM for ~ 19 months and denies side-effects, besides possible "jaw glenching", and reports much benefit. She wants to decrease a bit. She has Aetna. She has 1 pill left as she missed 2 appointments with me. She states that she has no idea how she missed the appointments. She denies getting any prompts from Teladoc reminding her of the appointments or any prompts at all for that matter and gets no links to our appointments."

## 2) DF consult ID seen on 09/23/23 and consult seen on 07/26/23

"He has been taking Lamictal 100 mg PO Q AM, sertraline 25 mg PO Q AM, and Trazodone 100 mg PO Q HS since last visit and denies side-effects and reports much benefit. He missed an appointment yesterday, and requested a new one for today and was able to get in with no issues but states "13 hours later late last night I got an email from Teladoc saying that "the appointment has been cancelled", so I am happy you called as I thought today's visit was cancelled". He posted photos on his account. He contacted Publix yesterday and requested refills and they told him they "need to get a hold of his provider and the earliest pick up would be tomorrow at 3 pm". He has Blue Cross/Shield.

"He has only 2 pills of Lamictal left, as the appointment we chose together for last Friday did not occur and did not go to my calendar for some reason. I see no missed appointments for that day. He states that he got a notification, after our last appointment, from TDoc stating that this provider had scheduled it but there was nowhere to confirm it on the app. There was no phone call or video that day, so he had to request another appointment for today which is a very inconvenient day for him."

#### 3) LT Consult ID seen on 09/19/23

"She tells me today that she does not get any prompts from Teladoc, and therefore could not accept the appointment we chose together on 08/18/23 for 09/06/23. She has a NOSHOW on 09/06/23, but again was not even aware of the appointment. She picked this appointment a few days ago on her own."

## 4) KDR Consult ID seen on 09/16/23

"She tells me she could not accept our follow up appointment, we picked together on 09/09/23, as "Tdoc app wanted me to update billing info and was acting like I did not click the billing prompt on my cell and would just circle. The appointment eventually dropped off". She has no follow up pending. Recommended calling TDoc and she communicated understanding."

## 5) MD Consult ID seen on 09/08/23

"She ran out as she missed an appointment with me. Last pill was yesterday. She reports that the appointment for 08/22/23 confirmed on her end but the day of she did not get a phone call. She states she has had similar issues with her therapist who stated the appointment is not on her calendar. She has Signa Truemark PPO."

#### 6) AH Consult ID seen on 09/14/23

"She tells me today that she missed the 08/25/23 appointment as she never got any reminders/alerts about it, like she usually gets. She logged on to her account but could not find any info whatsoever regarding the 08/25/23 appointment. She also denies ever making the 06/12/23 appointment. She has Blue Cross/Shield."

#### 7) EB Consult ID \_\_\_\_\_een on 09/11/23

"She self reduced to 10 mg in the evening as 20 mg was causing some sleep issues. She denies side-effects at this dose. She ended up having extras, from self reduction, and therefore did not run out of meds as she was a NOSHOW on 08/18. She states she never got any notifications on her phone about the appointment and "did not realize we had one". She also had no notification on her Outlook Calendar and usually manually marks her future appointments there. When she went to make today's appointment she had to "reset password and go through all the medical questions like as if my account had been reset but I redid everything this weekend". She has Blue Cross/Shield."

# 8) GC Consult ID

"She reports having numerous issues with the app. She has many NOSHOWs on her chart and states "something happens on my app and multiple appointments get deleted!". We picked a follow up date together on 06/21/23 for 08/14/23 and states it confirmed on her end after she clicked it and got a confirmation. She then looked on her app later and states "I could not find the appointment and it was deleted" and the same thing happened with the therapy appointments. She has FL Blue."

## 9) BP Consult ID / seen on 09/06/2

She was a NS on 07/26/23 and states that she never got a phone call that day or any reminders/notifications. She has Blue Cross/Shield. She did not ran out of meds, as she skips the 2nd dose few times/week, and has a few days left.

#### F. SUDDEN FEES/EXTRA FEES

### 1) JS Consult ID seen on 10/02/23

"He has Blue Cross/Shield and reports he "got a \$15.00 bill for our appointments 1 or 2 times like 2 visits ago but not last time". Recommended calling TDoc to clarify billing related issues."

