

By the Committee on Health Regulation; and Senator Dean

588-02729-10

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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.
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 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
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 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

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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 are
85 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

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88 appropriated and to pay the sum of \$125,000 to Lois H. Lacava
89 within 30 days and to make a second payment of \$125,000 to Lois
90 H. Lacava within 365 days thereafter, as compensation for
91 injuries and damages sustained as a result of the negligence of
92 Munroe 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.