



STORAGE NAME: h0877.CVJS

DATE: 2/15/2012

**Florida House of Representatives
Summary Claim Bill Report**

Bill #: HB 877; Relief/Odette Acanda and Alexis Rodriguez/Public Health Trust of Miami-Dade County

Sponsor: Representative Trujillo

Companion Bill: SB 48 by Senator Montford

Special Master: Tom Thomas

Basic Information:

Claimants:	Odette Acanda and Alexis Rodriguez
Respondent:	Public Health Trust of Miami-Dade County
Amount Requested:	\$799,999
Type of Claim:	Local equitable claim; result of a settlement agreement.
Respondent's Position:	The Trust does not admit liability, but does support the claim bill in the amount of \$799,000.
Collateral Sources:	\$462,500 was paid to the Claimants from the University of Miami.
Attorney's/Lobbying Fees:	The claimant's attorney provided an affidavit stating that the attorney's fees will be capped at 25% of the total claim award in accordance with s. 768.28(8), F.S., and that the lobbyist's fees, if any, will be included in the 25% fee cap.
Prior Legislative History:	This is the first year this claim has been filed.

Procedural Summary: A civil suit was filed in 2006 in the Eleventh Judicial Circuit in and for Miami-Dade County. After trial, the jury returned a verdict in favor of the plaintiffs, finding that the hospital was 100 percent responsible for the death of Ryan Rodriguez, and awarded damages in the amount of \$2 million. The defendant appealed the jury verdict, and the verdict was upheld by the Third District Court of Appeal. The parties entered into a settlement agreement wherein they agreed to settle the case for \$999,000, of which \$200,000 has been paid in accordance with the statutory limits of liability in s. 768.28, Florida Statutes.

Facts of Case: Ryan Rodriguez, the son of Odette Acanda and Alexis Rodriguez, was born prematurely on February 5, 2005, to Odette Acanda at Jackson Memorial Hospital. After delivery,

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Ryan was provided with oxygen through respiratory equipment that was later discovered to have been contaminated with Pseudomonas bacteria, due to improper infection control measures by employees of the hospital. On February 8, 2005, a positive nasopharyngeal culture revealed that Ryan suffered from a Pseudomonas infection. However, physicians and other hospital employees failed to review the lab report, failed to recognize the signs and symptoms of the infection, and failed to follow physician orders.

An order for antibiotics was not written until February 10, 2005, and antibiotics were not provided until after Ryan went into distress. As a result of the failure to timely identify and treat the infection, Ryan died on February 10, 2005. An autopsy report indicated that Ryan died as a result of the bacterial infection he acquired at the hospital.

Recommendation: The claim bill should be amended to reflect the agreed upon amount of \$799,000. I respectfully recommend House Bill 877 be reported **FAVORABLY**, as amended.

Tom Thomas, Special Master

Date: February 15, 2012

cc: Representative Trujillo, House Sponsor
Senator Montford, Senate Sponsor
Judge John G. Van Laningham, Senate Special Master