

Florida House of Representatives
Committee on Civil Justice & Claims
Summary Claim Bill Report

Bill #: HB 1767
Sponsor(s): Representative Martinez
References: Civil Justice & Claims; Education Appropriations
Companion Bill(s): SB 2460 by Senator Grant

A. Basic Information

- 1. Claimant:** Heather Roszell (a minor)
- 2. Respondent:** State of Florida, Board of Regents, and Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital
- 3. Amount Requested:** \$3,550,000
- 4. Type of Claim:** EQUITABLE CLAIM/SETTLEMENT
- 5. Respondent's Posture:** Both respondents have agreed to the settlement
- 6. Collateral Sources:** None Apparent
- 7. Prior Legislative History:** None

B. Procedural Summary: In October of 1996, the plaintiffs and defendants agreed to a settlement of \$3,950,000. This settlement was ratified by a court order, entered by Judge James Arnold of the Circuit Court of the 13th Judicial Circuit, on October 28, 1996. The settlement was evenly apportioned between the defendants who, to date, have each paid \$200,000. HB 1767 would require the defendants to pay the balance currently outstanding on the settlement.

C. Facts of the Case: Heather Roszell was born with a genetic syndrome known as achondroplastic dwarfism. In June, 1991 she underwent surgery at the Tampa General Hospital for a decompressive laminectomy. While under the care of the Pediatric Intensive Care Unit, Heather Roszell experienced an episode of sleep apnea, a common problem faced by children with achondroplastic dwarfism. Following this episode, Heather Roszell was noted to have sustained a significant injury to her spinal cord. This injury has left her permanently disabled and confined to a wheelchair. The claimants allege that Heather Roszell's history of sleep apnea was not appropriately addressed by hospital staff, and that her spinal injury was avoidable.

LRS: _____ **LRD:** _____ **Date:** April 14, 1997
Charles R. Boning Richard Hixson