

By Senator Dean

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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
5 as a result of the negligence of the Munroe Regional
6 Medical Center; providing a limitation on the payment
7 of fees and 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 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
29 November 12, but the next morning he was paged by the nurse

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

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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,

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

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

87 Section 2. Munroe Regional Health System, Inc., is

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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.