

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

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30 | complied with all orders by her physicians, and

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 Dr.  
39 | Carrie Greenspan, Dr. Kuhn's partner, also saw Judith Susser,  
40 | 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 and, although they were not reported by the nurses,  
52 | the obstetricians were aware of the abnormal results, and

53 |       WHEREAS, despite this, the obstetricians allowed Judith  
54 | Susser's labor to continue, and

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

58 |       WHEREAS, the physician in charge was insistent on

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59 performing a vaginal delivery despite all the obvious needs for  
60 an emergency cesarean section, and

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

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

71 WHEREAS, for the next hour there was only manual monitoring  
72 of Adam Susser, and Dr. Kuhn continued to wait, and

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

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

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

83 WHEREAS, though by all accounts Adam Susser will have a  
84 normal life expectancy, which means that he should live into his  
85 70's, Adam Susser will require medical care and treatment for  
86 the remainder of his life, and

87 WHEREAS, the negligent care administered by the Coral

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88 Springs Medical Center formed the basis of legal action against  
 89 the North Broward Hospital District, d.b.a. Coral Springs  
 90 Medical Center, and

91 WHEREAS, the matter was settled prior to trial with the  
 92 overall settlement amount being \$9.8 million, and

93 WHEREAS, the hospital's private insurer, the Zurich  
 94 Insurance Company, paid the claimants the amount of  
 95 \$3,831,218.04 on behalf of the North Broward Hospital District,  
 96 and

97 WHEREAS, the North Broward Hospital District paid \$200,000  
 98 for the benefit of Adam Susser pursuant to the limits of  
 99 liability set forth in section 768.28, Florida Statutes, and

100 WHEREAS, in addition, the North Broward Hospital District  
 101 fully supports the passage of a claim bill for the amount of  
 102 \$668,781.96, NOW, THEREFORE,

103

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

105

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

108 Section 2. The North Broward Hospital District is  
 109 authorized and directed to appropriate from funds of the  
 110 hospital district not otherwise appropriated and to draw a  
 111 warrant in the sum of \$668,781.96 payable to the special needs  
 112 trust established for the care and benefit of Adam Susser, minor  
 113 child of Judith Susser and Gary Susser, as compensation for  
 114 injuries and damages sustained as a result of the negligence of  
 115 the North Broward Hospital District.

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