

CHAMBER ACTION

1 The Claims Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

7 An act for the relief of Sharon Jurgrau, wife of Mark  
8 Jurgrau, deceased, and Megan Jurgrau, minor child of Mark  
9 and Sharon Jurgrau, by the South Broward Hospital  
10 District; providing for an appropriation to compensate  
11 them for the death of Mark Jurgrau as a result of the  
12 negligence of the South Broward Hospital District;  
13 providing an effective date.

14  
15 WHEREAS, in the summer of 1999, Mark Jurgrau, an architect,  
16 38 years of age and a resident of Broward County, underwent  
17 medical tests after exhibiting weakness and shortness of breath  
18 while engaging in athletic activity, and

19 WHEREAS, the tests revealed that Mark Jurgrau had a problem  
20 with the aortic valve of the heart, and as a result of the  
21 diagnosis, he was advised to have surgery to replace the aortic  
22 valve, and

HB 705

2005  
CS

23 WHEREAS, Mark Jurgrau's doctors recommended a surgical  
24 procedure known as the "Ross procedure" in which the patient's  
25 own pulmonic valve is used to replace the aortic valve, and

26 WHEREAS, the procedure, commonly used in younger patients,  
27 was chosen due to the fact that it is effective for a very long  
28 period of time and does not require the patient to take  
29 medications subsequent to surgery, and

30 WHEREAS, the Ross procedure was performed on Mark Jurgrau  
31 on September 2, 1999, at Memorial Hospital, part of the South  
32 Broward Hospital District, and

33 WHEREAS, Mark Jurgrau tolerated the procedure well and  
34 appeared to be doing fine, and

35 WHEREAS, the decision to replace Mark Jurgrau's aortic  
36 valve was a good decision, the choice of the Ross procedure was  
37 a sound choice, and the operation was performed ably and  
38 correctly, and

39 WHEREAS, however, one of the risks of this procedure is the  
40 possible occurrence of internal bleeding at the location of the  
41 operation, and

42 WHEREAS, internal bleeding following this procedure does  
43 occur from time to time, is easily recognizable and readily  
44 treatable, and is not an indication of negligence per se, and

45 WHEREAS, one of the primary reasons patients are kept in  
46 the hospital following this type of surgery is so they can be  
47 observed for complications, and

48 WHEREAS, the negligence in this case occurred in the  
49 blatant failure of the employees of Memorial Hospital to provide  
50 Mark Jurgrau with appropriate postoperative care, and

Page 2 of 6

HB 705

2005  
CS

51 WHEREAS, following his operation, the management of Mark  
52 Jurgrau's care was entrusted to a nurse, Kathy Kater, ARNP, and  
53 WHEREAS, the surgeon who operated on Mark Jurgrau never saw  
54 him again, and Kathy Kater and the other hospital nurses became  
55 Mark Jurgrau's health care team, and  
56 WHEREAS, from the time of Mark Jurgrau's operation on  
57 September 2, 1999, to the time of his death on September 6,  
58 1999, Mark Jurgrau exhibited every possible sign and symptom of  
59 internal bleeding, and  
60 WHEREAS, in order to monitor for internal bleeding, blood  
61 is drawn from a patient daily, and  
62 WHEREAS, when a person is losing blood, laboratory values  
63 drop as blood contents are used up, and  
64 WHEREAS, Mark Jurgrau's hematocrit, hemoglobin, and  
65 platelets were all plummeting, each day registering much lower  
66 than the day before, and  
67 WHEREAS, in the 5 days he was in Memorial Hospital, Mark  
68 Jurgrau's blood values fell to less than 30 percent of normal  
69 and nothing was ever done to help him, and  
70 WHEREAS, also, in order to determine if blood is  
71 accumulating in a patient's chest, X-rays are taken daily and  
72 the patient's breathing is monitored daily, and  
73 WHEREAS, Mark Jurgrau's X-rays showed his lungs filling  
74 with blood, more each day than the day before, and  
75 WHEREAS, his breathing decreased each day as the portions  
76 of his lungs which were full of blood could no longer transfer  
77 oxygen, and

