

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 for payment of attorney's fees,
10 lobbyist's fees, and costs; providing an effective date.

11
12 WHEREAS, in July 2000, Gary Susser, a lawyer, and his wife,
13 Judith Susser, a paralegal, were residing in Boca Raton,
14 Florida, and

15 WHEREAS, prior to her marriage to Gary Susser, Judith
16 Susser was unable to have children, and

17 WHEREAS, after their marriage, Judith and Gary Susser badly
18 wanted to have children, despite the fact that Judith Susser was
19 47 years of age, and

20 WHEREAS, Judith Susser went to a fertility expert and was
21 finally able to become pregnant through in vitro fertilization,
22 and

23 WHEREAS, prenatal tests revealed that Judith Susser was
24 pregnant with twins, and consequently Judith and Gary Susser
25 were looking forward to the birth of their twin boys, and

26 WHEREAS, Judith and Gary Susser sought out high-risk
27 pregnancy experts who could guide them through Judith Susser's
28 pregnancy in order to ensure that her pregnancy progressed

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29 | safely and without complications, and

30 | WHEREAS, Judith Susser kept all of her appointments and
31 | complied with all orders by her physicians, and

32 | WHEREAS, at approximately 34 weeks gestation, Judith
33 | Susser's membrane on the sac holding Adam Susser ruptured, and

34 | WHEREAS, Gary Susser immediately took his wife to the Coral
35 | Springs Medical Center where, on July 6, 2000, she was admitted
36 | by her obstetrician's office and where she remained until her
37 | discharge on July 12, 2000, and

38 | WHEREAS, during the admission, a high-risk perinatal
39 | expert, Dr. Christine Edwards, as well as Dr. Kerry Kuhn and Dr.
40 | Carrie Greenspan, Dr. Kuhn's partner, also saw Judith Susser,
41 | and

42 | WHEREAS, despite a nonreassuring fetal heart pattern and
43 | despite the fact that the nurses kept having difficulties
44 | getting the fetal monitoring to perform properly, the pregnancy
45 | was allowed to continue for 4 and 1/2 days, with the nurses
46 | never reporting the abnormal test results or the difficulties
47 | they were having with the fetal monitoring equipment to the
48 | physicians, and

49 | WHEREAS, two days into Judith Susser's labor, a biophysical
50 | profile was ordered to be performed by Dr. Edwards, and

51 | WHEREAS, that biophysical profile yielded abnormal
52 | indications and, although they were not reported by the nurses,
53 | the obstetricians were aware of the abnormal results, and

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

56 | WHEREAS, finally, on the early morning of the fifth day of

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57 labor, Judith Susser was taken to the operating room for
58 delivery, and

59 WHEREAS, the physician in charge was insistent on
60 performing a vaginal delivery despite all the obvious needs for
61 an emergency cesarean section, and

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

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

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

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

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

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

84 WHEREAS, though by all accounts Adam Susser will have a

85 normal life expectancy, which means that he should live into his
 86 70's, Adam Susser will require medical care and treatment for
 87 the remainder of his life, and

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

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

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

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

101 WHEREAS, in addition, the North Broward Hospital District
 102 fully supports the passage of a claim bill for the amount of
 103 \$668,781.96, NOW, THEREFORE,

104

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

106

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

109 Section 2. The North Broward Hospital District is
 110 authorized and directed to appropriate from funds of the
 111 hospital district not otherwise appropriated and to draw a
 112 warrant in the sum of \$668,781.96, plus the interest that has

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113 accrued on those funds in the account maintained by the
114 district, payable to the special needs trust established for the
115 care and benefit of Adam Susser, minor child of Judith Susser
116 and Gary Susser, as compensation for injuries and damages
117 sustained as a result of the negligence of the North Broward
118 Hospital District.

119 Section 3. Payment for attorney's fees and costs incurred
120 by the claimant's attorneys shall not exceed \$108,764. Payment
121 for the professional services and costs of lobbyists advocating
122 for passage of this claim shall not exceed \$6,688.

123 Section 4. This act shall take effect upon becoming a law.