

By Senator Storms

10-00194-12

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1 A bill to be entitled

2 An act for the relief of Kristi Mellen as personal
3 representative of the Estate of Michael Munson,
4 deceased, by the North Broward Hospital District;
5 providing for an appropriation to compensate the
6 estate and the statutory survivors, Kristi Mellen,
7 surviving spouse, and Michael Conner Munson and
8 Corinne Keller Munson, surviving minor son and
9 surviving minor daughter, for the wrongful death of
10 Michael Munson as a result of the negligence of the
11 North Broward Hospital District; providing a
12 limitation on the payment of fees and costs; providing
13 an effective date.

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15 WHEREAS, on September 21, 2008, while spending the morning
16 with his family, Michael Munson, a 49-year-old accountant and
17 attorney, began to experience signs and symptoms of a heart
18 attack including burning in his chest, indigestion, and
19 radiating pain into his arms, along with severe shortness of
20 breath, and

21 WHEREAS, Kristi Mellen, his wife, drove her husband
22 immediately to Coral Springs Medical Center, which is a hospital
23 owned and operated by the North Broward Hospital District, and
24 dropped him off at the entrance to the emergency center, and

25 WHEREAS, Mr. Munson was evaluated by Lynn Parpard, the
26 triage nurse, who was informed of the burning in his chest,
27 indigestion, and radiating pain into his arms, along with severe
28 shortness of breath, and

29 WHEREAS, Ms. Parpard took an initial set of vital signs and

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30 misdiagnosed Mr. Munson as suffering from an anxiety attack and
31 sent him into the waiting room, and

32 WHEREAS, Ms. Parpard violated the appropriate standards of
33 care and breached the hospital's policies and procedures
34 including its Chest Pain Protocol, and

35 WHEREAS, Mr. Munson was then processed by an administrative
36 assistant who, upon hearing his symptoms, asked Ms. Parpard to
37 address the patient's complaints, given the Chest Pain Protocol
38 that existed, and

39 WHEREAS, Ms. Parpard once again dismissed Mr. Munson's
40 complaints and asked him to return to the waiting room for a
41 second time, and

42 WHEREAS, shortly thereafter, Mr. Munson suffered a massive
43 heart attack as he collapsed in the waiting room and was taken
44 back into the treatment area, and

45 WHEREAS, all of the facts and circumstances described in
46 this preamble were recorded by one of the hospital's security
47 cameras, and

48 WHEREAS, medical personnel were unable to resuscitate Mr.
49 Munson, and he died on September 21, 2008, at 12:10 p.m.,
50 leaving behind Kristi, his wife of 20 years, and their two minor
51 children, who, at the time, were ages 14 and 17, and

52 WHEREAS, the hospital's investigation into this
53 circumstance determined that Ms. Parpard's triage of the patient
54 was inadequate and inappropriate, and, as a result, Ms. Parpard
55 was terminated from her employment with Coral Springs Medical
56 Center, and

57 WHEREAS, a tort claim was filed on behalf of Kristi Mellen,
58 as personal representative of the Estate of Michael Munson, Case

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59 No. 09-036106 (02) in the Circuit Court of the Seventeenth
60 Judicial Circuit of Florida, and

61 WHEREAS, Kristi Mellen, as personal representative of the
62 Estate of Michael Munson, and the North Broward Hospital
63 District did agree to amicably settle this matter, and

64 WHEREAS, a specific condition of the settlement was that
65 the North Broward Hospital District would permit the entry of a
66 consent judgment in the amount of \$3 million, and

67 WHEREAS, the North Broward Hospital District has paid the
68 statutory limit of \$200,000 to the Estate of Michael Munson,
69 pursuant to s. 768.28, Florida Statutes, and

70 WHEREAS, the North Broward Hospital District has agreed to
71 fully cooperate and promote the passage of this claim bill in
72 the amount of \$2.8 million, NOW, THEREFORE,

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

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

78 Section 2. The North Broward Hospital District is
79 authorized and directed to appropriate from funds of the
80 district not otherwise appropriated, including insurance, and to
81 draw a warrant payable to Kristi Mellen, as personal
82 representative of the Estate of Michael Munson, in the sum of
83 \$2.8 million as compensation for the death of Michael Munson.

84 Section 3. The amount paid by the North Broward Hospital
85 District pursuant to s. 768.28, Florida Statutes, and the amount
86 awarded under this act are intended to provide the sole
87 compensation for all present and future claims arising out of

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88 the factual situation described in this act which resulted in
89 the death of Michael Munson. The total amount paid for
90 attorney's fees, lobbying fees, costs, and other similar
91 expenses relating to this claim may not exceed 25 percent of the
92 amount awarded under this act.

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