

HB 0929

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1 A bill to be entitled

2 An act for the relief of Cindy Haider, wife of Jeffrey
3 Haider, deceased, Alan Haider, adult dependent child of
4 Jeffrey Haider, deceased, Max Haider, adult child of
5 Jeffrey Haider, deceased, Jonathan Haider, adult child of
6 Jeffrey Haider, deceased, and Jessica Haider, adult child
7 of Jeffrey Haider, deceased, by the South Broward Hospital
8 District; providing for an appropriation to compensate
9 them for injuries and damages sustained as a result of the
10 negligence of the South Broward Hospital District;
11 providing for the establishment of trusts and requirements
12 with respect thereto; providing for attorney's fees and
13 costs; providing an effective date.

14
15 WHEREAS, in May 2000, Jeffrey Haider, a 45-year-old man,
16 began experiencing headaches, vomiting, fatigue, dizziness, and
17 behavioral changes such as difficulty concentrating and
18 confusion, and

19 WHEREAS, as a result of these symptoms, Jeffrey Haider saw
20 several health care providers over a period of several weeks,
21 and

22 WHEREAS, an MRI of Jeffrey Haider was taken on May 31,
23 2000, and

24 WHEREAS, a radiologist and a neurologist determined that
25 Jeffrey Haider had a large mass within the right temporal lobe
26 which was 7 x 5 centimeters in size, and

27 WHEREAS, the mass was diagnosed as a brain tumor and
28 Jeffrey Haider was referred to a neurosurgeon, and

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29 WHEREAS, the neurosurgeon who examined Jeffrey Haider
30 agreed that the patient had a right temporal lobe tumor and
31 recommended a craniotomy for resection of the tumor, and

32 WHEREAS, the procedure was performed on June 5, 2000, and
33 once the incisions in the area of the middle cerebral artery
34 were made, massive bleeding occurred, with blood gushing out of
35 Jeffrey Haider's incisions under pulsating pressure, and

36 WHEREAS, at this point the neurosurgeon realized that the
37 diagnosis of a tumor was incorrect and that Jeffrey Haider had
38 an aneurysm, and

39 WHEREAS, in fact, the neurosurgeon notes in his operative
40 report that "at this point, we felt that this probably was an
41 aneurysm. I brought in the radiologist who felt that, in
42 retrospect, this was a possibility," and

43 WHEREAS, an aneurysm is a permanent, abnormally blood-
44 filled dilation of a blood vessel, usually resulting from the
45 disease of a vessel wall, and it is common medical knowledge
46 that puncturing an aneurysm is the incorrect treatment for a
47 cerebral aneurysm, and

48 WHEREAS, the surgeon and the radiologist then summoned an
49 interventional radiologist who performed an angiogram, a
50 procedure that should have been ordered prior to the operation,
51 and

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

54 WHEREAS, in an instance of further negligence on the part
55 of the South Broward Hospital District, the neurosurgeon did not
56 repair Jeffrey Haider's middle cerebral artery, but instead
57 controlled the bleeding from the aneurysm for about 45 minutes
58 and then closed the dura and the skull, and then sent Jeffrey

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59 Haider to the intensive care unit "with the idea of reoperating
60 at a later time," and

61 WHEREAS, however, within hours, Jeffrey Haider was
62 exhibiting dangerous neurological symptoms and was in need of
63 immediate repair of the aneurysm, and

64 WHEREAS, on June 6, 2000, the repair surgery was commenced,
65 and

66 WHEREAS, when Jeffrey Haider's skull was reopened the brain
67 was noted to be "extremely swollen" and the "aneurysm was
68 causing tremendous pressure on the brain and herniating through
69 the craniotomy," and

70 WHEREAS, at that point the neurosurgeon compounded Jeffrey
71 Haider's condition by tearing off the M1 artery from the
72 junction of the aneurysm and the M2 artery so that he was unable
73 to perform an anastomosis to repair and join the arteries, and

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

78 WHEREAS, Jeffrey Haider and his family suffered
79 astronomical economic and noneconomic damages as a result of the
80 treatment he received from the South Broward Hospital District,
81 and

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

85

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

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

90 Section 2. The South Broward Hospital District is
 91 authorized and directed to appropriate from funds of the
 92 district not otherwise appropriated and to draw a warrant in
 93 favor of Cindy Haider, wife of Jeffrey Haider, deceased; Alan
 94 Haider, adult dependent child of Jeffrey Haider, deceased; Max
 95 Haider, adult child of Jeffrey Haider, deceased; Jonathan
 96 Haider, adult child of Jeffrey Haider, deceased; and Jessica
 97 Haider, adult child of Jeffrey Haider, deceased, in the sum of
 98 \$3,800,000 plus liquidated interest of \$46,437 for a total of
 99 \$3,846,437, as agreed to by the claimants and the district, as
 100 compensation for injuries and damages sustained as a result of
 101 the negligence of employees of the South Broward Hospital
 102 District. Some or all of the settlement may be paid in the form
 103 of periodic payments through the use of a structured settlement
 104 annuity. After payment of costs and attorney's fees as limited
 105 by section 768.28(8), Florida Statutes, payments shall be
 106 distributed as follows:

107 (1) Sixty percent to be paid to Cindy Haider.

108 (2) Ten percent to be paid to the trust account
 109 established for Alan Haider pursuant to section 3.

110 (3) Ten percent to be paid to the trust account
 111 established for Max Haider pursuant to section 3.

112 (4) Ten percent to be paid to the trust account
 113 established for Jonathan Haider pursuant to section 3.

114 (5) Ten percent to be paid to the trust account
 115 established for Jessica Haider pursuant to section 3.

116 Section 3. Alan Haider, Max Haider, Jonathan Haider,
 117 Jessica Haider, and their respective attorneys shall be

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118 required, as a condition of payment under section 2, to nominate
119 either a financial institution doing business in Florida or an
120 independent individual who is not related to the claimants by
121 either blood, marriage, or contract and who possesses financial
122 and trust management experience to act as a trustee for an
123 irrevocable inter vivos trust established for the benefit of
124 each respective claimant. The proceeds to be paid to Alan
125 Haider, Max Haider, Jonathan Haider, and Jessica Haider pursuant
126 to section 2 shall be placed in separate irrevocable inter vivos
127 trusts, to be used solely for the health care, support,
128 maintenance, and education of each respective claimant until the
129 claimant is 30 years of age. The trustee must take into
130 consideration any other resources and income of the beneficiary
131 of a trust before disbursing any funds from the trust to the
132 beneficiary.

133 Section 4. This act shall take effect upon becoming a law.