HB 705

2005  
CS

78 WHEREAS, again, none of the staff at Memorial Hospital paid  
79 attention to or acted upon these indications, and

80 WHEREAS, as Mark Jurgrau's blood became depleted and his  
81 lungs filled with blood, he became deprived of oxygen, which  
82 made him weak, dizzy, and disoriented, as evidenced by the fact  
83 that his oxygen saturation fell precipitously, and

84 WHEREAS, despite the fact that all appropriate tests were  
85 administered and all the results of those tests indicated  
86 problems, no one at Memorial Hospital bothered to read or act  
87 upon Mark Jurgrau's test results, and

88 WHEREAS, by September 5, 1999, Mark Jurgrau was dying,  
89 slowly bleeding to death and drowning in his own blood, and

90 WHEREAS, as he became disoriented from lack of oxygen, the  
91 hospital nurses called Nurse Kater, and

92 WHEREAS, without even coming in to the hospital to observe  
93 Mark Jurgrau, Nurse Kater misdiagnosed him as having a panic  
94 attack and, over the telephone, ordered Xanax to be administered  
95 to Mr. Jurgrau, and

96 WHEREAS, on September 6, 1999, Mark Jurgrau's condition  
97 became critical, and

98 WHEREAS, Mark Jurgrau was gasping for air, turning pale and  
99 cold, and writhing in pain, and

100 WHEREAS, Nurse Kater was again contacted, and again, via  
101 telephone, Nurse Kater misdiagnosed Mark Jurgrau as having a  
102 panic attack, and

103 WHEREAS, Mark Jurgrau arrested and a code blue was called,  
104 but it was too late, and

HB 705

2005  
CS

105 WHEREAS, Mark Jurgrau died at the age of 38, leaving his  
106 wife of 8 years, Sharon Jurgrau, and a 4-year-old daughter,  
107 Megan Jurgrau, and

108 WHEREAS, upon performing an autopsy, the medical examiner  
109 confirmed what should have been apparent to the staff of  
110 Memorial Hospital all along, that Mark Jurgrau died slowly and  
111 painfully from undiagnosed internal bleeding, and

112 WHEREAS, the case was also reviewed by the world's foremost  
113 authority in cardiac surgery, Dr. Dudley Johnson, regarded as  
114 the father of cardiac surgery and, along with Dr. Michael  
115 DeBakey, the co-inventor of the modern coronary bypass  
116 operation, and

117 WHEREAS, Dr. Johnson confirmed that Mark Jurgrau's death  
118 was unnecessary and unreasonable, and

119 WHEREAS, the negligence of Memorial Hospital in the death  
120 of Mark Jurgrau was blatant and tragic, and

121 WHEREAS, at the time of his death, Mark Jurgrau was in the  
122 beginning stages of a very successful career as an architect,  
123 and

124 WHEREAS, based on his age and proven earning potential,  
125 economic damages alone were over \$10 million, and

126 WHEREAS, Mark and Sharon Jurgrau's daughter, Megan Jurgrau,  
127 now 9 years of age, has experienced emotional distress as a  
128 result of the death of her father, and

129 WHEREAS, recognizing this as a case of egregious  
130 malpractice and catastrophic damages, the South Broward Hospital  
131 District settled the matter, tendering \$200,000 pursuant to the  
132 limits of liability established pursuant to section 768.28,

HB 705

2005  
CS

133 Florida Statutes, and agreeing to support a claim bill in the  
134 amount of \$500,000, NOW, THEREFORE,

135

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

137

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

140 Section 2. The South Broward Hospital District is  
141 authorized and directed to appropriate from funds of the  
142 district not otherwise appropriated and to draw a warrant in the  
143 sum of \$500,000 payable to Sharon Jurgrau, wife of Mark Jurgrau,  
144 deceased, as compensation for the death of Mark Jurgrau as a  
145 result of the negligence of the South Broward Hospital District.  
146 After payment of fees, costs, and authorized expenses, 75  
147 percent of the proceeds recovered through the passage of this  
148 act shall be apportioned to Sharon Jurgrau, wife of Mark  
149 Jurgrau, and 25 percent of the proceeds recovered through the  
150 passage of this act shall be deposited into the guardianship  
151 account of Megan Jurgrau, minor child of Mark and Sharon  
152 Jurgrau, for the exclusive use and benefit of Megan Jurgrau.

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