

1 A bill to be entitled

2 An act relating to the South Broward Hospital District;
3 providing for the relief of Adrian Fuentes, a minor, by
4 and through his parents and natural guardians, Luz Fuentes
5 and Jose Fuentes; providing for an appropriation to
6 compensate him for injuries and damages sustained as a
7 result of the negligence of the South Broward Hospital
8 District, d/b/a Memorial Hospital Primary Care Center;
9 providing a limitation on the payment of attorney's fees,
10 lobbying fees, costs, and other similar expenses relating
11 to the claim; providing an effective date.

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13 WHEREAS, beginning in December 2001, Luz Fuentes received
14 prenatal medical care for her first pregnancy at Memorial
15 Hospital Primary Care Center, an entity operated by the South
16 Broward Hospital District, and

17 WHEREAS, although the attending physician supervising her
18 care was Andreas Spyridakis, D.O., all examinations of Luz
19 Fuentes were conducted by certified nurse midwives, and

20 WHEREAS, on April 18, 2002, during an examination at 36
21 weeks' gestation, a discrepancy was noted between the weeks of
22 gestation and the fundal height of the fetus, and an obstetrical
23 ultrasound to determine the estimated fetal weight was ordered
24 by Sharon Harrison, C.N.M., and scheduled for April 23, 2002,
25 and

26 WHEREAS, during or following Luz Fuentes' April 18th visit,
27 Nurse Harrison did not consult with Dr. Spyridakis regarding the
28 possibility of intrauterine growth retardation being present nor

29 | did she order a nonstress test or a biophysical profile or call
30 | for an immediate consultation to evaluate the possibility of
31 | intrauterine growth retardation or determine whether
32 | intervention was necessary, and

33 | WHEREAS, the obstetrical ultrasound was performed on April
34 | 23, 2002, and was interpreted by Leonard Rosendorf, M.D., whose
35 | findings showed an amniotic fluid index of 9, which is a normal
36 | reading, and indicated a low abdominal circumference, which
37 | possibly indicated intrauterine growth restriction, and Dr.
38 | Rosendorf suggested clinical follow-up, and

39 | WHEREAS, on April 23, 2002, Dr. Rosendorf faxed a report
40 | detailing the ultrasound findings to Memorial Hospital Primary
41 | Care Center, and

42 | WHEREAS, the report from Dr. Rosendorf was reviewed and
43 | signed by Rosanne Wohlman, C.N.M., on April 25, 2002, during a
44 | scheduled follow-up examination of Luz Fuentes, and

45 | WHEREAS, during the April 25th examination at Memorial
46 | Hospital's Primary Care Center, Nurse Wohlman ordered a
47 | nonstress test with results that she described as prolonged
48 | decelerations, a fetal heart rate of 90 beats per minute, and
49 | decelerations lasting 60 seconds, and

50 | WHEREAS, based upon these findings, Nurse Wohlman then had
51 | Luz Fuentes transported to Memorial Hospital, where it was
52 | determined that the fetus was in serious distress, and

53 | WHEREAS, within 32 minutes of Luz Fuentes' arrival at
54 | Memorial Hospital, Adrian Fuentes was delivered by emergency
55 | cesarean section, and

56 | WHEREAS, the actions of the medical providers constituted

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57 negligence and, as a result of such negligence, Adrian Fuentes
58 was born with severe brain damage, neurological dysfunction, and
59 other serious and permanent injuries, and

60 WHEREAS, a medical malpractice claim and legal action on
61 behalf of Adrian Fuentes was instituted in the Circuit Court of
62 the 17th Judicial Circuit, in and for Broward County, Florida,
63 Case No. 04-15033(13), styled Luz Fuentes and Jose Fuentes, as
64 parents and natural guardians of Adrian Fuentes, their minor
65 child, and individually, v. South Broward Hospital District, et
66 al., against the South Broward Hospital District and certain
67 other persons and legal entities, including Memorial Hospital
68 Primary Care Center, Andreas Spyridakis, D.O., Sharon Harrison,
69 C.N.M., Rosanne Wohlman, C.N.M., Broward Women's Healthcare,
70 Inc., Sheridan Healthcorp, Inc., Leonard Rosendorf, M.D.,
71 Radiology Associates of Hollywood, P.A., and others, and

72 WHEREAS, the claim against the South Broward Hospital
73 District and related defendants was settled prior to trial and a
74 settlement was approved by the court on July 10, 2007, and

75 WHEREAS, the settlement agreement provides for the payment
76 of \$200,000 by the South Broward Hospital District to the
77 plaintiffs, pursuant to the limits of liability in s. 768.28,
78 Florida Statutes, the entry of consent judgment in the amount of
79 \$1,600,000, and the hospital district's agreement not to contest
80 the filing of a claim bill that does not exceed \$1,600,000, NOW,
81 THEREFORE,

82

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

84

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

87 Section 2. (1) The South Broward Hospital District is
88 authorized and directed to appropriate from funds of the
89 hospital district not otherwise encumbered and to draw a warrant
90 in the sum of \$1,600,000, payable to the special needs trust
91 established for the care and benefit of Adrian Fuentes, as
92 compensation for injuries and damages sustained by Adrian
93 Fuentes as a result of the negligence of the South Broward
94 Hospital District.

95 (2) The amount awarded under this act is intended to
96 provide the sole compensation for all present and future claims
97 arising out of the factual situation described in this act which
98 resulted in injury to Adrian Fuentes. The total amount paid for
99 attorney's fees, lobbying fees, costs, and other similar
100 expenses relating to this claim may not exceed 25 percent of the
101 amount awarded under this act.

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