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

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

hb1135-00

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

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,

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 11 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

hb1135-00

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.

hb1135-00