

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

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

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

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

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

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

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1           WHEREAS, Mark Jurgrau tolerated the procedure well and  
2 appeared to be doing fine, and

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

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

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

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

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

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

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

26           WHEREAS, from the time of Mark Jurgrau's operation on  
27 September 2, 1999, to the time of his death on September 6,  
28 1999, Mark Jurgrau exhibited signs and symptoms of internal  
29 bleeding, and

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

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

3           WHEREAS, Mark Jurgrau's hematocrit, hemoglobin, and  
4 platelets were all dropping, each day registering much lower  
5 than the day before, and

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

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

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

14           WHEREAS, his breathing decreased each day as the  
15 portions of his lungs which were full of blood could no longer  
16 transfer oxygen, 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 intervention was ordered based 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 in to the hospital to observe  
30 Mark Jurgrau, Nurse Kater diagnosed him as having a panic  
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1 attack and, over the telephone, ordered Xanax to be  
2 administered to 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 diagnosed Mark Jurgrau as having a  
9 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 that Mark Jurgrau died from undiagnosed  
17 internal bleeding, and

18 WHEREAS, the case was also reviewed by a recognized  
19 authority in cardiac surgery, Dr. Dudley Johnson, regarded as  
20 the father of cardiac surgery and, along with Dr. Michael  
21 DeBakey, the co-inventor of the modern coronary bypass  
22 operation, and

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

25 WHEREAS, at the time of his death, Mark Jurgrau was in  
26 the beginning stages of a very successful career as an  
27 architect, and

28 WHEREAS, based on his age and proven earning potential,  
29 economic damages alone were over \$10 million, and  
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1           WHEREAS, Mark and Sharon Jurgrau's daughter, Megan  
2 Jurgrau, now 11 years of age, has experienced emotional  
3 distress as a result of the death of her father, and

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

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

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

15           Section 2. The South Broward Hospital District is  
16 authorized and directed to appropriate from funds of the  
17 district not otherwise appropriated and to draw a warrant in  
18 the sum of \$500,000 payable to Sharon Jurgrau, wife of Mark  
19 Jurgrau, deceased, as compensation for the death of Mark  
20 Jurgrau as a result of the negligence of the South Broward  
21 Hospital District. After payment of fees, costs, and  
22 authorized expenses, 75 percent of the proceeds recovered  
23 through the passage of this act shall be apportioned to Sharon  
24 Jurgrau, wife of Mark Jurgrau, and 25 percent of the proceeds  
25 recovered through the passage of this act shall be deposited  
26 into the guardianship account of Megan Jurgrau, minor child of  
27 Mark and Sharon Jurgrau, for the exclusive use and benefit of  
28 Megan Jurgrau.

29           Section 3. Payment for attorney's fees and costs  
30 incurred by the claimant's attorneys shall not exceed \$77,781.

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1 Payment for the professional services and costs of lobbyists  
2 advocating for passage of this claim shall not exceed \$5,000.  
3           Section 4. This act shall take effect upon becoming a  
4 law.  
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