

HB 1021

2007

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

HB 1021

2007

29 WHEREAS, Judith Susser kept all of her appointments and
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

HB 1021

2007

57 delivery, and

58 WHEREAS, the physician in charge was insistent on
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

HB 1021

2007

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
 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

HB 1021

2007

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.