

By Senator Deutch

30-558-07

1 A bill to be entitled

2 An act relating to Memorial Healthcare System

3 of Broward, Inc., d/b/a Memorial Regional

4 Hospital; providing for the relief of Shakima

5 Brown and Janaria Miller, her minor child, to

6 compensate them for injuries sustained by

7 Janaria Miller as a result of the negligence of

8 employees of the hospital; providing an

9 appropriation; providing an effective date.

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11 WHEREAS, on December 13 and 14, 2002, Janaria Miller

12 suffered fetal distress for more than 3-1/2 hours and, as a

13 result, sustained permanent and irreversible brain damage, and

14 WHEREAS, doctors at the hospital had ordered that

15 nurses oversee 24-hour monitoring of Shakima Brown, Janaria's

16 mother, during her labor and that the nurses immediately

17 report to Ms. Brown's doctor any signs of abnormal fetal heart

18 rate, and

19 WHEREAS, beginning at approximately 11:57 p.m. on

20 December 13, 2002, the fetal monitor strips depicted dangerous

21 drops in Janaria's heart rate, and the late decelerations and

22 drops in the fetal heart rate continued for several hours into

23 the early morning of December 14, and

24 WHEREAS, despite the doctor's order to call him, the

25 nurses failed to advise a physician of the fetal distress and,

26 instead, acknowledged the alert and turned it off, and

27 WHEREAS, in addition, the nurses failed to initiate

28 necessary intrauterine resuscitative measures, and

29 WHEREAS, even after physicians were finally notified,

30 the nursing staff failed to timely carry out the orders

31 provided by the physician, and

1 WHEREAS, as a result of the nurses' failure to take
2 appropriate measures during her birth, Janaria presently
3 suffers from permanent and irreversible brain damage causing
4 partial paralysis, seizures, delayed cognitive impairment,
5 development, and speech, and

6 WHEREAS, she also has deficits in reasoning,
7 decisionmaking, and expressive and respective language, and

8 WHEREAS, Janaria has a significant permanent functional
9 impairment rating and acute functional decline, resulting in
10 total dependence on others; will require lifelong attendant
11 care; and will be unable to participate in gainful employment,
12 and

13 WHEREAS, suit was brought in the Broward County Circuit
14 Court, a settlement was reached, and, on December 13, 2006,
15 the court entered a consent judgment in favor of Shakima
16 Brown, individually, and on behalf of Janaria Miller, in the
17 amount of \$500,000, and

18 WHEREAS, the hospital has paid to the plaintiff the sum
19 of \$200,000, pursuant to the statutory limits of liability set
20 forth in s. 768.28, Florida Statutes, leaving the sum of
21 \$300,000 unpaid, NOW, THEREFORE,

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

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

27 Section 2. The Memorial Healthcare System of Broward,
28 Inc., d/b/a Memorial Regional Hospital, is authorized and
29 directed to appropriate the sum of \$300,000 from funds not
30 otherwise appropriated and to draw a warrant payable to
31 Shakima Brown, parent and legal guardian of Janaria Miller, to

1 be placed in a special needs trust created for the exclusive
2 use and benefit of Janaria Miller, a minor, to compensate
3 Janaria Miller for injuries and damages sustained. Upon the
4 death of Janaria Miller, the trust balance shall revert to the
5 hospital.

6 Section 3. This act shall take effect upon becoming a
7 law.

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