

hbd-27

Amendment No. 1 (for drafter's use only)

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
|---|---------------|----------------|--------------|
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| 4 | | . | |

ORIGINAL STAMP BELOW

Representative(s) Seiler offered the following:

Substitute Amendment for Amendment (355231) (with title amendment)

Remove everything after the enacting clause

and insert:

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

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

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

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 remove: the entire title

4

5 and insert:

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A bill to be entitled

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An act relating to the North Broward Hospital

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District; providing for the relief of Mark

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Schwartz, a minor, for injuries sustained as a

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result of the negligence of employees of the

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Coral Springs Medical Center; providing an

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effective date.

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

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

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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

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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

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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

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WHEREAS, as a result of the lack of oxygen during his birth, Mark Schwartz suffers from serious and irreversible

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1 brain damage, which has left him profoundly disabled with
2 severe cognitive and motor dysfunction necessitating full-time
3 care for the rest of his life, and

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

6 WHEREAS, during the litigation but before trial, the
7 parties reached a settlement, and

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

11 WHEREAS, the hospital district has paid \$200,000,
12 pursuant to section 768.28, Florida Statutes, and agrees to
13 affirmatively support a claim bill in the amount of \$400,000,

14 NOW, THEREFORE,

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