

By Senator Pruitt

27-40A-02

1 A bill to be entitled
2 An act relating to the Palm Beach County Health
3 Care District; providing for the relief of
4 James Torrence; authorizing and directing the
5 Palm Beach County Health Care District to
6 compensate him for personal injuries resulting
7 from surgery negligently performed by a health
8 care district employee; providing an effective
9 date.

10

11 WHEREAS, James Torrence is a 36-year-old deputy sheriff
12 with the Palm Beach County Sheriff's Office, and

13 WHEREAS, during his work with the sheriff's office as a
14 correctional officer, Deputy Torrence fell and twisted his
15 knee, necessitating medical assistance, and

16 WHEREAS, Deputy Torrence was referred to Dr. Jose
17 Thomas-Richards, an orthopedic surgeon practicing in Belle
18 Glade, Florida, and employed by the Palm Beach County Health
19 Care District, an entity subject to section 768.28, Florida
20 Statutes, Florida's sovereign immunity statute, and

21 WHEREAS, Dr. Thomas-Richards determined that Deputy
22 Torrence had torn the meniscus as well as the anterior
23 cruciate ligament in his left knee, and he received Deputy
24 Torrence's consent to perform a mini-arthrotomy, a surgery
25 involving a small incision in the knee cap, and

26 WHEREAS, after awaking from the surgery, Deputy
27 Torrence found that instead of a small scar on his knee, he
28 was left with a scar on his leg that extended from
29 approximately 6 inches above the knee to 6 inches below the
30 knee, and

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1 WHEREAS, following the surgery, Dr. Thomas-Richards
2 immobilized Deputy Torrence's knee for 5 weeks in a brace, and

3 WHEREAS, Deputy Torrence continued to have problems
4 with his knee after the surgery and was treated by three
5 additional physicians who determined: that the meniscus that
6 was supposedly removed by Dr. Thomas-Richards was left in the
7 knee and was torn; that the anterior cruciate ligament that
8 should have been repaired was missing; that additional
9 surgeries will need to be performed to remove a surgical
10 anchor inserted by Dr. Thomas-Richards; and that Deputy
11 Torrence will need a total knee replacement in the future
12 because of the problems caused by Dr. Thomas-Richard's
13 surgery, and

14 WHEREAS, more recently, an orthopedic expert from
15 Cornell University reviewed Deputy Torrence's case and
16 indicated that the surgery performed on Deputy Torrence has
17 not been done in the United States for 20 years, that the
18 outdated surgery was improperly performed, and that it was
19 improper to immobilize the knee following the surgery, and

20 WHEREAS, although Deputy Torrence has insisted on
21 continuing his work as a corrections officer, he experiences
22 significant pain on a daily basis and faces limitations in his
23 work as a law enforcement officer due to the physical problems
24 associated with the surgery performed by Dr. Thomas-Richards,
25 and

26 WHEREAS, suit was filed, in February 2000, against the
27 Palm Beach County Health Care District, alleging that the
28 negligent surgery performed by the district's employee caused
29 the injuries and damages suffered by Deputy Torrence, and

30 WHEREAS, prior to trial, the parties began settlement
31 negotiations in an effect to resolve this matter, and

1 WHEREAS, the parties have reached an agreement whereby
2 the Palm Beach County Health Care District will pay a total of
3 \$500,000 to resolve this claim, and

4 WHEREAS, pursuant to the agreement and in accordance
5 with the limits set forth in section 768.28, Florida Statutes,
6 the Palm Beach County Health Care District has paid James
7 Torrence \$100,000, leaving a total of \$400,000 to be paid upon
8 passage of a legislative claim bill, and

9 WHEREAS, the Palm Beach County Health Care District
10 affirmatively supports the passage of a claim bill in the
11 amount of \$400,000, NOW, THEREFORE,

12
13 Be It Enacted by the Legislature of the State of Florida:

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

17 Section 2. The Palm Beach County Health Care District
18 is authorized and directed to appropriate from funds of the
19 district not otherwise appropriated and to draw a warrant in
20 the sum of \$400,000, which amount includes statutory
21 attorney's fees and costs, payable to James Torrence, as
22 compensation for injuries received due to the negligence of an
23 employee of the Palm Beach County Health Care District.

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