

By the Committee on Health, Aging, and Long-Term Care; and  
Senator Diaz de la Portilla

317-2193-04

1                                   A bill to be entitled  
2           An act relating to the South Broward Hospital  
3           District; providing for the relief of the  
4           family of Jeffrey Haider, deceased; providing  
5           for an appropriation to compensate his family  
6           for injuries and damages sustained by Jeffery  
7           Haider as a result of the negligence of the  
8           South Broward Hospital District; providing for  
9           attorney's fees and costs; providing an  
10          effective date.  
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12          WHEREAS, in May 2000, Jeffrey Haider, a 45-year-old  
13          man, began experiencing headaches, vomiting, fatigue,  
14          dizziness, and behavioral changes, such as difficulty  
15          concentrating and confusion, and  
16          WHEREAS, as a result of these symptoms, Jeffrey Haider  
17          saw several health care providers over a period of several  
18          weeks, and  
19          WHEREAS, an MRI of Jeffrey Haider was taken on May 31,  
20          2000, and  
21          WHEREAS, a radiologist and a neurologist determined  
22          that Jeffrey Haider had a large mass within the right temporal  
23          lobe which was 7 x 5 centimeters in size, and  
24          WHEREAS, the mass was diagnosed as a brain tumor and  
25          Jeffrey Haider was referred to a neurosurgeon, and  
26          WHEREAS, the neurosurgeon who examined Jeffrey Haider  
27          agreed that the patient had a right temporal lobe tumor and  
28          recommended a craniotomy for resection of the tumor, and  
29          WHEREAS, the procedure was performed on June 5, 2000,  
30          and once the incisions in the area of the middle cerebral  
31          artery were made, massive bleeding occurred, with blood

1 gushing out of Jeffrey Haider's incisions under pulsating  
2 pressure, and

3 WHEREAS, at this point the neurosurgeon realized that  
4 the diagnosis of a tumor was incorrect and that Jeffrey Haider  
5 had an aneurysm, and

6 WHEREAS, in fact, the neurosurgeon notes in his  
7 operative report that "at this point, we felt that this  
8 probably was an aneurysm. I brought in the radiologist who  
9 felt that, in retrospect, this was a possibility," and

10 WHEREAS, an aneurysm is a permanent, abnormally  
11 blood-filled dilation of a blood vessel, usually resulting  
12 from the disease of a vessel wall, and it is common medical  
13 knowledge that puncturing an aneurysm is the incorrect  
14 treatment for a cerebral aneurysm, and

15 WHEREAS, the surgeon and the radiologist then summoned  
16 an interventional radiologist who performed an angiogram, a  
17 procedure that should have been ordered prior to the  
18 operation, and

19 WHEREAS, the intraoperative angiogram revealed a giant  
20 aneurysm filling from the right middle cerebral artery, and

21 WHEREAS, in an instance of further negligence on the  
22 part of the South Broward Hospital District, the neurosurgeon  
23 did not repair Jeffrey Haider's middle cerebral artery, but  
24 instead controlled the bleeding from the aneurysm for about 45  
25 minutes and then closed the dura and the skull, and then sent  
26 Jeffrey Haider to the intensive care unit "with the idea of  
27 reoperating at a later time," and

28 WHEREAS, however, within hours, Jeffrey Haider was  
29 exhibiting dangerous neurological symptoms and was in need of  
30 immediate repair of the aneurysm, and

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1           WHEREAS, on June 6, 2000, the repair surgery was  
2 commenced, and

3           WHEREAS, when Jeffrey Haider's brain was opened it was  
4 noted to be "extremely swollen" and the "aneurysm was causing  
5 tremendous pressure on the brain and herniating through the  
6 craniotomy," and

7           WHEREAS, at that point the neurosurgeon compounded  
8 Jeffrey Haider's condition by tearing off the M1 artery from  
9 the junction of the aneurysm and the M2 artery so that he was  
10 unable to perform an anastomosis to repair and join the  
11 arteries, and

12           WHEREAS, Dr. Rodriquez, the neurosurgeon, states in his  
13 operative report that "the larger M2 (artery), and even the  
14 other one, were essentially on the aneurysm bulbous dilation  
15 and I could not bring them together to do an anastomosis," and

16           WHEREAS, Jeffrey Haider has suffered astronomical  
17 economic and noneconomic damages as a result of the treatment  
18 he received from the South Broward Hospital District, and

19           WHEREAS, Jeffrey Haider was in a chronic vegetative  
20 state and required 7-day-a-week, around-the-clock care, until  
21 his death on January 1, 2004, NOW, THEREFORE,

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

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

27           Section 2. (1) The South Broward Hospital District is  
28 authorized and directed to appropriate from funds of the  
29 hospital district not otherwise appropriated and to draw a  
30 warrant in the sum of \$3,800,000, plus interest, as agreed to  
31 by the claimant and the South Broward Hospital District,

1 payable to Jeffrey Haider as compensation for injuries and  
2 damages sustained. After payment of attorney's fees and costs,  
3 the balance shall be paid into the guardianship account  
4 established for Jeffrey Haider.

5 (2) The claimants, Alan Haider, Max Haider, Jonathan  
6 Haider, and Jessica Haider, and the attorney for each of the  
7 claimants shall, as a condition of payment, nominate a  
8 financial institution doing business in this state, or an  
9 independent individual who is not related to the claimants by  
10 blood, marriage, or contract, to act as a trustee for an  
11 irrevocable inter vivos trust established for the benefit of  
12 each respective claimant. In addition, the proceeds that are  
13 paid to Alan Haider, Max Haider, Jonathan Haider, and Jessica  
14 Haider shall be placed in separate, irrevocable inter vivos  
15 trusts, to be used solely for the health care, support,  
16 maintenance, and education of each respective claimant until  
17 that claimant is 30 years of age. The trustee must take into  
18 consideration any other resources and income of the  
19 beneficiary of a trust before disbursing any funds from a  
20 trust to the claimant who is the beneficiary of that trust. To  
21 that end, the trustee of the trusts must possess experience in  
22 financial and trust management. The amount payable under this  
23 section is inclusive of costs and attorney's fees, as limited  
24 by section 768.28(8), Florida Statutes.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 40

The title is revised to reflect the death of the claimant, Mr. Haider. The bill requires the South Broward Hospital District to pay the Haider family \$3.8 million plus liquidated interest of \$46,437 in specified distributions: the wife of the deceased gets 60 percent and the trust of each adult child gets 10 percent. The bill provides requirements for the creation of trusts for each of the adult children of Mr. and Mrs. Haider to protect the awarded funds. The duration of each trust is until each adult child reaches age 30. The bill specifies qualifications for the trustee.