

Bill No. SB 38

Barcode 463354

CHAMBER ACTION

Senate

House

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The Special Master on Claim Bills recommended the following amendment:

Senate Amendment (with title amendment)

On page 5, line 6, delete that line

and insert: warrant in the sum of \$668,781.96, plus the interest that has accrued on those funds in the account maintained by the district, payable to the special needs

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

And the title is amended as follows:

On page 2, line 23, through
page 4, line 25, delete those lines

and insert:

WHEREAS, that biophysical profile yielded abnormal indications, although not reported by the nurses, the obstetricians were aware of the abnormal results. Despite this, the obstetricians allowed Judith Susser's labor to

Bill No. SB 38

Barcode 463354

1 continue, and

2 WHEREAS, finally, on the early morning of the 5th day
3 of labor, Judith Susser was taken to the operating room for
4 delivery, and

5 WHEREAS, the physician in charge was insistent on
6 performing a vaginal delivery despite all the obvious needs
7 for an emergency cesarean section, and

8 WHEREAS, when Dr. Kuhn reached the delivery room, he
9 asked for fetal monitoring to be commenced and the nurses
10 indicated that they could not bring the fetal monitoring
11 machine into the delivery room because they did not have a
12 fetal monitor for twins available, and

13 WHEREAS, Gary Susser then asked the nurses to get the
14 fetal monitoring machine from the room that Judith Susser had
15 previously been in for 4 days, which demand was also made by
16 Dr. Kuhn, and the nurses said they could not remove the
17 monitoring machine from the wall, and

18 WHEREAS, for the next hour there was only manual
19 monitoring on Adam Susser, and Dr. Kuhn continued to wait, and

20 WHEREAS, on July 10, 2000, Adam Susser was born by
21 vaginal delivery, and

22 WHEREAS, tragically, as a result of the extraordinary
23 and egregious malpractice by the physicians and nurses at the
24 Coral Springs Medical Center, Adam Susser was born severely
25 depressed and oxygen-deprived, which led to severe brain
26 damage, and

27 WHEREAS, Adam Susser cannot walk and will never be able
28 to walk, cannot sit up on his own, cannot use his hands or
29 arms, is cortically blind, needs to be fed through a feeding
30 tube, and is severely mentally and physically impaired, and

31 WHEREAS, though by all accounts Adam Susser will have a

Bill No. SB 38

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1 normal life expectancy, which means that he should live into
2 his 70's, Adam Susser will require medical care and treatment
3 for the remainder of his life, and

4 WHEREAS, the negligent care administered by the Coral
5 Springs Medical Center formed the basis of legal action
6 against the North Broward Hospital District, d.b.a. Coral
7 Springs Medical Center, and

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

10 WHEREAS, the hospital's private insurer, the Zurich
11 Insurance Company, paid the claimants the amount of
12 \$3,831,218.04 on behalf of the North Broward Hospital
13 District, and

14 WHEREAS, the North Broward Hospital District paid
15 \$200,000 for the benefit of Adam Susser pursuant to the limits
16 of liability set forth in s. 768.28, Florida Statutes, and

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