

By Senator Ring

32-00160-08

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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 fees and costs;  
10 providing an effective date.

11  
12 WHEREAS, Luz Fuentes received prenatal medical care for her  
13 first pregnancy at Memorial Hospital Primary Care Center, an  
14 entity operated by the South Broward Hospital District, and

15 WHEREAS, the attending physician supervising her care was  
16 Andreas Spyridakis, D.O., although all examinations were  
17 conducted by certified nurse midwives, and

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

23 WHEREAS, during or following the April 18 visit, Nurse  
24 Harrison did not consult with Dr. Spyridakis regarding the  
25 possibility of intrauterine growth retardation being present nor  
26 did she order a nonstress test or a biophysical profile or call  
27 for an immediate consultation to evaluate the possibility of  
28 intrauterine growth retardation or determine whether intervention  
29 was necessary, and

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30 WHEREAS, the obstetrical ultrasound was performed on April  
31 23 and was interpreted by Leonard Rosendorf, M.D., whose findings  
32 showed an amniotic fluid index of 9, which is a normal reading,  
33 and indicated a low abdominal circumference, which possibly  
34 indicated intrauterine growth retardation, and Dr. Rosendorf  
35 suggested clinical follow-up, and

36 WHEREAS, on April 23, Dr. Rosendorf faxed a report detailing  
37 the ultrasound findings to Nurse Harrison but did not telephone  
38 or otherwise personally relay his findings to Nurse Harrison or  
39 anyone else at Memorial Hospital Primary Care Center, and

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

43 WHEREAS, during the April 25 examination, Nurse Wohlman  
44 ordered a nonstress test with results that she described as  
45 prolonged decelerations, a fetal heart rate of 90 beats per  
46 minute, and decelerations lasting 60 seconds, and Nurse Wohlman  
47 then had Luz Fuentes transported to Memorial Hospital West, where  
48 it was determined that the fetus was in serious distress and  
49 Adrian Fuentes was derived by an emergency cesarean section that  
50 day, and

51 WHEREAS, the actions of the medical providers constituted  
52 negligence, and as a result of such negligence, Adrian Fuentes  
53 was born brain-injured and will remain so for the rest of his  
54 life, and

55 WHEREAS, a medical malpractice claim and legal action on  
56 behalf of Adrian Fuentes was instituted in the Circuit Court of  
57 the 17th Judicial Circuit, in and for Broward County, Florida,  
58 case no. 04-15033(13) styled Luz Fuentes and Jose Fuentes, as

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59 | parents and natural guardians of Adrian Fuentes, their minor  
60 | child, and individually, v. South Broward Hospital District, et  
61 | al., against the South Broward Hospital District and certain  
62 | other persons and legal entities, including Memorial Hospital  
63 | Care Center, Andreas Spyridakis, D.O., Sharon Harrison, C.N.M.,  
64 | Rosanne Wohlman, C.N.M., Broward Women's Healthcare, Inc.,  
65 | Sheridan Healthcorp, Inc., Leonard Rosendorf, M.D., Radiology  
66 | Associates of Hollywood, P.A., and others, and

67 |       WHEREAS, a prior claim against Leonard Rosendorf, M.D. and  
68 | Radiology Associates of Hollywood, P.A., previously settled for  
69 | \$2 million, has been tendered and accepted by the plaintiffs, and

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

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

80 |

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

82 |

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

85 |       Section 2. The South Broward Hospital District is  
86 | authorized and directed to appropriate from funds of the hospital  
87 | district not otherwise encumbered and draw a warrant in the sum

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88 of \$1,600,000, payable to a special needs trust established for  
89 the care and benefit of Adrian Fuentes, as compensation for  
90 injuries and damages sustained by Adrian Fuentes as a result of  
91 the negligence of the South Broward Hospital District.

92 Section 3. This award is intended to provide the sole  
93 compensation for all present and future claims arising out of the  
94 factual situation described in this act which resulted in injury  
95 to Adrian Fuentes. The total amount paid for attorney's fees,  
96 lobbying fees, costs, and other similar expenses relating to this  
97 claim may not exceed 25 percent of the amount awarded under this  
98 act.

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