

CS/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.

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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 the nursing staff, ordered an arterial Doppler test  
21          to be performed immediately, and advised the nurse to continue  
22          to daily monitor Ms. Lacava's production of red blood cells and  
23          the effectiveness of a blood-thinning drug that Ms. Lacava was  
24          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

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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 a nurse to conduct the test, and

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

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

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

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

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

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

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

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

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

81

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

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84 Section 1. The facts stated in the preamble to this act

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85 are found and declared to be true.

86 Section 2. Munroe Regional Health System, Inc., is  
87 authorized and directed to appropriate from funds not otherwise  
88 appropriated and to pay the sum of \$125,000 to Lois H. Lacava  
89 within 30 days after the effective date of this act and to make  
90 a second payment of \$125,000 to Lois H. Lacava within 365 days  
91 after the initial payment, as compensation for injuries and  
92 damages sustained as a result of the negligence of Munroe  
93 Regional Medical Center.

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

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