

By Senator Campbell

33-58B-01

1 A bill to be entitled
2 An act relating to the Florida Board of
3 Regents, the University of South Florida, and
4 the USF Health Sciences Center Insurance
5 Company; providing for the relief of Towanna
6 Denise Hopkins, incompetent, by and through
7 Willie Lee Hopkins, her father and legally
8 appointed guardian, and of Robert Keith Bowman,
9 Jr., her son; authorizing and directing the
10 Board of Regents and the insurance company to
11 compensate them for injuries and damages caused
12 by employees or agents of the University of
13 South Florida; specifying use of the funds;
14 providing an effective date.

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16 WHEREAS, on April 25, 1996, Towanna Denise Hopkins was
17 a 31-year-old single mother raising her 15-year-old son,
18 Robert Bowman, Jr., and

19 WHEREAS, Towanna Denise Hopkins, who was otherwise in
20 good health, underwent surgery to remove a benign liver tumor
21 on April 25, 1996, and

22 WHEREAS, physicians, including residents from the
23 University of South Florida, who were agents and employees of
24 the Board of Regents of the State of Florida were charged with
25 the responsibility for the surgery performed on Towanna Denise
26 Hopkins, as well as for her post-surgical care and management,
27 and

28 WHEREAS, the surgical techniques that were employed
29 resulted in substantial abdominal blood loss of approximately
30 21 liters during the course of the surgery, and

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1 WHEREAS, immediately following her surgery, Towanna
2 Denise Hopkins continued to experience significant blood loss,
3 which continued through the evening after the surgery, as well
4 as the next morning, and

5 WHEREAS, at 6:30 a.m. on April 26, 1996, immediate or
6 emergency surgery was scheduled to correct post-surgical
7 bleeding, and

8 WHEREAS, emergency surgery did not take place, and
9 surgery was not performed until 1:30 p.m. on April 26, 1996,
10 and

11 WHEREAS, as a result of uncorrected or uncontrolled
12 post-operative bleeding, Ms. Hopkins went into cardiac and
13 respiratory arrest during the surgery that was conducted on
14 April 26, 1996, resulting in profound and substantial
15 irreversible anoxic brain damage, and

16 WHEREAS, as a result of these injuries, Towanna Hopkins
17 is in a minimally conscious or comatose state with little or
18 no cognitive function and has been and remains a patient at
19 University Village Nursing Home and requires continuous
20 24-hour-a-day care, and

21 WHEREAS, Towanna Denise Hopkins has been caused to
22 suffer physical incapacitation, mental pain and suffering,
23 disfigurement, loss of the enjoyment of life, past and future
24 medical expenses, loss of past wages and of future earning
25 capacity, disability, and expenses for medical and nursing
26 care and treatment, and

27 WHEREAS, Towanna Denise Hopkins' son, Robert Keith
28 Bowman, Jr., sustained damages, including permanent loss of
29 the services, comfort, companionship, and society of his
30 mother, and

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1 WHEREAS, a lawsuit was brought against the Florida
2 Board of Regents and the insurer for the University of South
3 Florida's Medical School, the USF Health Sciences Center
4 Insurance Company, and

5 WHEREAS, this matter was scheduled for jury trial
6 during the week of June 19, 2000, and

7 WHEREAS, prior to trial, the parties began negotiations
8 in an effort to settle this matter and provide adequate
9 compensation to Ms. Hopkins and her family for their losses,
10 and

11 WHEREAS, on July 19, 2000, the parties signed a
12 settlement agreement, in which they agreed to a compromise
13 settlement to be paid pursuant to the settlement agreement,
14 the terms of which are hereby adopted and incorporated by
15 reference, and

16 WHEREAS, the Florida Board of Regents and the USF
17 Health Sciences Center Insurance Company support the claim
18 bill and have agreed to assist in the passage of the claim
19 bill, NOW, THEREFORE,

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

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

25 Section 2. The Florida Board of Regents, the USF
26 Health Sciences Center Insurance Company, and the University
27 of South Florida, collectively, are authorized and directed to
28 compensate Towanna Denise Hopkins, incompetent, by and through
29 Willie Lee Hopkins, her father and legally appointed guardian,
30 and Robert Keith Bowman, Jr., son of Towanna Denise Hopkins,
31 in accordance with the Settlement Agreement, Release, Hold

1 Harmless Agreement and Confidentiality Agreement, signed by
2 the parties on July 19, 2000, for injuries and damages
3 sustained by them due to the actions of employees or agents of
4 the University of South Florida.

5 Section 3. This act shall take effect upon becoming a
6 law.

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9 SENATE SUMMARY

10 Authorizes and directs the Florida Board of Regents, the
11 USF Health Sciences Center Insurance Company, and the
12 University of South Florida to compensate Towanna Denise
13 Hopkins and her son, Robert Keith Bowman, Jr., for
14 injuries and damages they sustained due to the actions of
15 employees or agents of the University of South Florida.
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