

STORAGE NAME: h0929.ju
DATE: March 5, 2004

Florida House of Representatives
Sub-Committee on Claims
Summary Claim Bill Report

Bill #: HB 929
Sponsor: Rep. Negron
Companion Bill: SB 40 by Sen. Diaz de la Portilla
Special Master: Stephanie Birtman

A. Basic Information:

1. **Claimants:** Cindy Haider (wife); Alan Haider (adult dependent child); and Max, Jonathan, & Jessica Haider (adult children).
2. **Respondent:** South Broward Hospital District
3. **Amount Requested:** \$3,846,437
4. **Type of Claim:** Equitable, based on a settlement agreement that provides for the payment of \$3.8 million plus liquidated interest in the amount of \$46,437 to be paid using local funds. The \$200,000 cap has been paid.
5. **Respondent's Position:** Agrees to support the passage of the bill.
6. **Collateral Sources:** VISTA Healthplan - \$550,000 and waiver of any past or future liens (as of 12/12/02, VISTA has paid out \$1,356,462 on behalf of the claimant). Also note that the claimant has settled with various other defendants in this case for a total of \$3.7 million. Though not legally a collateral source, Mr. Haider and his adult disabled child receive Social Security Disability income.
7. **Prior Legislative History:** HB 1257 (2003) was filed by Rep. Mack, but was not considered ripe for legislative consideration as all judicial remedies had not been exhausted as required by House Rule 5.6. The HB died in the Subcommittee on Claims.

B. Attorney's Fees: The claimants' attorney has provided an affidavit confirming that his fees do not exceed the statutory cap pursuant to s. 768.28(8), F.S. Costs, which include lobbying fees at 6%, total \$228,000. The award is inclusive of fees and costs.

C. Procedural Summary: Claimants filed a medical malpractice suit in the Circuit Court of Broward County against Columbia Hospital Corp. of South Broward, Inc. d/b/a Columbia Westside Regional Medical Center (ultimately settled for \$50,000); Dr. Parkolap and Inphynet Contracting Services, Inc. (ultimately settled for \$100,000); Dr. Carlos Levy & Dr. Harry Pepe & Associates (ultimately settled for \$250,000); Dr. Margolis (ultimately settled for \$500,000); Dr. Seliger (ultimately settled for \$275,000); OMI Group, Inc. (ultimately settled for \$1 million); Dr. Saks (ultimately settled for \$1

million); and VISTA Healthplan (ultimately settled for \$550,000 plus future medical costs and waiver of any liens for past or future medical costs). Claimants settled with the South Broward Hospital District for a total of \$4 million to be distributed as follows: 60% to Cindy Haider; and 10% to each of the four children.

D. Facts of Case: Mr. Haider was a 45 year-old man with a history of diabetes and hypertension, who was seen by several physicians for headaches, dizziness, and limb weakness. After collapsing at a basketball game on May 7, 2000, he was admitted to Westside Regional Medical Center and was discharged without any radiological studies or neurological consultation. Two weeks later, after being seen on an urgent basis for headache, confusion and memory loss and after losing his job, he was referred for a neurological consultation. The physician who reviewed the MRI failed to obtain an arteriogram or appreciate indications of a giant aneurysm as opposed to a mass or tumor. Dr. Rodriguez, an employee of the South Broward Hospital District, performed an initial surgery and treated the mass as a tumor. Dr. Rodriguez admitted that during surgery he discovered that the claimant did not have a tumor, but an aneurysm. A second surgery performed to repair the aneurysm was conducted without the proper preparation for an arterial graft, which was ultimately needed. As a result of the deviation from the standard of care, Mr. Haider was significantly neurologically impaired and remained in a permanent, vegetative state until his death on January 1, 2004.

SM: _____
Stephanie O. Birtman

Date: _____