



458446

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2015	.	
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The Committee on Judiciary (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

Section 2. The North Brevard County Hospital District is
authorized and directed to appropriate from funds of the
district not otherwise appropriated and to draw a warrant,
payable to Roy Wright and Ashley Wright, individually and as
guardians for Tucker Wright, for the total amount of \$395,000 as



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12 compensation for injuries and damages sustained by Tucker Wright
13 as a result of the negligence of Parrish Medical Center.

14 Section 3. The total amount paid for attorney fees,
15 lobbying fees, costs, and other similar expenses relating to
16 this claim may not exceed 25 percent of the amount awarded under
17 this act.

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

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

26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete everything before the enacting clause
29 and insert:

30 A bill to be entitled
31 An act for the relief of Roy Wright and Ashley Wright
32 by the North Brevard County Hospital District;
33 providing for an appropriation to compensate Roy
34 Wright and Ashley Wright, individually and as
35 guardians of Tucker Wright, for injuries and damages
36 sustained by Tucker Wright as a result of the
37 negligence of Parrish Medical Center; providing a
38 limitation on the payment of fees and costs; providing
39 that certain payments and the appropriation satisfy
40 all present and future claims related to the negligent



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41 act; providing an effective date.

42

43 WHEREAS, on July 15, 2009, Ashley Wright, suffering from
44 gestational diabetes, was admitted as a high-risk obstetrical
45 patient at Parrish Medical Center, operated by the North Brevard
46 County Hospital District, in Titusville, Florida, and

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

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

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

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

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



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

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

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

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

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

94 WHEREAS, the North Brevard County Hospital District, Roy
95 Wright, and Ashley Wright agreed to settle the lawsuit for
96 \$595,000, and

97 WHEREAS, the North Brevard County Hospital District paid
98 \$200,000 of the settlement pursuant to the statutory limits of



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99 liability set forth in s. 768.28, Florida Statutes, and there
100 remains \$395,000 of the settlement unsatisfied, and

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