

ENROLLED
HB 929, Engrossed 1

2004 Legislature

A bill to be entitled

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, in an instance of further negligence on the part of the South Broward Hospital District, the neurosurgeon did not repair Jeffrey Haider's middle cerebral artery, but instead

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controlled the bleeding from the aneurysm for about 45 minutes and then closed the dura and the skull, and then sent Jeffrey Haider to the intensive care unit "with the idea of reoperating at a later time," and

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

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

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

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

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

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

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

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

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

Section 2. The South Broward Hospital District is authorized and directed to appropriate from funds of the district not otherwise appropriated and to draw a warrant in favor of Cindy Haider, wife of Jeffrey Haider, deceased; Alan Haider, adult dependent child of Jeffrey Haider, deceased; Max Haider, adult child of Jeffrey Haider, deceased; Jonathan Haider, adult child of Jeffrey Haider, deceased; and Jessica Haider, adult child of Jeffrey Haider, deceased, in the sum of \$3,800,000 plus liquidated interest of \$46,437 for a total of \$3,846,437, as agreed to by the claimants and the district, as compensation for injuries and damages sustained as a result of the negligence of employees of the South Broward Hospital District. After payment of costs and attorney's fees as limited by section 768.28(8), Florida Statutes, payments shall be distributed as follows:

- (1) Sixty percent to be paid to Cindy Haider.
- (2) Ten percent to be paid to the trust account established for Alan Haider pursuant to section 3.
- (3) Ten percent to be paid to the trust account established for Max Haider pursuant to section 3.
- (4) Ten percent to be paid to the trust account established for Jonathan Haider pursuant to section 3.

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

Section 3. Alan Haider, Max Haider, Jonathan Haider, Jessica Haider, and their respective attorneys shall be required, as a condition of payment under section 2, to nominate either a financial institution doing business in Florida or an independent individual who is not related to the claimants by either blood, marriage, or contract and who possesses financial and trust management experience to act as a trustee for an irrevocable inter vivos trust established for the benefit of each respective claimant. The proceeds to be paid to Alan Haider, Max Haider, Jonathan Haider, and Jessica Haider pursuant to section 2 shall be placed in separate irrevocable inter vivos trusts, to be used solely for the health care, support, maintenance, and education of each respective claimant until the claimant is 30 years of age. The trustee must take into consideration any other resources and income of the beneficiary of a trust before disbursing any funds from the trust to the beneficiary.

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