

By Senator Campbell

33-49A-01

1 A bill to be entitled
2 An act relating to Halifax Hospital Medical
3 Center, a special taxing district in Volusia
4 County d/b/a Halifax Medical Center; providing
5 for the relief of Steven Mitchell; authorizing
6 and directing Halifax Hospital Medical Center
7 to compensate Mr. Mitchell for personal
8 injuries that he suffered while at Halifax
9 Medical Center; providing an effective date.

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11 WHEREAS, on March 8, 1995, Steven Mitchell, who had
12 traveled from his home in Nashville, Tennessee, to Daytona
13 Beach to attend bike week, was riding his Harley Davidson
14 northbound on County Road 415 in West Volusia County when a
15 motorist pulled out of a side road immediately into Mr.
16 Mitchell's path, causing an accident, and

17 WHEREAS, emergency medical personnel stabilized Mr.
18 Mitchell's neck appropriately and transported him to Halifax
19 Hospital's emergency room, where he was diagnosed incorrectly,
20 discharged prematurely, and left on a gurney in a hallway of
21 the emergency room for nearly 7 hours until some friends could
22 pick him up, and

23 WHEREAS, when his friends picked him up, they found him
24 unable to control his arms in a meaningful way and, after they
25 protested that it was inappropriate to discharge him, medical
26 personnel nevertheless discharged him without an evaluation
27 and without due care, and

28 WHEREAS, by the next day, Mr. Mitchell was experiencing
29 respiratory problems and severe pain and could not move his
30 legs, and

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1 WHEREAS, after he was subsequently readmitted to the
2 emergency department, it was immediately determined that his
3 spinal cord had been damaged so as to cause quadriplegia, and

4 WHEREAS, neurosurgeons who have reviewed his case agree
5 that if Mr. Mitchell had been properly evaluated before his
6 initial discharge from the Halifax Hospital emergency room, he
7 clearly would not have been discharged and surgical
8 intervention would have occurred immediately, thus preventing
9 the devastating injury that has resulted, and

10 WHEREAS, Steven Mitchell currently resides in Tennessee
11 and is in need of significant care and medical equipment and
12 24-hour-a-day attendant care, and

13 WHEREAS, a life-care plan has been prepared, and the
14 present value of the plan is between \$5.5 million and \$10
15 million, and

16 WHEREAS, a lawsuit was filed against the Halifax
17 Hospital Medical Center, alleging that the negligence of
18 hospital employees caused the injuries to Steven Mitchell, and

19 WHEREAS, after years of litigation but prior to trial,
20 the parties began settlement negotiations in an effort to
21 resolve this matter, and

22 WHEREAS, the parties have reached an agreement whereby
23 the Halifax Hospital Medical Center would pay a total of
24 \$2,500,000 to resolve this claim, and

25 WHEREAS, the agreement between the parties has been
26 reviewed and approved by the circuit court, and

27 WHEREAS, pursuant to the agreement and in accordance
28 with the limits set forth in section 768.28, Florida Statutes,
29 the Halifax Hospital Medical Center has paid Steven Mitchell
30 \$200,000, leaving a total of \$2,300,000 to be paid pursuant to
31 a 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. Halifax Hospital Medical Center, a special
6 taxing district in Volusia County d/b/a Halifax Medical
7 Center, is authorized and directed to appropriate from funds
8 of the medical center not otherwise appropriated and to draw a
9 warrant payable to Steven Mitchell in the amount of \$2.3
10 million to compensate him for injuries and damages he
11 sustained as a result of the negligence of employees of
12 Halifax Medical Center. After payment of attorney's fees,
13 costs, and other authorized expenses, the balance of the
14 moneys appropriated shall be used to purchase annuities that
15 will fund the Special Needs Trust created for the benefit of
16 Steven Mitchell.

17 Section 3. This act shall take effect upon becoming a
18 law.

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