

By Senator Grant

13-64-98

1                                   A bill to be entitled  
2           An act for the relief of Heather Roszell, a  
3           minor; providing appropriations to compensate  
4           her for injuries and damages sustained as a  
5           result of the negligence of the State of  
6           Florida, Board of Regents and the Hillsborough  
7           County Hospital Authority, d.b.a. Tampa General  
8           Hospital; providing an effective date.  
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10           WHEREAS, Heather Roszell, a minor, was born with a  
11          genetic syndrome known as achondroplastic dwarfism, and  
12           WHEREAS, at approximately one year of age, Heather  
13          Roszell developed certain neurological problems which required  
14          a surgical procedure commonly performed on children with  
15          achondroplastic dwarfism to decompress her spinal column, and  
16           WHEREAS, the surgical procedure required by Heather  
17          Roszell was performed at Shands Hospital in Gainesville,  
18          Florida, and  
19           WHEREAS, as a result of undergoing this surgical  
20          procedure, Heather Roszell developed in a fairly normal manner  
21          over the next eleven years, with the exception that she  
22          developed sleep apnea, a common problem for children with  
23          achondroplastic dwarfism, and  
24           WHEREAS, at approximately 11 or 12 years of age,  
25          Heather Roszell developed a progressive neurologic condition  
26          which resulted in her having a small degree of spasticity in  
27          her left lower extremity and other associated minor problems,  
28          and  
29           WHEREAS, in June 1991, Heather's family sought the help  
30          of Dr. David W. Cahill, a neurosurgeon in Tampa, Florida, who  
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1 was an employee of the Board of Regents and on the staff of  
2 Tampa General Hospital, and

3 WHEREAS, Dr. Cahill scheduled Heather for surgery at  
4 Tampa General Hospital for a decompressive laminectomy on July  
5 10, 1991, and

6 WHEREAS, on that date Heather Roszell successfully  
7 underwent the decompressive laminectomy and was admitted to  
8 the pediatric intensive care unit for postoperative care, and

9 WHEREAS, during postoperative recovery Heather Roszell  
10 was cared for by residents and fellows (physicians in training  
11 at the University of South Florida College of Medicine), a  
12 pediatric intensive employed by the Board of Regents, and  
13 nurses employed by Tampa General Hospital, and

14 WHEREAS, during the first two days of postoperative  
15 recovery, Heather Roszell received pain medication consisting  
16 of Morphine and Tylenol with Codeine, and

17 WHEREAS, it was noted in hospital records that Heather  
18 Roszell was neurologically intact on the first day following  
19 surgery, and

20 WHEREAS, during the early morning hours of July 11,  
21 1991, Heather Roszell experienced an episode of sleep apnea  
22 which required resuscitative efforts which were performed by  
23 employees of both the Board of Regents and Tampa General  
24 Hospital, and

25 WHEREAS, following this episode of sleep apnea, Heather  
26 Roszell was noted to have neurological deficits that had not  
27 been present previously, and

28 WHEREAS, Heather Roszell had sustained a significant  
29 injury to her spinal cord which rendered her permanently and  
30 totally disabled, and

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1           WHEREAS, as a result of her spinal cord injury, Heather  
2 Roszell cannot perform any of the normal functions of daily  
3 life independently and is confined to a wheelchair, and

4           WHEREAS, the injuries sustained by Heather Roszell  
5 formed the basis of legal action brought against the State of  
6 Florida, Board of Regents and Tampa General Hospital, and

7           WHEREAS, because Heather Roszell's history of sleep  
8 apnea was not appropriately addressed during the preoperative  
9 or postoperative periods of her care, and because she was  
10 placed on potentially dangerous medication such as morphine,  
11 which is a respiratory depressant, the plaintiffs alleged that  
12 the injury to Heather Roszell's spinal cord was completely  
13 avoidable had the appropriate medical decisions been made by  
14 the agents and employees of the Board of Regents and the  
15 employees of Tampa General Hospital, and

16           WHEREAS, in October 1996, a settlement was reached  
17 between the plaintiffs, Hillsborough County Hospital  
18 Authority, d.b.a. Tampa General Hospital, and the State of  
19 Florida, Board of Regents, and

20           WHEREAS, the parties agreed to enter into a judgment in  
21 favor of the plaintiff, totaling \$3,950,000, to be evenly  
22 divided between the two defendants, and

23           WHEREAS, the Hillsborough County Hospital Authority and  
24 the State of Florida, Board of Regents have each paid \$200,000  
25 and further agree that a claim bill will be introduced in the  
26 Florida Legislature for payment of the remaining \$3,550,000,  
27 and

28           WHEREAS, both the Hillsborough County Hospital  
29 Authority and the State of Florida, Board of Regents fully  
30 support the settlement and have agreed to assist in the  
31 passage of this claim bill, NOW, THEREFORE,

1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. The facts stated in the preamble to this  
4 act are found and declared to be true.

5 Section 2. The Executive Office of the Governor is  
6 directed to transfer existing spending authority or establish  
7 spending authority from unappropriated trust fund balances in  
8 the Board of Regents in the amount of \$1,775,000 to a new  
9 category titled "Relief - Heather Roszell" as relief for  
10 damages sustained.

11 Section 3. The Comptroller is directed to draw his  
12 warrant in favor of Heather Roszell in the sum of \$1,775,000  
13 upon funds of the Board of Regents in the State Treasury and  
14 the State Treasurer is directed to pay the same out of such  
15 funds in the State Treasury.

16 Section 4. The Hillsborough County Hospital Authority,  
17 d.b.a. Tampa General Hospital, is authorized and directed to  
18 appropriate from funds of the district not otherwise  
19 appropriated and to draw a warrant in the sum of \$1,775,000  
20 payable to Terry Michael Roszell, as father and legal guardian  
21 of Heather Roszell, for the benefit of Heather Roszell, a  
22 minor, to compensate her for injuries and damages sustained as  
23 a result of the negligence of the Hillsborough County Hospital  
24 Authority, d.b.a. Tampa General Hospital.

25 Section 5. This act shall take effect July 1, 1998.

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LEGISLATIVE SUMMARY

Provides a \$1,775,000 appropriation for the relief of Heather Roszell as relief for injuries and damages sustained as a result of the negligence of the State of Florida, Board of Regents, and a \$1,775,000 appropriation for the relief of Heather Roszell as relief for injuries and damages sustained as a result of the negligence of the Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital.