

By Senator Fasano

11-11-07

1 A bill to be entitled
2 An act relating to the South Broward Hospital
3 District; providing for the relief of Sharon
4 Jurgrau, wife of Mark Jurgrau, deceased, and
5 Megan Jurgrau, minor child of Mark and Sharon
6 Jurgrau; providing for an appropriation to
7 compensate them for the death of Mark Jurgrau
8 as a result of the negligence of the South
9 Broward Hospital District; providing an
10 effective date.

11
12 WHEREAS, in the summer of 1999, Mark Jurgrau, an
13 architect, 38 years of age and a resident of Broward County,
14 underwent medical tests after exhibiting weakness and
15 shortness of breath while engaging in athletic activity, and

16 WHEREAS, the tests revealed that Mark Jurgrau had a
17 problem with the aortic valve of the heart and, as a result of
18 the diagnosis, he was advised to have surgery to replace the
19 aortic valve, and

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

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

27 WHEREAS, the Ross procedure was performed on Mark
28 Jurgrau on September 2, 1999, at Memorial Hospital, part of
29 the South Broward Hospital District, and

30 WHEREAS, Mark Jurgrau tolerated the procedure well and
31 appeared to be doing fine, and

1 WHEREAS, the decision to replace Mark Jurgrau's aortic
2 valve was a good decision, the choice of the Ross procedure
3 was a sound choice, and the operation was performed ably and
4 correctly, and

5 WHEREAS, however, one of the risks of this procedure is
6 the possible occurrence of internal bleeding at the location
7 of the operation, and

8 WHEREAS, internal bleeding following this procedure
9 does occur from time to time, is easily recognizable and
10 readily treatable, and is not an indication of negligence per
11 se, and

12 WHEREAS, one of the primary reasons patients are kept
13 in the hospital following this type of surgery is for
14 observation in case of complications, and

15 WHEREAS, the negligence in this case occurred in the
16 blatant failure of the employees of Memorial Hospital to
17 provide Mark Jurgrau with appropriate postoperative care, and

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

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

24 WHEREAS, from the time of Mark Jurgrau's operation on
25 September 2, 1999, to the time of his death on September 6,
26 1999, Mark Jurgrau exhibited every possible sign and symptom
27 of internal bleeding, and

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

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

1 WHEREAS, Mark Jurgrau's hematocrit, hemoglobin, and
2 platelets were all plummeting, each day registering much lower
3 than the day before, and

4 WHEREAS, in the 5 days he was in Memorial Hospital,
5 Mark Jurgrau's blood values fell to less than 30 percent of
6 normal and nothing was done to help him, and

7 WHEREAS, also, in order to determine whether blood is
8 accumulating in a patient's chest, X rays are taken daily and
9 the patient's breathing is monitored daily, and

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

12 WHEREAS, his breathing decreased each day as the
13 portions of his lungs which were full of blood could no longer
14 transfer oxygen, and

15 WHEREAS, again, none of the staff at Memorial Hospital
16 paid attention to or acted upon these indications, and

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

21 WHEREAS, despite the fact that all appropriate tests
22 were administered and all the results of those tests indicated
23 problems, no one at Memorial Hospital acted upon Mark
24 Jurgrau's test results, and

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

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

29 WHEREAS, without coming to the hospital to observe Mark
30 Jurgrau, Nurse Kater misdiagnosed him as having a panic attack
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1 and, over the telephone, ordered Xanax to be administered to
2 Mr. Jurgrau, and

3 WHEREAS, on September 6, 1999, Mark Jurgrau's condition
4 became critical, and

5 WHEREAS, Mark Jurgrau was gasping for air, turning pale
6 and cold, and writhing in pain, and

7 WHEREAS, Nurse Kater was again contacted, and again,
8 via telephone, Nurse Kater misdiagnosed Mark Jurgrau as having
9 a panic attack, and

10 WHEREAS, Mark Jurgrau arrested and a code blue was
11 called, but it was too late, and

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

15 WHEREAS, upon performing an autopsy, the medical
16 examiner confirmed what should have been apparent to the staff
17 of Memorial Hospital all along, that Mark Jurgrau died slowly
18 and painfully from undiagnosed internal bleeding, and

19 WHEREAS, the case was also reviewed by the world's
20 foremost authority in cardiac surgery, Dr. Dudley Johnson,
21 regarded as the father of cardiac surgery, and by Dr. Michael
22 DeBaakey, co-inventor of the modern coronary bypass operation,
23 and

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

26 WHEREAS, the negligence of Memorial Hospital in the
27 death of Mark Jurgrau was blatant and tragic, and

28 WHEREAS, at the time of his death, Mark Jurgrau was in
29 the beginning stages of a very successful career as an
30 architect, and

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1 WHEREAS, based on his age and proven earning potential,
2 economic damages alone were greater than \$10 million, and

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

6 WHEREAS, recognizing this as a case of egregious
7 malpractice and catastrophic damages, the South Broward
8 Hospital District settled the matter, tendering \$200,000
9 pursuant to the limits of liability established pursuant to
10 section 768.28, Florida Statutes, and agreeing to support a
11 claim bill in the amount of \$500,000, NOW, THEREFORE,

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. The facts stated in the preamble to this
16 act are found and declared to be true.

17 Section 2. The South Broward Hospital District is
18 authorized and directed to appropriate from funds of the
19 district not otherwise appropriated and to draw a warrant in
20 the sum of \$500,000 payable to Sharon Jurgrau, wife of Mark
21 Jurgrau, deceased, as compensation for the death of Mark
22 Jurgrau as a result of the negligence of the South Broward
23 Hospital District.

24 Section 3. This act shall take effect upon becoming a
25 law.