# 2) AP Consult ID 2 een on 09/15/23

"Reminded her about the account issue prompt and she states "oh it's still there? I called Teladic and they said I need to pay a copay of \$70.00 as my insurance Aetna does not cover that. I just need to pay that again, and it will go away, plus otherwise I cannot book with you anyways cause it does not let me until I take care of the payment".

#### **G. ACCOUNT ACCESS ISSUES/ INSURANCE INFO REQUIRED (AGAIN)**

### 1) AA Consult ID een on 09/23/23

"She has FL Blue and will change to Aetna in Oct. She has had issues with the app as she has to put in her insurance info again prior to each appointment with this provider.

#### 2) JJ Consult ID seen on 09/16/23 (also under UNABLE TO FIND PROVIDER section)

"Patient told me on 09/16/23 that he was not able to fill the mental health questionnaire for our appointment as his "account got locked" and he is unable to login at all. He states that before the appointment started he "got a message from TDoc saying "you no longer access to your account based on your provider's changes recently". He denies changes to his insurance and reports he was with Friday until April -23 and has been without insurance since. Recommended calling TDoc to gain access, as I am unable to help with login issues, and he communicated understanding. He also states that he has been trying to find this provider on TDoc on various occasions, to make an appointment with me, but has been unable to find me in the system. He states "I tried to find you trying all possible ways and preferences, and I could not find you in the system. I tried a month ago and then more recently with no luck, but I kept trying and one day you popped up once and I was able to request this appointment".

## 3) KDR Consult ID seen on 09/16/23

"She tells me she could not accept our follow up appointment, we picked together on 09/09/23, as "Tdoc app wanted me to update billing info and was acting like I did not click the billing prompt on my cell and would just circle. The appointment eventually dropped off". She has no follow up pending. Recommended calling TDoc and she communicated understanding."

# 4) MS Consult ID seen on 09/15/23

"Informed her about the account issue prompt and she states that on the app it said there is "something wrong with my insurance, but I have not made any changes, and then it disappeared". She has Aetna."

# 5) WH Consult ID een on 09/01/23

He lost United on June 30th and is getting on a diff plan. In addition, he has been locked out of his TDOc app since Dec -22 and called TDoc but states "they could not help me despite multiple password resets". He then called again recently, after he lost his insurance, and states that "the staff told me they can't help me as the account is connected to United and that I need to make a new one and there is nothing they can do". He

wanted to contact this provider about the refills but was unable to, via messaging system, as the app was not in operation."

#### H .GEN MED AVAILABLE IN THE NEXT 24 HRS but not PSYCH

- I have numerous documented examples of this; again requiring chart review

#### 1) ML consult ID seen on 09/30/23

"He went to Gen Med 2 x on Teladoc to get a refill as "I needed it that day and with psychiatry you need to wait to get in"."

#### **I. BOSSWARE CONCERNS:**

# 1) GR Consult ID seen on 09/07/23

"She told me at the appointment on 09/07/23 that she has had numerous issues with the appointments and the problems occurred again during 09/07/23 visit. We were able to connect however as I had happened to call her on my cell after the appointment time was over, since we were unable to connect on the video/TDoc audio system. I had converted the video visit to phone visit and was using Teladoc audio system and also my own cell, but it kept going to the answer machine. Teladoc audio system was not able to reach her either. She reports that when she has appointments on Teladoc, her phone goes to silent mode by itself, and this happens even if she is on a video visit. She had to tell her husband, that her phone will not work when she is having therapy sessions, in case he calls. She reports that this happens with visits with this provider and also her therapist and is "like the 4th time now I've missed an appointment". She reports that when she is on the app she clicks on "join the session" button. She is then placed in the waiting room and her phone turns on the silent mode automatically. I asked her how could she tell and she states that she "noticed that the do not disturb button is activated on the top part of my phone screen". She then waits and never gets a call on the system or on her phone. After a while the visit ends and she is out of the waiting room and do not disturb mode is deactivated, again automatically. I happened to call her after the do not disturb had turned off, and her phone rang and we were able to have out visit. She denies getting any of the phone calls, from TDoc Audio system or from me, when she was in the waiting room or during the video session before I had converted it to phone visit and I had called numerous times"

