

By Senator Hill

1-00166-08

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1 A bill to be entitled

2 An act for the relief of Rhonda A. Hughes by Escambia
3 County; providing for a county appropriation to compensate
4 Rhonda A. Hughes for injuries sustained as a result of the
5 negligence of a county employee; providing a limitation on
6 the payment of attorney's and lobbying fees and costs;
7 providing an effective date.

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9 WHEREAS, at the time of the incident which resulted in her
10 injury, Rhonda A. Hughes was suffering from an undiagnosed
11 disease of dysautonomia, a dysfunction of the autonomic nervous
12 system that can result in such symptoms as vague but disturbing
13 aches and pains; faintness or even fainting spells; fatigue;
14 tachycardia; hypotension; sweating; dizziness; blurred vision;
15 numbness and tingling; and anxiety and depression, and

16 WHEREAS, on September 25, 2002, Ms. Hughes was in a retail
17 store and started to suffer from confusion, dizziness, blurred
18 vision, and faintness to such an extent that she sat down on the
19 floor, and

20 WHEREAS, the store manager called for emergency medical
21 services and an Escambia County emergency medical services
22 vehicle was dispatched to Ms. Hughes' location, and

23 WHEREAS, the lead emergency medical technician (EMT) on the
24 scene concluded that Ms. Hughes was suffering a possible drug
25 overdose and decided that the proper emergency treatment would be
26 an injection of naloxone hydrochloride, and

27 WHEREAS, instead of naloxone hydrochloride, the EMT injected
28 mivacurium chloride, a paralytic agent that caused Ms. Hughes to
29 struggle for her breath almost to the point of collapsing into

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30 full respiratory arrest, and

31 WHEREAS, approximately 10 minutes elapsed before the EMT
32 realized that Ms. Hughes was not breathing sufficiently on her
33 own and started artificial ventilation, causing Ms. Hughes to
34 suffer from an anoxic brain injury, and

35 WHEREAS, Ms. Hughes filed a lawsuit against Escambia County
36 alleging that the EMT was negligent and that the county was
37 responsible for the EMT's actions, and the county in its answer
38 to the complaint admitted liability for the EMT's negligent
39 actions, and

40 WHEREAS, the encephalopathy resulting from the anoxic brain
41 injury caused Ms. Hughes to have a loss of cognitive function
42 including problems with confusion, memory, concentration, and
43 slowed cognitive processing, and

44 WHEREAS, two neurophysiologists who tested Ms. Hughes agree
45 that the dysautonomy, which is stable and controlled, would not
46 cause the type of ongoing cognitive problems that she is
47 experiencing and support the opinions of Ms. Hughes' psychiatrist
48 and physician, who specializes in treating dysautonomia, that her
49 significant cognitive decline is due to encephalopathy resulting
50 from the EMT's negligence, and

51 WHEREAS, Ms. Hughes' psychiatrist has opined that her loss
52 of cognitive function will require daily ongoing care and
53 treatment for the remainder of her life and that the amount of
54 care and treatment could increase as she ages, and

55 WHEREAS, Escambia County has agreed to submit to a consent
56 judgment for \$200,000, of which the county will pay \$100,000
57 pursuant to the limits of liability set forth in s. 768.28,
58 Florida Statutes, and for which the payment of the remainder is

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59 | conditioned upon the passage of a claim bill by the Legislature
60 | in the amount of \$100,000 in favor of Ms. Hughes, NOW, THEREFORE,

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62 | Be It Enacted by the Legislature of the State of Florida:

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64 | Section 1. The facts stated in the preamble to this act are
65 | found and declared to be true.

66 | Section 2. Escambia County is authorized and directed to
67 | appropriate from county funds not otherwise encumbered and draw a
68 | warrant in the sum of \$100,000 payable to Rhonda A. Hughes as
69 | compensation for injuries and damages sustained due to the
70 | negligence of an employee of the county, as agreed to by the
71 | parties in a consent judgment.

72 | Section 3. Any amount paid by the county pursuant to the
73 | waiver of sovereign immunity permitted under s. 768.28, Florida
74 | Statutes, and this award are intended to provide the sole
75 | compensation for all present and future claims arising out of the
76 | factual situation described in the preamble to this act which
77 | resulted in the injury to Rhonda A Hughes. The total amount paid
78 | for attorney's fees, lobbying fees, costs, and other similar
79 | expenses relating to this claim may not exceed 25 percent of the
80 | amount awarded under section 2 of this act.

81 | Section 4. This act shall take effect upon becoming a law.