

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 purchase of an annuity to benefit
10 the special needs trust; providing for payment of
11 attorney's fees, lobbyist's fees, and costs; providing an
12 effective date.

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

17 WHEREAS, prior to her marriage to Gary Susser, Judith
18 Susser was unable to have children, and

19 WHEREAS, after their marriage, Judith and Gary Susser badly
20 wanted to have children, despite the fact that Judith Susser was
21 47 years of age, and

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

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

28 WHEREAS, Judith and Gary Susser sought out high-risk

29 pregnancy experts who could guide them through Judith Susser's
30 pregnancy in order to ensure that her pregnancy progressed
31 safely and without complications, and

32 WHEREAS, Judith Susser kept all of her appointments and
33 complied with all orders by her physicians, and

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

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

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

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

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

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

56 WHEREAS, despite this, the obstetricians allowed Judith

57 | Susser's labor to continue, and

58 | WHEREAS, finally, on the early morning of the fifth day of
59 | labor, Judith Susser was taken to the operating room for
60 | delivery, and

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

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

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

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

76 | WHEREAS, on July 10, 2000, Adam Susser was born by vaginal
77 | delivery, and

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

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

85 severely mentally and physically impaired, and

86 WHEREAS, though by all accounts Adam Susser will have a
 87 normal life expectancy, which means that he should live into his
 88 70's, Adam Susser will require medical care and treatment for
 89 the remainder of his life, and

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

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

96 WHEREAS, the hospital's private insurer, the Zurich
 97 Insurance Company, paid the claimants the amount of
 98 \$3,831,218.04 on behalf of the North Broward Hospital District,
 99 and

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

103 WHEREAS, in addition, the North Broward Hospital District
 104 fully supports the passage of a claim bill for the amount of
 105 \$668,781.96, NOW, THEREFORE,

106

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

108

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

111 Section 2. The North Broward Hospital District is
 112 authorized and directed to appropriate from funds of the

113 hospital district not otherwise appropriated and to draw a
114 warrant in the sum of \$668,781.96, plus the interest that has
115 accrued on those funds in the account maintained by the
116 district, to purchase an annuity benefiting the special needs
117 trust established for the care and benefit of Adam Susser, minor
118 child of Judith Susser and Gary Susser, as compensation for
119 injuries and damages sustained as a result of the negligence of
120 the North Broward Hospital District.

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

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