## 2) JJ Consult ID en on 09/16/23 (this patient had various concerns so is broken into sections)

"He was initially a video appointment, but never showed on video as he was locked out of his account. I called him a few times during the video appointment but he did not answer. I changed the appointment to phone and called a few times but no answer. I then activated the Teladoc dialing system, and called his number on it, which placed him to the waiting room despite the fact that he was not logged on to the system. While he was in the waiting room I called him using my personal cell. I never had the system call me back on my number. At this time we were running late. He answered and a notification appeared on my computer screen stating "your call has ended". He states he keeps his phone on "do not disturb" as he has "telemarketer issues" but had turned it OFF before the appointment. He reports his phone only rang one time despite me calling him numerous times and the only call that went through to his phone was the one placed when he was in the waiting room"

een on 09/14/23

"She missed an appointment on 09/09/23 as she answered her phone but could not connect stating "it wanted me to do a session and login but when i tried it told me that "your session is about to end" so I didn't. Idk what it wants me to do?" She has Blue Cross ... We had problems connecting today as well as the phone call from my personal cell did not go through until I got the patient to the waiting room using the Teladoc dialing system. I did not have the system call me back, but rather called her again near the end of our appointment time, and she picked up saying "my phone is weird. It's like it wont let me through. I don't know how to explain it. " She denies ever logging into her account and going to a waiting room. She is simply just waiting for my phone call and it seems the system automatically put her to waiting room when i used the dialing system. Also when she answered today at 11:57 am per my cell, a popup appeared on my screen stating "Your Call has Ended" even though I am using a different cell than usual. My phone also generated prompts "11:57 am Member left the call, 11:56 am Member joined the call 11:56 am Member left the call" under "call details."

## 4) HW Consult ID seen on 09/08/23

"She missed an appointment with me as the day of on 08/06/23 her phone rang but when she pushed to answer the "phone did not let me answer even though I kept pushing the button on screen, and then the appointment then cancelled". She has Blue Cross/Shield."

## 5) CH Consut ID seen on 09/07/23

"I called her initially on my personal cellphone and left a message. I then used TDOc dialing system and patient was placed in the waiting room by the system. I then called her again using my cell, instead of having TDoc dial system call me, and she picks up and states "a voice message said to press 1 and the provider will be with you soon and when I did, my phone started ringing and I answered and it was you". The moment she answered, a message popped up on the screen on my end stating "your call has ended"."

## 6) DL Consult ID Seen on 09/01/23

"I had difficulty connecting with her using the Teladoc audio system. I first called from my personal cellphone and left a message. Then I used Teladoc dialing system and got the patient to the waiting room and had the system call my phone which never rang. After a while I decided to call her back using my cellphone but when I pressed on the screen it hungs up, even though I never received any phonecalls. The same happens on repeat. She finally disconnects from Teladoc system and I call her again and she picks up and consequently Teladoc audio system disconnects on my end on the screen stating "Your Call Has Ended". She states she only received one phone call and a recording stated "press 1 and the provider will come on" and music started playing."

## MISC./GENERAL BILLING and SCHEDULING ISSUES:

#### **Schedule Issues:**

- 1) Why does it state "The minimum appointment block length is 30 minutes", when adding availability blocks, when the minimum appointment length is 15 minutes?
- 2) Why do I have state license appointment blocks? These have been shifted even earlier. I have sent numerous emails about this. Is this the case just with this provider or all providers in mental health? Am I being singled out?

### **Billing Questions:**

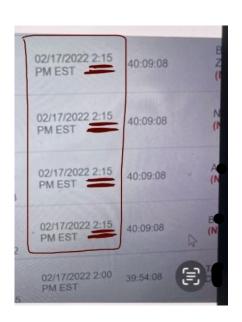
1) What does it mean as I am listed as a Rendering Provider? Is this how my Medicare/Medicaid patients are billed somehow, and if so how does this work in detail?

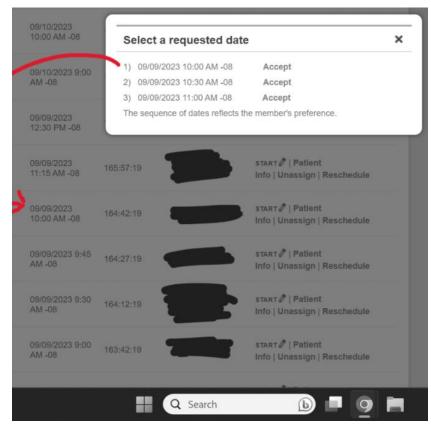
"Rendering Provider Heidi M Lahteenmaa"

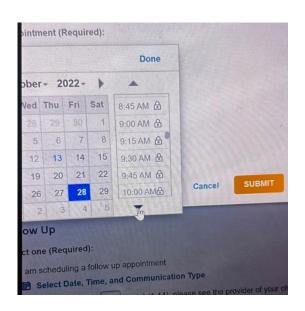
2) Why am I considered as "Staff (Heidi M Lahteenmaa)" on some medications orders but on others I am "Member (Heidi M Lahteenmaa)"?"

