

By the Committee on Health, Aging and Long-Term Care; and
Senator Villalobos

317-1321-02

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A bill to be entitled

An act relating to the North Broward Hospital District; providing for the relief of Mark Schwartz, a minor, for injuries sustained as a result of the negligence of employees of the Coral Springs Medical Center; providing an effective date.

WHEREAS, on April 29, 1997, Lori Schwartz, who was nine months pregnant and in labor, presented herself at the Coral Springs Medical Center, and

WHEREAS, Ms. Schwartz was admitted to the hospital, where her difficult labor continued for many hours, and

WHEREAS, the nurses who cared for Ms. Schwartz during her labor were aware of the difficulties of the labor and of the indication of fetal distress, and

WHEREAS, the nurses caring for Ms. Schwartz during her labor failed to assess the situation and communicate the difficulties of the labor and the fetal distress to the obstetrician in a timely manner, and

WHEREAS, as a result of the nurses' failure to timely assess the situation and timely notify the physician of the fetal distress, Ms. Schwartz's baby, Mark Schwartz, suffered anoxic encephalopathy during deliver, and

WHEREAS, as a result of the lack of oxygen during his birth, Mark Schwartz suffers from serious and irreversible brain damage, which has left him profoundly disabled with severe cognitive and motor dysfunction necessitating full-time care for the rest of his life, and

WHEREAS, a lawsuit was filed against the North Broward Hospital District and others for compensation, and

1 WHEREAS, during the litigation but before trial, the
2 parties reached a settlement, and

3 WHEREAS, pursuant to the settlement, the North Broward
4 Hospital District has agreed to pay a total of \$600,000 to
5 compensate Mark Schwartz for his injuries, and

6 WHEREAS, the hospital district has paid \$200,000,
7 pursuant to section 768.28, Florida Statutes, and agrees to
8 affirmatively support a claim bill in the amount of \$400,000,
9 NOW, THEREFORE,

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

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

15 Section 2. The North Broward Hospital District is
16 directed to compensate Lori Schwartz and Larry Schwartz as
17 parents and legal guardians of Mark Schwartz, a minor, in the
18 amount of \$400,000 for injuries and damages caused by the
19 negligence of the district, such payment to be made out of the
20 district's Self Insured Trust. After payment of statutory
21 attorney's fees and costs, the balance shall be paid into the
22 guardianship account established for Mark Schwartz.

23 Section 3. This act shall take effect upon becoming a
24 law.

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26 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
27 COMMITTEE SUBSTITUTE FOR
28 Senate Bill 10

29 Conforms bill to standard Senate language for claim bills.
30 Adds that payment is to be made from district's Self Insured
31 Trust.