

By Senator Jones

13-83-07

1 A bill to be entitled

2 An act relating to the North Broward Hospital

3 District; providing for the relief of Adam

4 Susser, a minor, by and through his parents and

5 natural guardians, Judith Susser and Gary

6 Susser; providing for an appropriation to

7 compensate him for injuries and damages

8 sustained as a result of the negligence of the

9 North Broward Hospital District, d.b.a. Coral

10 Springs Medical Center; providing an effective

11 date.

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13 WHEREAS, in July 2000, Gary Susser, a lawyer, and his

14 wife, Judith Susser, a paralegal, were residing in Boca Raton,

15 Florida, and

16 WHEREAS, prior to her marriage to Gary Susser, Judith

17 Susser was unable to have children, and

18 WHEREAS, after their marriage, Judith and Gary Susser

19 badly wanted to have children, despite the fact that Judith

20 Susser was 47 years of age, and

21 WHEREAS, Judith Susser went to a fertility expert and

22 was finally able to become pregnant through in vitro

23 fertilization, and

24 WHEREAS, prenatal tests revealed that Judith Susser was

25 pregnant with twins, and consequently Judith and Gary Susser

26 were looking forward to the birth of their twin boys, and

27 WHEREAS, Judith and Gary Susser sought out high-risk

28 pregnancy experts who could guide them through Judith Susser's

29 pregnancy in order to ensure that her pregnancy progressed

30 safely and without complications, and

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 WHEREAS, Judith Susser kept all of her appointments and
2 complied with all orders by her physicians, and

3 WHEREAS, at approximately 34 weeks gestation, Judith
4 Susser's membrane on the sac holding Adam Susser ruptured, and

5 WHEREAS, Gary Susser immediately took his wife to the
6 Coral Springs Medical Center where, on July 6, 2000, she was
7 admitted by her obstetrician's office and where she remained
8 until her discharge on July 12, 2000, and

9 WHEREAS, during the admission, a high-risk perinatal
10 expert, Dr. Christine Edwards, as well as Dr. Kerry Kuhn, and
11 Dr. Carrie Greenspan, Dr. Kuhn's partner, also saw Judith
12 Susser, and

13 WHEREAS, despite a nonreassuring fetal heart pattern
14 and despite the fact that the nurses kept having difficulties
15 getting the fetal monitoring to perform properly, the
16 pregnancy was allowed to continue for 4 and 1/2 days, with the
17 nurses never reporting the abnormal test results or the
18 difficulties they were having with the fetal monitoring
19 equipment to the physicians, and

20 WHEREAS, 2 days into Judith Susser's labor, a
21 biophysical profile was ordered to be performed by Dr.
22 Edwards, and

23 WHEREAS, that biophysical profile yielded abnormal
24 indications but was never reported by the nurses to the
25 obstetricians or to the Sussers, and Judith Susser's labor was
26 allowed to continue, and

27 WHEREAS, finally, on the early morning of the 5th day
28 of labor, Judith Susser was taken to the operating room for
29 delivery, and

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1 WHEREAS, the physician in charge was insistent on
2 performing a vaginal delivery despite all the obvious needs
3 for an emergency cesarean section, and

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

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

14 WHEREAS, for the next hour there was no monitoring
15 whatsoever on Adam Susser, and Dr. Kuhn continued to wait, and

16 WHEREAS, on July 10, 2000, Adam Susser was born by
17 vaginal delivery, and

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

23 WHEREAS, one-half hour after the birth of Adam Susser,
24 Brandon Susser, Adam Susser's twin brother, was born, and

25 WHEREAS, Brandon Susser was born in better condition
26 than his twin brother, Adam, but was later found to have
27 hydrocephalous, a condition that required a shunt to be placed
28 in his brain, and

29 WHEREAS, since his birth, Brandon Susser has done very
30 well but is still substantially at risk for developmental
31 problems, and

1 WHEREAS, on the other hand, Adam Susser, now 4 and 1/2
2 years old, was permanently damaged as a result of the medical
3 malpractice of the Coral Springs Medical Center, and

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

8 WHEREAS, though by all accounts Adam Susser will have a
9 normal life expectancy, which means that he should live into
10 his 70's, Adam Susser will require medical care and treatment
11 for the remainder of his life, and

12 WHEREAS, the negligent care administered by the Coral
13 Springs Medical Center formed the basis of legal action
14 against the North Broward Hospital District, d.b.a. Coral
15 Springs Medical Center, and

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

18 WHEREAS, the hospital's private insurer, the Zurich
19 Insurance Company, paid the claimants the amount of
20 \$3,831,218.04 on behalf of the North Broward Hospital
21 District, and

22 WHEREAS, the North Broward Hospital District paid
23 \$200,000 for the benefit of Adam Susser and \$200,000 for the
24 benefit of Brandon Susser pursuant to the limits of liability
25 set forth in s. 768.28, Florida Statutes, and

26 WHEREAS, in addition, the North Broward Hospital
27 District fully supports the passage of a claim bill for the
28 amount of \$668,781.96, NOW, THEREFORE,

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. The facts stated in the preamble to this
2 act are found and declared to be true.

3 Section 2. The North Broward Hospital District is
4 authorized and directed to appropriate from funds of the
5 hospital district not otherwise appropriated and to draw a
6 warrant in the sum of \$668,781.96 payable to the special needs
7 trust established for the care and benefit of Adam Susser,
8 minor child of Judith Susser and Gary Susser, as compensation
9 for injuries and damages sustained as a result of the
10 negligence of the North Broward Hospital District.

11 Section 3. This act shall take effect upon becoming a
12 law.