



955920

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/06/2009	.	
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The Committee on Health Regulation (Bennett) recommended the following:

**Senate Amendment**

In title, delete lines 17 - 81  
and insert:

WHEREAS, on April 16, 2003, while in the trauma intensive care unit at Memorial Regional Hospital, Mr. Otero was taken during the night shift to the MRI laboratory for a scan to rule out a nonemergency shoulder injury. Mr. Otero was accompanied by a nurse and a respiratory therapist to the MRI laboratory, but was removed from his ventilator at the time he was transported to the MRI during the night shift when the hospital operates



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12 using significantly fewer staff. He was alert and oriented. Mr.  
13 Otero became panicky during the scan and was given several doses  
14 of a narcotic sedative, Versed, in addition to the narcotic  
15 medication he was already receiving intravenously. Because of  
16 his panicked thrashing, an order for a paralytic drug was also  
17 given. Lawton Tang, M.D., a surgical resident employed by Mt.  
18 Sinai Medical Center and working under the supervision of  
19 attending physicians of the South Broward Hospital District on a  
20 rotation through Memorial Regional Hospital, was not present and  
21 gave the medication orders by telephone, and

22 WHEREAS, the nurse administered the paralytic drug, which  
23 was inappropriate under the circumstances. When the drug was  
24 given to Mr. Otero, it caused his heart to stop beating  
25 properly, and

26 WHEREAS, shortly thereafter Raul Otero went into cardiac  
27 arrest, a code was called, and, after a relatively extended  
28 process, Mr. Otero was successfully resuscitated. However, he  
29 was found to be suffering from anoxic encephalopathy, and

30 WHEREAS, several physicians, including the trauma resident  
31 on duty at the time, testified that Mr. Otero was not stable  
32 enough to be taken from intensive care during the midnight shift  
33 for an elective MRI. In fact, the very next day this practice  
34 was expressly forbidden by then Chief of Trauma, Lawrence  
35 Lottenberg, M.D., and

36 WHEREAS, Raul Otero is completely incontinent, is  
37 quadriplegic, and cannot speak, and is unable to consistently  
38 follow simple one-step commands. Mr. Otero's life-care plan was  
39 drafted by Sharon Griffin, Ph.D., and was originally valued in  
40 excess of \$20 million. Now that his feeding tube and ventilator



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41 have been removed, the cost of his future care has been revised  
42 to approximately \$12 million, and

43 WHEREAS, the surgical resident, Lawton Tang, M.D., the  
44 resident who gave the telephonic medication orders, and Mt.  
45 Sinai Medical Center, his employer, have settled for \$2 million,  
46 and

47 WHEREAS, the South Broward Hospital District has agreed to  
48 pay \$100,000 to Raul Otero and \$100,000 to his mother and  
49 primary caregiver, Ana Otero, pursuant to s. 728.28, Florida  
50 Statutes. In addition, the district has agreed to the passage of  
51 a claim bill in the amount of \$2 million, NOW, THEREFORE,