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1 A bill to be entitled

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

10 WHEREAS, in the summer of 1999, Mark Jurgrau, an architect,
11 38 years of age and a resident of Broward County, underwent
12 medical tests after exhibiting weakness and shortness of breath
13 while engaging in athletic activity, and

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

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

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

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

28 WHEREAS, Mark Jurgrau tolerated the procedure well and

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29 appeared to be doing fine, and

30 WHEREAS, the decision to replace Mark Jurgrau's aortic
31 valve was a good decision, the choice of the Ross procedure was
32 a sound choice, and the operation was performed ably and
33 correctly, and

34 WHEREAS, however, one of the risks of this procedure is the
35 possible occurrence of internal bleeding at the location of the
36 operation, and

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

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

43 WHEREAS, the negligence in this case occurred in the
44 failure of the employees of Memorial Hospital to provide Mark
45 Jurgrau with appropriate postoperative care, and

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

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

51 WHEREAS, from the time of Mark Jurgrau's operation on
52 September 2, 1999, to the time of his death on September 6,
53 1999, Mark Jurgrau exhibited signs and symptoms of internal
54 bleeding, and

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

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

59 WHEREAS, Mark Jurgrau's hematocrit, hemoglobin, and
60 platelets were all dropping, each day registering much lower
61 than the day before, and

62 WHEREAS, in the 5 days he was in Memorial Hospital, Mark
63 Jurgrau's blood values fell to less than 30 percent of normal,
64 and

65 WHEREAS, also, in order to determine if blood is
66 accumulating in a patient's chest, X-rays are taken daily and
67 the patient's breathing is monitored daily, and

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

70 WHEREAS, his breathing decreased each day as the portions
71 of his lungs which were full of blood could no longer transfer
72 oxygen, and

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

77 WHEREAS, despite the fact that all appropriate tests were
78 administered and all the results of those tests indicated
79 problems, no intervention was ordered based upon Mark Jurgrau's
80 test results, and

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

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

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85 WHEREAS, without coming in to the hospital to observe Mark
86 Jurgrau, Nurse Kater diagnosed him as having a panic attack and,
87 over the telephone, ordered Xanax to be administered to Mr.
88 Jurgrau, and

89 WHEREAS, on September 6, 1999, Mark Jurgrau's condition
90 became critical, and

91 WHEREAS, Mark Jurgrau was gasping for air, turning pale and
92 cold, and writhing in pain, and

93 WHEREAS, Nurse Kater was again contacted, and again, via
94 telephone, Nurse Kater diagnosed Mark Jurgrau as having a panic
95 attack, and

96 WHEREAS, Mark Jurgrau arrested and a code blue was called,
97 but it was too late, and

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

101 WHEREAS, upon performing an autopsy, the medical examiner
102 confirmed that Mark Jurgrau died from undiagnosed internal
103 bleeding, and

104 WHEREAS, the case was also reviewed by a recognized
105 authority in cardiac surgery, Dr. Dudley Johnson, regarded as
106 the father of cardiac surgery and, along with Dr. Michael
107 DeBakey, the co-inventor of the modern coronary bypass
108 operation, and

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

111 WHEREAS, at the time of his death, Mark Jurgrau was in the
112 beginning stages of a very successful career as an architect,

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113 and

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

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

119 WHEREAS, recognizing this as a case involving malpractice
 120 and catastrophic damages, the South Broward Hospital District
 121 settled the matter, tendering \$200,000 pursuant to the limits of
 122 liability established pursuant to section 768.28, Florida
 123 Statutes, and agreeing to support a claim bill in the amount of
 124 \$500,000, NOW, THEREFORE,

125

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

127

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

130 Section 2. The South Broward Hospital District is
 131 authorized and directed to appropriate from funds of the
 132 district not otherwise appropriated and to draw a warrant in the
 133 sum of \$500,000 payable to Sharon Jurgrau, wife of Mark Jurgrau,
 134 deceased, as compensation for the death of Mark Jurgrau as a
 135 result of the negligence of the South Broward Hospital District.
 136 After payment of fees, costs, and authorized expenses, 75
 137 percent of the proceeds recovered through the passage of this
 138 act shall be apportioned to Sharon Jurgrau, wife of Mark
 139 Jurgrau, and 25 percent of the proceeds recovered through the
 140 passage of this act shall be deposited into the guardianship

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141 account of Megan Jurgrau, minor child of Mark and Sharon
142 Jurgrau, for the exclusive use and benefit of Megan Jurgrau.

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