

By Senator Fasano

11-161-06

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A bill to be entitled

An act relating to the South Broward Hospital District; providing for the relief of Sharon Jurgrau, wife of Mark Jurgrau, deceased, and Megan Jurgrau, minor child of Mark and Sharon Jurgrau; providing for an appropriation to compensate them for the death of Mark Jurgrau as a result of the negligence of the South Broward Hospital District; providing an effective date.

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

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

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

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

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

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

1           WHEREAS, the decision to replace Mark Jurgrau's aortic  
2 valve was a good decision, the choice of the Ross procedure  
3 was a sound choice, and the operation was performed ably and  
4 correctly, and

5           WHEREAS, however, one of the risks of this procedure is  
6 the possible occurrence of internal bleeding at the location  
7 of the operation, and

8           WHEREAS, internal bleeding following this procedure  
9 does occur from time to time, is easily recognizable and  
10 readily treatable, and is not an indication of negligence per  
11 se, and

12           WHEREAS, one of the primary reasons patients are kept  
13 in the hospital following this type of surgery is for  
14 observation in case of complications, and

15           WHEREAS, the negligence in this case occurred in the  
16 blatant failure of the employees of Memorial Hospital to  
17 provide Mark Jurgrau with appropriate postoperative care, and

18           WHEREAS, following his operation, the management of  
19 Mark Jurgrau's care was entrusted to a nurse, Kathy Kater,  
20 ARNP, and

21           WHEREAS, the surgeon who operated on Mark Jurgrau never  
22 saw him again, and Kathy Kater and the other hospital nurses  
23 became Mark Jurgrau's health care team, and

24           WHEREAS, from the time of Mark Jurgrau's operation on  
25 September 2, 1999, to the time of his death on September 6,  
26 1999, Mark Jurgrau exhibited every possible sign and symptom  
27 of internal bleeding, and

28           WHEREAS, in order to monitor for internal bleeding,  
29 blood is drawn from a patient daily, and

30           WHEREAS, when a person is losing blood, laboratory  
31 values drop as blood contents are used up, and

1           WHEREAS, Mark Jurgrau's hematocrit, hemoglobin, and  
2 platelets were all plummeting, each day registering much lower  
3 than the day before, and

4           WHEREAS, in the 5 days he was in Memorial Hospital,  
5 Mark Jurgrau's blood values fell to less than 30 percent of  
6 normal and nothing was ever done to help him, and

7           WHEREAS, also, in order to determine whether blood is  
8 accumulating in a patient's chest, X-rays are taken daily and  
9 the patient's breathing is monitored daily, and

10           WHEREAS, Mark Jurgrau's X-rays showed his lungs filling  
11 with blood, more each day than the day before, and

12           WHEREAS, his breathing decreased each day as the  
13 portions of his lungs which were full of blood could no longer  
14 transfer oxygen, and

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

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

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

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

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

29           WHEREAS, without even coming in to the hospital to  
30 observe Mark Jurgrau, Nurse Kater misdiagnosed him as having a  
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1 | panic attack and, over the telephone, ordered Xanax to be  
2 | administered to Mr. Jurgrau, and

3 |         WHEREAS, on September 6, 1999, Mark Jurgrau's condition  
4 | became critical, and

5 |         WHEREAS, Mark Jurgrau was gasping for air, turning pale  
6 | and cold, and writhing in pain, and

7 |         WHEREAS, Nurse Kater was again contacted, and again,  
8 | via telephone, Nurse Kater misdiagnosed Mark Jurgrau as having  
9 | a panic attack, and

10 |         WHEREAS, Mark Jurgrau arrested and a code blue was  
11 | called, but it was too late, and

12 |         WHEREAS, Mark Jurgrau died at the age of 38, leaving  
13 | his wife of 8 years, Sharon Jurgrau, and a 4-year-old  
14 | daughter, Megan Jurgrau, and

15 |         WHEREAS, upon performing an autopsy, the medical  
16 | examiner confirmed what should have been apparent to the staff  
17 | of Memorial Hospital all along, that Mark Jurgrau died slowly  
18 | and painfully from undiagnosed internal bleeding, and

19 |         WHEREAS, the case was also reviewed by the world's  
20 | foremost authority in cardiac surgery, Dr. Dudley Johnson,  
21 | regarded as the father of cardiac surgery and, along with Dr.  
22 | Michael DeBakey, the co-inventor of the modern coronary bypass  
23 | operation, and

24 |         WHEREAS, Dr. Johnson confirmed that Mark Jurgrau's  
25 | death was unnecessary and unreasonable, and

26 |         WHEREAS, the negligence of Memorial Hospital in the  
27 | death of Mark Jurgrau was blatant and tragic, and

28 |         WHEREAS, at the time of his death, Mark Jurgrau was in  
29 | the beginning stages of a very successful career as an  
30 | architect, and  
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1           WHEREAS, based on his age and proven earning potential,  
2 economic damages alone were over \$10 million, and

3           WHEREAS, Mark and Sharon Jurgrau's daughter, Megan  
4 Jurgrau, now 10 years of age, has experienced emotional  
5 distress as a result of the death of her father, and

6           WHEREAS, recognizing this as a case of egregious  
7 malpractice and catastrophic damages, the South Broward  
8 Hospital District settled the matter, tendering \$200,000  
9 pursuant to the limits of liability established pursuant to  
10 section 768.28, Florida Statutes, and agreeing to support a  
11 claim bill in the amount of \$500,000, NOW, THEREFORE,

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

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

17           Section 2. The South Broward Hospital District is  
18 authorized and directed to appropriate from funds of the  
19 district not otherwise appropriated and to draw a warrant in  
20 the sum of \$500,000 payable to Sharon Jurgrau, wife of Mark  
21 Jurgrau, deceased, as compensation for the death of Mark  
22 Jurgrau as a result of the negligence of the South Broward  
23 Hospital District.

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