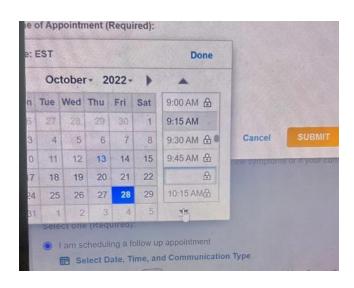




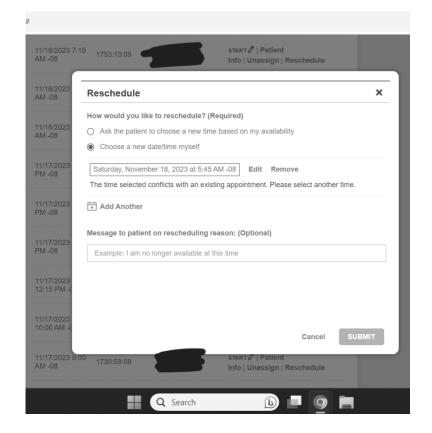


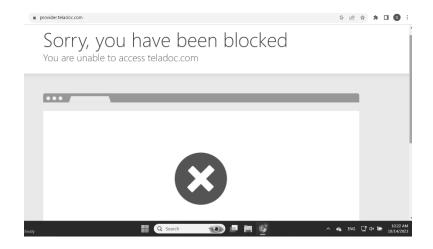


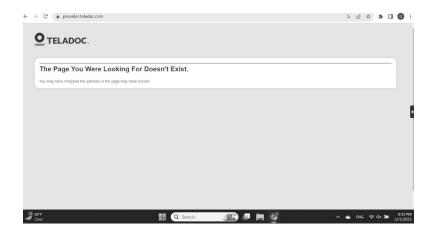


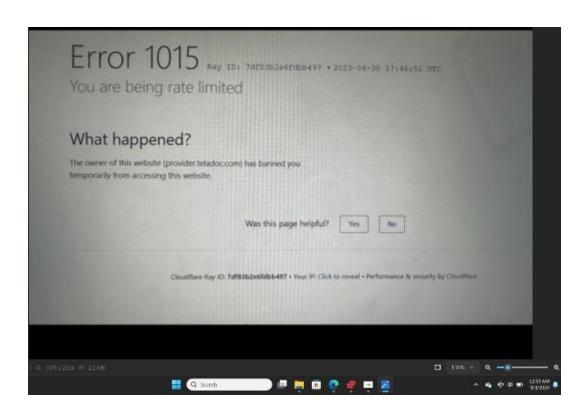


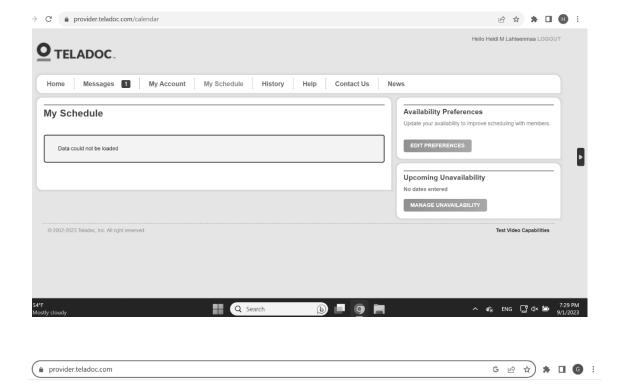












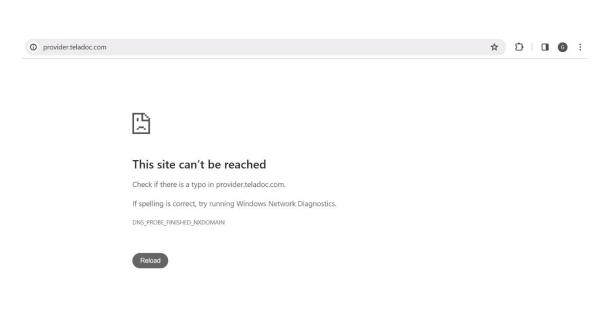
# Teladoc<sup>®</sup>

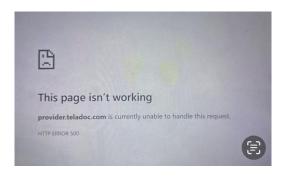
#### A timeout occurred

The origin web server timed out responding to this request.

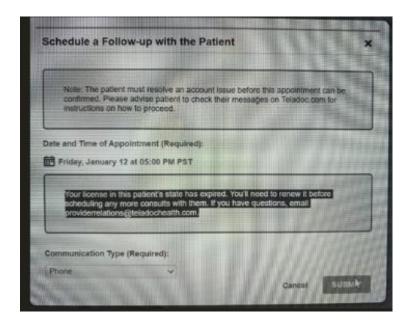
- Ray ID: 81b2be5cc82d017f
- Your IP address: 138.199.47.187
- Error reference number: 524Cloudflare Location: Paris

We are working to resolve this issue. Please try again in a few moments.

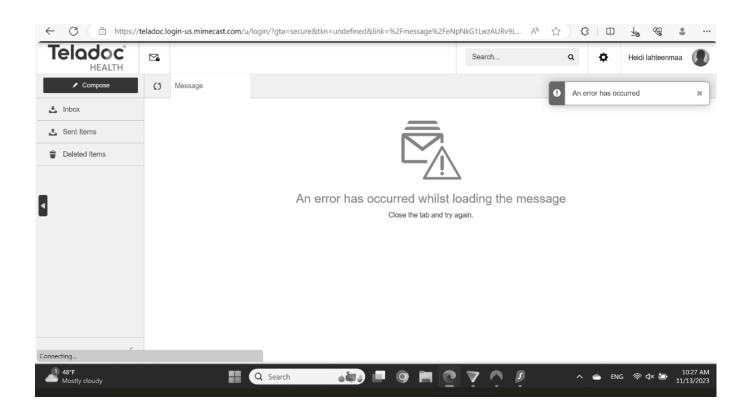




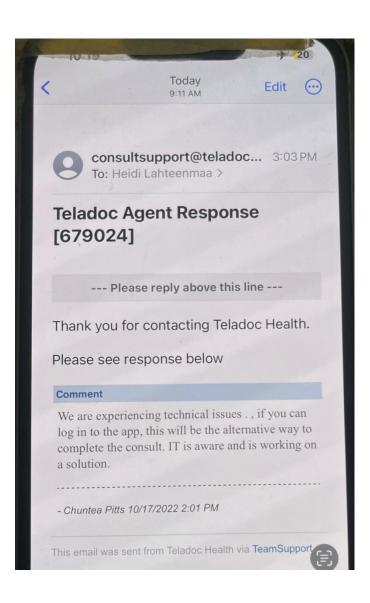


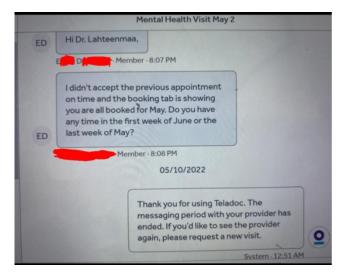


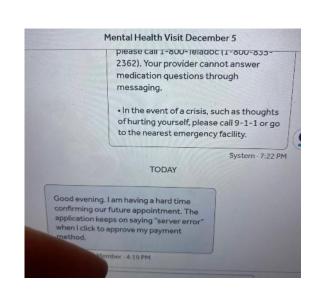












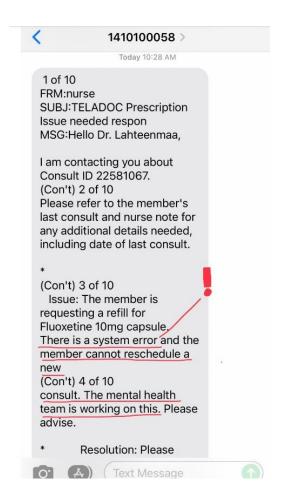


to Scarlett, Lovette, me 🕶

Hi Dr. Lahteenmaa,

I'm sorry that you were impacted by what sounds like a bug marking your licenses as inactive. I'm unsure what is happening regarding the lag in your schedule. I'm looping in Scarlett and Lovette our regional practice managers as they manage bug/tech issues.

