

By the Committee on Judiciary; and Senator Simpson

590-01674-15

201560c1

1                   A bill to be entitled  
2           An act for the relief of Roy Wright and Ashley Wright  
3           by the North Brevard County Hospital District;  
4           providing for an appropriation to compensate Roy  
5           Wright and Ashley Wright, individually and as  
6           guardians of Tucker Wright, for injuries and damages  
7           sustained by Tucker Wright as a result of the  
8           negligence of Parrish Medical Center; providing a  
9           limitation on the payment of fees and costs; providing  
10          that certain payments and the appropriation satisfy  
11          all present and future claims related to the negligent  
12          act; providing an effective date.

13  
14           WHEREAS, on July 15, 2009, Ashley Wright, suffering from  
15          gestational diabetes, was admitted as a high-risk obstetrical  
16          patient at Parrish Medical Center, operated by the North Brevard  
17          County Hospital District, in Titusville, Florida, and

18           WHEREAS, mothers with gestational diabetes are classified  
19          as high-risk obstetrical patients because their fetuses tend to  
20          be larger than normal and large fetuses are at risk for  
21          complications during the birth process, and

22           WHEREAS, Ashley Wright's care at Parrish Medical Center was  
23          provided by Vidya Hate, M.D., an obstetrician, and Cara Starkey,  
24          R.N., a midwife, both employees of Parrish Medical Center, and

25           WHEREAS, on July 16, 2009, Ashley Wright was in labor with  
26          her unborn child, Tucker Wright, and Nurse Starkey failed to  
27          notify Dr. Hate of the impending delivery as previously  
28          instructed and delivered Tucker Wright herself without the  
29          presence, supervision, or assistance of Dr. Hate, and

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30 WHEREAS, complications arose during the delivery, and  
31 Tucker Wright developed shoulder dystocia, a condition in which  
32 the shoulder of a fetus becomes wedged on the mother's pelvic  
33 bone as the fetus transits the birth canal, which condition is a  
34 known and recognized risk for mothers with gestational diabetes,  
35 and

36 WHEREAS, Nurse Starkey attempted to resolve the shoulder  
37 dystocia by performing a McRoberts maneuver and a procedure in  
38 which the shoulders of a fetus are gently rotated by hand  
39 underneath the shoulders, allowing the shoulders to pass  
40 underneath the pelvic bone and out through the birth canal, and

41 WHEREAS, Nurse Starkey negligently rotated the head of the  
42 fetus on the perineum, causing a brachial plexus injury to  
43 Tucker Wright which injured his right arm and will limit his  
44 activities and future career options, and

45 WHEREAS, all parties to this claim agree that rotation of  
46 the head of a fetus on the perineum is an improper maneuver  
47 because rotation of the head with pressure can stretch and  
48 damage the nerves in a fetus's neck which control the use of  
49 muscles in the arm, and

50 WHEREAS, Tucker Wright has undergone two surgeries on his  
51 right shoulder and regained some use of his right arm but  
52 continues to be challenged with functional deficits that may be  
53 permanent, and

54 WHEREAS, Roy Wright and Ashley Wright have incurred medical  
55 expenses on behalf of Tucker Wright in the amount of \$320,016.91  
56 due to the injury caused by the negligence of Parrish Medical  
57 Center, and may incur additional expenses for surgeries needed  
58 as Tucker Wright grows older, and

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59 WHEREAS, on January 11, 2012, Roy Wright and Ashley Wright,  
60 individually and as guardians of Tucker Wright, filed suit  
61 against the North Brevard County Hospital District in the  
62 Circuit Court for Brevard County, Case No. 05-2012-CA-024060, to  
63 recover damages for the injuries sustained by Tucker Wright as a  
64 result of the negligence of Parrish Medical Center, and

65 WHEREAS, the North Brevard County Hospital District, Roy  
66 Wright, and Ashley Wright agreed to settle the lawsuit for  
67 \$595,000, and

68 WHEREAS, the North Brevard County Hospital District paid  
69 \$200,000 of the settlement pursuant to the statutory limits of  
70 liability set forth in s. 768.28, Florida Statutes, and there  
71 remains \$395,000 of the settlement unsatisfied, and

72 WHEREAS, the North Brevard County Hospital District does  
73 not oppose passage of this claim bill, NOW, THEREFORE,

74  
75 Be It Enacted by the Legislature of the State of Florida:

76  
77 Section 1. The facts stated in the preamble to this act are  
78 found and declared to be true.

79 Section 2. The North Brevard County Hospital District is  
80 authorized and directed to appropriate from funds of the  
81 district not otherwise appropriated and to draw a warrant,  
82 payable to Roy Wright and Ashley Wright, individually and as  
83 guardians for Tucker Wright, for the total amount of \$395,000 as  
84 compensation for injuries and damages sustained by Tucker Wright  
85 as a result of the negligence of Parrish Medical Center.

86 Section 3. The total amount paid for attorney fees,  
87 lobbying fees, costs, and other similar expenses relating to

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88 this claim may not exceed 25 percent of the amount awarded under  
89 this act.

90 Section 4. The amount paid by the North Brevard County  
91 Hospital District pursuant to s. 768.28, Florida Statutes, and  
92 the amount awarded under this act are intended to provide the  
93 sole compensation for all present and future claims arising out  
94 of the factual situation described in this act which resulted in  
95 the injuries to Tucker Wright.

96 Section 5. This act shall take effect upon becoming a law.