

Amendment No.

CHAMBER ACTION

Senate

House

.
.
.
.

1 Representative(s) Seiler offered the following:

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

8 Section 2. The South Broward Hospital District is
9 authorized and directed to appropriate from funds of the
10 district not otherwise appropriated and to draw a warrant in the
11 sum of \$500,000 payable to Sharon Jurgrau, wife of Mark Jurgrau,
12 deceased, as compensation for the death of Mark Jurgrau as a
13 result of the negligence of the South Broward Hospital District.
14 After payment of fees, costs, and authorized expenses, 75
15 percent of the proceeds recovered through the passage of this
16 act shall be apportioned to Sharon Jurgrau, wife of Mark

180921

4/30/2007 12:12:31 PM

Amendment No.

17 Jurgrau, and 25 percent of the proceeds recovered through the
18 passage of this act shall be deposited into the guardianship
19 account of Megan Jurgrau, minor child of Mark and Sharon
20 Jurgrau, for the exclusive use and benefit of Megan Jurgrau.

21 Section 3. Payment for attorney's fees and costs incurred
22 by the claimant's attorneys shall not exceed \$77,781. Payment
23 for the professional services and costs of lobbyists advocating
24 for passage of this claim shall not exceed \$5,000.

25 Section 4. This act shall take effect upon becoming a law.
26
27

28 ===== T I T L E A M E N D M E N T =====

29 On page 1, line 1 through page 5, line 11, remove all of
30 said lines, and insert:
31

32 A bill to be entitled

33 An act for the relief of Sharon Jurgrau, wife of Mark
34 Jurgrau, deceased, and Megan Jurgrau, minor child of Mark
35 and Sharon Jurgrau, by the South Broward Hospital
36 District; providing for an appropriation to compensate
37 them for the death of Mark Jurgrau as a result of the
38 negligence of the South Broward Hospital District;
39 providing for attorney's fees, lobbyist's fees, and costs;
40 providing an effective date.
41

42 WHEREAS, in the summer of 1999, Mark Jurgrau, an architect,
43 38 years of age and a resident of Broward County, underwent

Amendment No.

44 medical tests after exhibiting weakness and shortness of breath
45 while engaging in athletic activity, and

46 WHEREAS, the tests revealed that Mark Jurgrau had a problem
47 with the aortic valve of the heart, and as a result of the
48 diagnosis, he was advised to have surgery to replace the aortic
49 valve, and

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

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

57 WHEREAS, the Ross procedure was performed on Mark Jurgrau
58 on September 2, 1999, at Memorial Hospital, part of the South
59 Broward Hospital District, and

60 WHEREAS, Mark Jurgrau tolerated the procedure well and
61 appeared to be doing fine, and

62 WHEREAS, the decision to replace Mark Jurgrau's aortic
63 valve was a good decision, the choice of the Ross procedure was
64 a sound choice, and the operation was performed ably and
65 correctly, and

66 WHEREAS, however, one of the risks of this procedure is the
67 possible occurrence of internal bleeding at the location of the
68 operation, and

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

180921

4/30/2007 12:12:31 PM

Amendment No.

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

75 WHEREAS, the negligence in this case occurred in the
76 failure of the employees of Memorial Hospital to provide Mark
77 Jurgrau with appropriate postoperative care, and

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

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

83 WHEREAS, from the time of Mark Jurgrau's operation on
84 September 2, 1999, to the time of his death on September 6,
85 1999, Mark Jurgrau exhibited signs and symptoms of internal
86 bleeding, and

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

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

91 WHEREAS, Mark Jurgrau's hematocrit, hemoglobin, and
92 platelets were all dropping, each day registering much lower
93 than the day before, and

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

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

180921

4/30/2007 12:12:31 PM

Amendment No.

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

102 WHEREAS, his breathing decreased each day as the portions
103 of his lungs which were full of blood could no longer transfer
104 oxygen, and

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

109 WHEREAS, despite the fact that all appropriate tests were
110 administered and all the results of those tests indicated
111 problems, no intervention was ordered based upon Mark Jurgrau's
112 test results, and

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

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

117 WHEREAS, without coming in to the hospital to observe Mark
118 Jurgrau, Nurse Kater diagnosed him as having a panic attack and,
119 over the telephone, ordered Xanax to be administered to Mr.
120 Jurgrau, and

121 WHEREAS, on September 6, 1999, Mark Jurgrau's condition
122 became critical, and

123 WHEREAS, Mark Jurgrau was gasping for air, turning pale and
124 cold, and writhing in pain, and

125 WHEREAS, Nurse Kater was again contacted, and again, via
126 telephone, Nurse Kater diagnosed Mark Jurgrau as having a panic
127 attack, and

180921

4/30/2007 12:12:31 PM

Amendment No.

128 WHEREAS, Mark Jurgrau arrested and a code blue was called,
129 but it was too late, and

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

133 WHEREAS, upon performing an autopsy, the medical examiner
134 confirmed that Mark Jurgrau died from undiagnosed internal
135 bleeding, and

136 WHEREAS, the case was also reviewed by a recognized
137 authority in cardiac surgery, Dr. Dudley Johnson, regarded as
138 the father of cardiac surgery and, along with Dr. Michael
139 DeBakey, the co-inventor of the modern coronary bypass
140 operation, and

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

143 WHEREAS, at the time of his death, Mark Jurgrau was in the
144 beginning stages of a very successful career as an architect,
145 and

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

148 WHEREAS, Mark and Sharon Jurgrau's daughter, Megan Jurgrau,
149 now 11 years of age, has experienced emotional distress as a
150 result of the death of her father, and

151 WHEREAS, recognizing this as a case involving malpractice
152 and catastrophic damages, the South Broward Hospital District
153 settled the matter, tendering \$200,000 pursuant to the limits of
154 liability established pursuant to section 768.28, Florida

180921

4/30/2007 12:12:31 PM

HOUSE AMENDMENT

Bill No. CS/SB 32

Amendment No.

155 Statutes, and agreeing to support a claim bill in the amount of
156 \$500,000, NOW, THEREFORE,

180921
4/30/2007 12:12:31 PM