I hope you have a wonderful holiday season!





#### STATE OF FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS

#### DEPARTMENT OF HEALTH,

Petitioner,

Case No.: 24-4162PL

VS.

HEIDI MARJAANA LAHTEENMAA, D.O.,

Respondent.

#### MOTION FOR PROTECTIVE ORDER

Respondent, Heidi Marjaana Laktesunga, D.O., by and through undersigned counsel, hereby files this Motion for Protective Order and in support states the following:

#### Background

- The Department of Health ("DOH") has filed a one-count Administrative Complaint alleging that, pursuant to Florida Statute § 459.015(1)(w), Dr. Lakpenppaa is unable to practice with reasonable skill and safety to patients.
- This complaint is based upon a mental health evaluation by Dr. Theodore R. Treese.
   Dr. Treese diagnosed Dr. Leitespures with an "unspecified diagnosis not due to a known substance or psychological condition."
- Despite the "unspecified" nature of the diagnosis, DOH believed it had enough evidence to support the entry of an Emergency Suspension Order.
- On November 13, 2024, DOH served its Notice of Intent to Serve Subpoena Duces
   Tecum without Deposition on Nonparty on Dr. Laktesungs: former employer, Teledos, Health,
   Inc. Dr. Laktesungs, timely objected to this notice and DOH has now indicated that they intend

to serve a Deposition Subpoena Duces Tecum requesting the same documentation Dr. Labtespunga previously objected to.

#### The Deposition and Duces Tecum are Improper and Should be Prohibited

- 5. DOH intends to serve on Teladoc Health, Inc., Dr. Labtespunaa's former employer, a subpoena for deposition that will request the following documents: "All employment, personnel, independent contractor, payment and correspondence records involving Heidi Marjaana Lahtespunaa. D.O. from January 1, 2020 to present."
- This is a violation of Dr. Lahtenpuno's privacy rights and is not reasonably tailored to lead to the discovery of admissible evidence.
- The only statute cited in the Administrative Complaint is Florida Statute § 459.015(1)(w), which provides for disciplinary action based upon the following:

Being unable to practice osteopathic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

- Thus, DOH must prove, at final hearing, that Dr. Labresprass is unable to practice
  "as a result of any mental or physical condition."
- 9. There is no allegation in the complaint that Dr. Labterquag, is unable to practice due to any physical condition. Therefore, the only option left by statute is that DOH believes that Dr. Labterquag, is unable to practice due to a mental condition.
- 10. Dr. Lebresonsa's former employer will have no documentation or ability to opine on her alleged "mental" condition that DOH asserts prevents her from practicing safety. There is no relevance at all to this deposition or document request.

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- 11. Further, this proposed request is not limited to any issue raised in the complaint. For example, there is no reason why Dr. Lakteenman's payment records are being requested. Further, there is no basis for requesting all correspondence or the entire personnel file.
  - 12. This request is an overbroad fishing expedition and should not be permitted.
- Further, it is expected that DOH will inquire at the deposition regarding these irrelevant, personal topics. These questions should not be permitted.
- 14. Undersigned has conferred with counsel for DOH in an attempt to resolve this issue and has been unable to reach a resolution. Undersigned is authorized to represent that DOH objects to the relief sought in this motion.

WHEREFORE, Dr. Labresprings respectfully requests that this honorable ALJ enter a protective order preventing this deposition and preventing the production of the requested documents.

Respectfully submitted,

½/ Stephen B. Burch
STEPHEN B. BURCH
Florida Bar Number: 90934
SMITH & ASSOCIATES
709 S. Harbor City Blvd., Suite 540
Melbourne, Florida 32901
321-676-5555
321-676-5558 Facsimile
stephen@pmithlavth.com
Counsel for Respondent

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this  $25^{\rm th}$  day of November 2024, a copy of the foregoing has been e-filed with the Division of Administrative Hearings and a copy served by email to the following:

Michael Morris Assistant General Counsel DOH-Prosecution Services Unit 4052 Bald Cypress Way, Bin C-65 Tallahassee, Florida 32399-3265 Michael Morris@filhealth.gov

/z/Stephen B. Burch STEPHEN B. BURCH

Só 1062.000 Labicenmaa, Hei di DOH Complaint@leading/iDrafts/Motion for Protective Order 11-25-24.docs

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#### Exhibit N

