

1 A bill to be entitled
2 An act for the relief of Heather Roszell, a
3 minor; providing appropriations and
4 expenditures to compensate her for injuries and
5 damages sustained as a result of the negligence
6 of the State of Florida, Board of Regents and
7 the Hillsborough County Hospital Authority,
8 d.b.a. Tampa General Hospital; providing an
9 effective date.

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11 WHEREAS, Heather Roszell, a minor, was born with a
12 genetic syndrome known as achondroplastic dwarfism, and

13 WHEREAS, at approximately one year of age, Heather
14 Roszell developed certain neurological problems which required
15 a surgical procedure commonly performed on children with
16 achondroplastic dwarfism to decompress her spinal column, and

17 WHEREAS, the surgical procedure required by Heather
18 Roszell was performed at Shands Hospital in Gainesville,
19 Florida, and

20 WHEREAS, as a result of undergoing this surgical
21 procedure, Heather Roszell developed in a fairly normal manner
22 over the next eleven years, with the exception that she
23 developed sleep apnea, a common problem for children with
24 achondroplastic dwarfism, and

25 WHEREAS, at approximately 11 or 12 years of age,
26 Heather Roszell developed a progressive neurologic condition
27 which resulted in her having a small degree of spasticity in
28 her left lower extremity and other associated minor problems,
29 and

30 WHEREAS, in June 1991, Heather's family sought the help
31 of Dr. David W. Cahill, a neurosurgeon in Tampa, Florida, who

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 Board of Regents is authorized to
6 direct the expenditure from the University of South Florida
7 Self-Insurance Program Accounts in the sum of \$1,775,000
8 payable to Terry Michael Roszell, as father and legal guardian
9 of Heather Roszell, to be placed in the Trust created for the
10 benefit of Heather Roszell, a minor, to compensate her for
11 injuries and damages sustained due to the negligence of the
12 University of South Florida.

13 Section 3. The Hillsborough County Hospital Authority,
14 d.b.a. Tampa General Hospital, is authorized and directed to
15 appropriate from funds of the district not otherwise
16 appropriated and to draw a warrant in the sum of \$1,775,000
17 payable to Terry Michael Roszell, as father and legal guardian
18 of Heather Roszell, to be placed in the Trust created for the
19 benefit of Heather Roszell, a minor, to compensate her for
20 injuries and damages sustained as a result of the negligence
21 of the Hillsborough County Hospital Authority, d.b.a. Tampa
22 General Hospital.

23 Section 4. This act shall take effect July 1, 1998.

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