

HB 1303

2010

1                   A bill to be entitled  
2           An act for the relief of Lois H. Lacava by the Munroe  
3           Regional Health System, Inc.; providing for an  
4           appropriation to compensate her for injuries sustained as  
5           a result of the negligence of the Munroe Regional Medical  
6           Center; providing a limitation on the payment of fees and  
7           costs; providing an effective date.

8  
9           WHEREAS, on November 8, 2005, Lois H. Lacava was admitted  
10          to the Munroe Regional Medical Center in Ocala, Florida, with an  
11          admitted diagnosis of a malunion of the right hip which was  
12          related to a prior fracture of the neck of the femur bone in her  
13          leg, and

14          WHEREAS, on November 11, 2005, Ms. Lacava had a total right  
15          hip arthroplasty along with hardware removal, and the following  
16          day Dr. Mehra examined Ms. Lacava and noticed that her right leg  
17          below the knee to her toes was cold to the touch and that her  
18          toes were discolored, and

19          WHEREAS, Dr. Mehra brought these observations to the  
20          attention of registered nurse Stacey Graham, ordered an arterial  
21          Doppler test to be performed immediately, and advised the nurse  
22          to continue to daily monitor Ms. Lacava's production of red  
23          blood cells and the effectiveness of a blood-thinning drug that  
24          Ms. Lacava was prescribed, and

25          WHEREAS, an arterial Doppler test is a blood pressure test  
26          that measures the lack of blood flow which may be caused by a  
27          blockage in the arteries in the legs, and

28          WHEREAS, Dr. Mehra was not on call on the evening of

HB 1303

2010

29 November 12, but the next morning he was paged by the nurse  
30 taking care of Ms. Lacava and told that her venous Doppler test,  
31 a test used to check the circulation in the large veins in the  
32 legs, was negative for deep venous thrombosis, and

33 WHEREAS, upon further questioning, Dr. Mehra realized that  
34 the arterial Doppler test had not been performed even though he  
35 had ordered nurse Graham to conduct the test, and

36 WHEREAS, nurse Graham explained that she had spoken to the  
37 Doppler technician who, upon hearing the clinical features and  
38 history of the patient, had been reluctant to perform an  
39 arterial Doppler test because the technician thought there was a  
40 venous problem in Ms. Lacava's leg, and

41 WHEREAS, a computer loading error required a venous Doppler  
42 test to be performed before an arterial Doppler test and, for  
43 unexplained reasons, the arterial Doppler test was never  
44 performed, and

45 WHEREAS, even though the venous Doppler test did not reveal  
46 any deep venous thrombosis, the lack of the arterial Doppler  
47 test prevented a femoral artery occlusion from being timely  
48 diagnosed, and

49 WHEREAS, Dr. Mehra ordered an evaluation for vascular  
50 surgery by Dr. Swaminathan and another arterial Doppler test to  
51 be performed immediately, and

52 WHEREAS, Dr. Swaminathan evaluated Ms. Lacava and ordered  
53 an angiogram, which revealed a blockage of the right femoral  
54 artery and dislocation of the right hip prosthesis, and Ms.  
55 Lacava was taken to the emergency operating room where Dr. Brill  
56 performed a right total hip arthroplasty revision and Dr.

HB 1303

2010

57 Swaminathan performed an excision of a blood clot of the right  
58 femoral vein, with repair to the right femoral artery, and

59 WHEREAS, Dr. Swaminathan also removed a blockage in the  
60 right tibial artery and cut the soft tissue component of the  
61 connective tissue in order to relieve tension or pressure within  
62 the right leg; however, Ms. Lacava ultimately experienced  
63 irreversible necrosis of her right lower leg, which required  
64 that her leg be amputated above the knee, and

65 WHEREAS, after her surgeries Ms. Lacava developed  
66 tachycardia secondary to toxemia from the gangrene of her right  
67 foot and lower leg, suffered a fracture of her superior pubic  
68 ramus and femoral prosthesis, acquired a staphylococcus  
69 infection, and developed diarrhea, and

70 WHEREAS, it was determined that Ms. Lacava was not a  
71 suitable candidate for a prosthesis due to her medical  
72 conditions that included an above-the-knee amputation of her  
73 right leg and a dislocated prosthetic hip, and

74 WHEREAS, a consent final judgment was entered in favor of  
75 Ms. Lacava against the Munroe Regional Health System, Inc., by  
76 the Circuit Court of the Fifth Judicial Circuit in and for  
77 Marion County for \$450,000, wherein \$200,000 was paid to Ms.  
78 Lacava within 30 days after entry of the consent final judgment,  
79 and the remaining balance of \$250,000, pursuant to the agreement  
80 by the parties, would be reported to the Florida Legislature for  
81 its consideration as a claim bill, NOW, THEREFORE,

82

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

84

HB 1303

2010

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

87           Section 2. Munroe Regional Health System, Inc., is  
88 authorized and directed to appropriate from funds not otherwise  
89 appropriated and to draw a warrant in the sum of \$250,000,  
90 payable to Lois H. Lacava, as compensation for injuries and  
91 damages sustained as a result of the negligence of Munroe  
92 Regional Medical Center.

93           Section 3. The amount paid by Munroe Regional Health  
94 System, Inc., pursuant to s. 768.28, Florida Statutes, and the  
95 amount awarded under this act are intended to provide the sole  
96 compensation for all present and future claims arising out of  
97 the factual situation described in this act which resulted in  
98 injury to Lois H. Lacava. The total amount paid for attorney's  
99 fees, lobbying fees, costs, and other similar expenses relating  
100 to this claim may not exceed 25 percent of the total amount  
101 awarded under this act.

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