

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Avila offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

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

8 Section 2. The North Brevard County Hospital District is
 9 authorized and directed to appropriate from funds of the
 10 district not otherwise appropriated and to draw a warrant,
 11 payable to Roy Wright and Ashley Wright, individually and as
 12 guardians for Tucker Wright, for the total amount of \$395,000 as
 13 compensation for injuries and damages sustained by Tucker Wright
 14 as a result of the negligence of Parrish Medical Center.

15 Section 3. The total amount paid for attorney fees,
 16 lobbying fees, costs, and other similar expenses relating to

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17 this claim may not exceed 25 percent of the amount awarded under
18 this act.

19 Section 4. The amount paid by the North Brevard County
20 Hospital District pursuant to s. 768.28, Florida Statutes, and
21 the amount awarded under this act are intended to provide the
22 sole compensation for all present and future claims arising out
23 of the factual situation described in this act which resulted in
24 the injuries to Tucker Wright.

25 Section 5. This act shall take effect upon becoming a law.

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28 **T I T L E A M E N D M E N T**

29 Remove everything before the enacting clause and insert:
30 An act for the relief of Roy Wright and Ashley Wright by the
31 North Brevard County Hospital District; providing for an
32 appropriation to compensate Roy Wright and Ashley Wright,
33 individually and as guardians of Tucker Wright, for injuries and
34 damages sustained by Tucker Wright as a result of the negligence
35 of Parrish Medical Center; providing a limitation on the payment
36 of fees and costs; providing that certain payments and the
37 appropriation satisfy all present and future claims related to
38 the negligent act; providing an effective date.

39
40 WHEREAS, on July 15, 2009, Ashley Wright, suffering from
41 gestational diabetes, was admitted as a high-risk obstetrical

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42 patient at Parrish Medical Center, operated by the North Brevard
43 County Hospital District, in Titusville, Florida, and

44 WHEREAS, mothers with gestational diabetes are classified
45 as high-risk obstetrical patients because their fetuses tend to
46 be larger than normal and large fetuses are at risk for
47 complications during the birth process, and

48 WHEREAS, Ashley Wright's care at Parrish Medical Center was
49 provided by Vidya Hate, M.D., an obstetrician, and Cara Starkey,
50 R.N., a midwife, both employees of Parrish Medical Center, and

51 WHEREAS, on July 16, 2009, Ashley Wright was in labor with
52 her unborn child, Tucker Wright, and Nurse Starkey failed to
53 notify Dr. Hate of the impending delivery as previously
54 instructed and delivered Tucker Wright herself without the
55 presence, supervision, or assistance of Dr. Hate, and

56 WHEREAS, complications arose during the delivery, and
57 Tucker Wright developed shoulder dystocia, a condition in which
58 the shoulder of a fetus becomes wedged on the mother's pelvic
59 bone as the fetus transits the birth canal, which condition is a
60 known and recognized risk for mothers with gestational diabetes,
61 and

62 WHEREAS, Nurse Starkey attempted to resolve the shoulder
63 dystocia by performing a McRoberts maneuver and a procedure in
64 which the shoulders of a fetus are gently rotated by hand
65 underneath the shoulders, allowing the shoulders to pass
66 underneath the pelvic bone and out through the birth canal, and

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67 WHEREAS, Nurse Starkey negligently rotated the head of the
68 fetus on the perineum, causing a brachial plexus injury to
69 Tucker Wright which injured his right arm and will limit his
70 activities and future career options, and

71 WHEREAS, all parties to this claim agree that rotation of
72 the head of a fetus on the perineum is an improper maneuver
73 because rotation of the head with pressure can stretch and
74 damage the nerves in a fetus's neck which control the use of
75 muscles in the arm, and

76 WHEREAS, Tucker Wright has undergone two surgeries on his
77 right shoulder and regained some use of his right arm but
78 continues to be challenged with functional deficits that may be
79 permanent, and

80 WHEREAS, Roy Wright and Ashley Wright have incurred medical
81 expenses on behalf of Tucker Wright in the amount of \$320,016.91
82 due to the injury caused by the negligence of Parrish Medical
83 Center, and may incur additional expenses for surgeries needed
84 as Tucker Wright grows older, and

85 WHEREAS, on January 11, 2012, Roy Wright and Ashley Wright,
86 individually and as guardians of Tucker Wright, filed suit
87 against the North Brevard County Hospital District in the
88 Circuit Court for Brevard County, Case No. 05-2012-CA-024060, to
89 recover damages for the injuries sustained by Tucker Wright as a
90 result of the negligence of Parrish Medical Center, and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 3543 (2015)

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91 WHEREAS, the North Brevard County Hospital District, Roy
92 Wright, and Ashley Wright agreed to settle the lawsuit for
93 \$595,000, and

94 WHEREAS, the North Brevard County Hospital District paid
95 \$200,000 of the settlement pursuant to the statutory limits of
96 liability set forth in s. 768.28, Florida Statutes, and there
97 remains \$395,000 of the settlement unsatisfied, and

98 WHEREAS, the North Brevard County Hospital District does
99 not oppose passage of this claim bill, NOW, THEREFORE,