

HB 0959

2004

1 A bill to be entitled
2 An act relating to the North Broward Hospital District;
3 providing for the relief of Adam Susser, a minor, by and
4 through his parents and natural guardians, Judith Susser
5 and Gary Susser; providing for an appropriation to
6 compensate him for injuries and damages sustained as a
7 result of the negligence of the North Broward Hospital
8 District, d.b.a. Coral Springs Medical Center; providing
9 an effective date.

10
11 WHEREAS, in July 2000, Gary Susser, a lawyer, and his wife,
12 Judith Susser, a paralegal, were residing in Boca Raton,
13 Florida, and

14 WHEREAS, prior to her marriage to Gary Susser, Judith
15 Susser was unable to have children, and

16 WHEREAS, after their marriage, Judith and Gary Susser badly
17 wanted to have children, despite the fact that Judith Susser was
18 47 years of age, and

19 WHEREAS, Judith Susser went to a fertility expert and was
20 finally able to become pregnant through in vitro fertilization,
21 and

22 WHEREAS, prenatal tests revealed that Judith Susser was
23 pregnant with twins, and consequently Judith and Gary Susser
24 were looking forward to the birth of their twin boys, and

25 WHEREAS, Judith and Gary Susser sought out high-risk
26 pregnancy experts who could guide them through Judith Susser's
27 pregnancy in order to ensure that her pregnancy progressed
28 safely and without complications, and

29 WHEREAS, Judith Susser kept all of her appointments and
30 complied with all orders by her physicians, and

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31 WHEREAS, at approximately 34 weeks gestation, Judith
32 Susser's membrane on the sac holding Adam Susser ruptured, and

33 WHEREAS, Gary Susser immediately took his wife to the Coral
34 Springs Medical Center where, on July 6, 2000, she was admitted
35 by her obstetrician's office and where she remained until her
36 discharge on July 12, 2000, and

37 WHEREAS, during the admission, a high-risk perinatal
38 expert, Dr. Christine Edwards, as well as Dr. Kerry Kuhn, and
39 Dr. Carrie Greenspan, Dr. Kuhn's partner, also saw Judith
40 Susser, and

41 WHEREAS, despite a nonreassuring fetal heart pattern and
42 despite the fact that the nurses kept having difficulties
43 getting the fetal monitoring to perform properly, the pregnancy
44 was allowed to continue for 4 and 1/2 days, with the nurses
45 never reporting the abnormal test results or the difficulties
46 they were having with the fetal monitoring equipment to the
47 physicians, and

48 WHEREAS, two days into Judith Susser's labor, a biophysical
49 profile was ordered to be performed by Dr. Edwards, and

50 WHEREAS, that biophysical profile yielded abnormal
51 indications but was never reported by the nurses to the
52 obstetricians or to the Sussers, and Judith Susser's labor was
53 allowed to continue, and

54 WHEREAS, finally, on the early morning of the fifth day of
55 labor, Judith Susser was taken to the operating room for
56 delivery, and

57 WHEREAS, the physician in charge was insistent on
58 performing a vaginal delivery despite all the obvious needs for
59 an emergency cesarean section, and

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60 WHEREAS, when Dr. Kuhn reached the delivery room, he asked
61 for fetal monitoring to be commenced and the nurses indicated
62 that they could not bring the fetal monitoring machine into the
63 delivery room because they did not have a fetal monitor for
64 twins available, and

65 WHEREAS, Gary Susser then asked the nurses to get the fetal
66 monitoring machine from the room that Judith Susser had
67 previously been in for 4 days, which demand was also made by Dr.
68 Kuhn, and the nurses said they could not remove the monitoring
69 machine from the wall, and

70 WHEREAS, for the next hour there was no monitoring
71 whatsoever on Adam Susser, and Dr. Kuhn continued to wait, and

72 WHEREAS, on July 10, 2000, Adam Susser was born by vaginal
73 delivery, and

74 WHEREAS, tragically, as a result of the extraordinary and
75 egregious malpractice by the physicians and nurses at the Coral
76 Springs Medical Center, Adam Susser was born severely depressed
77 and oxygen-deprived, which led to severe brain damage, and

78 WHEREAS, one half-hour after the birth of Adam Susser,
79 Brandon Susser, Adam Susser's twin brother, was born, and

80 WHEREAS, Brandon Susser was born in better condition than
81 his twin brother, Adam, but was later found to have
82 hydrocephalous, a condition which required a shunt to be placed
83 in his brain, and

84 WHEREAS, since his birth, Brandon Susser has done very well
85 but is still substantially at risk for developmental problems,
86 and

87 WHEREAS, on the other hand, Adam Susser, now 3 and 1/2
88 years old, was permanently damaged as a result of the medical
89 malpractice of the Coral Springs Medical Center, and

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90 WHEREAS, Adam Susser cannot walk and will never be able to
 91 walk, cannot sit up on his own, cannot use his hands or arms, is
 92 cortically blind, needs to be fed through a feeding tube, and is
 93 severely mentally and physically impaired, and

94 WHEREAS, though by all accounts Adam Susser will have a
 95 normal life expectancy, which means that he should live into his
 96 70's, Adam Susser will require medical care and treatment for
 97 the remainder of his life, and

98 WHEREAS, the negligent care administered by the Coral
 99 Springs Medical Center formed the basis of legal action against
 100 the North Broward Hospital District, d.b.a. Coral Springs
 101 Medical Center, and

102 WHEREAS, the matter was settled prior to trial with the
 103 overall settlement amount being \$9,800,000, and

104 WHEREAS, the hospital's private insurer, the Zurich
 105 Insurance Company, paid the claimants the amount of
 106 \$3,831,218.04 on behalf of the North Broward Hospital District,
 107 and

108 WHEREAS, the North Broward Hospital District paid \$200,000
 109 for the benefit of Adam Susser and \$200,000 for the benefit of
 110 Brandon Susser pursuant to the limits of liability set forth in
 111 s. 768.28, Florida Statutes, and

112 WHEREAS, in addition, the North Broward Hospital District
 113 fully supports the passage of a claim bill for the amount of
 114 \$668,781.96, NOW, THEREFORE,

115
 116 Be It Enacted by the Legislature of the State of Florida:

117
 118 Section 1. The facts stated in the preamble to this act
 119 are found and declared to be true.

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120 Section 2. The North Broward Hospital District is
121 authorized and directed to appropriate from funds of the
122 hospital district not otherwise appropriated and to draw a
123 warrant in the sum of \$668,781.96 payable to the special needs
124 trust established for the care and benefit of Adam Susser, minor
125 child of Judith Susser and Gary Susser, as compensation for
126 injuries and damages sustained as a result of the negligence of
127 the North Broward Hospital District.

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