

By Senator Simpson

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1 A bill to be entitled
2 An act for the relief of Roy Wright and Ashley Wright
3 by the North Brevard County Hospital District;
4 providing for an appropriation to compensate Roy
5 Wright and Ashley Wright, individually and as
6 guardians of Tucker Wright, for injuries and damages
7 sustained by Tucker Wright as a result of the
8 negligence of an employee of Parrish Medical Center;
9 providing a limitation on the payment of fees and
10 costs; providing that certain payments and the
11 appropriation satisfy all present and future claims
12 related to the negligent act; providing an effective
13 date.

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

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

23 WHEREAS, Ashley Wright's care at Parrish Medical Center was
24 provided by Vidya Hate, M.D., an obstetrician, and Cara Starky,
25 R.N., a midwife, both employees of Parrish Medical Center, and

26 WHEREAS, on July 16, 2009, Ashley Wright was in labor with
27 her unborn child, Tucker Wright, and Nurse Starky failed to
28 notify Dr. Hate of the impending delivery as previously
29 instructed and delivered Tucker Wright herself without the

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30 presence, supervision, or assistance of Dr. Hate, and

31 WHEREAS, complications arose during the delivery, and
32 Tucker Wright developed shoulder dystocia, a condition in which
33 the shoulder of a fetus becomes wedged on the mother's pelvic
34 bone as the fetus transits the birth canal, which condition is a
35 known and recognized risk for mothers with gestational diabetes,
36 and

37 WHEREAS, Nurse Starky attempted to resolve the shoulder
38 dystocia by performing McRoberts maneuver, a procedure in which
39 the shoulders of a fetus are gently rotated by hand underneath
40 the shoulders, allowing the shoulders to pass the pelvic bone
41 and out through the birth canal, and

42 WHEREAS, Nurse Starky negligently performed McRoberts
43 maneuver by also rotating the head of the fetus on the perineum,
44 causing a brachial plexus injury to Tucker Wright which left his
45 right arm paralyzed, and

46 WHEREAS, all parties to this claim agree that rotation of
47 the head of a fetus on the perineum is an improper method of
48 performing McRoberts maneuver because rotation of the head with
49 pressure can stretch and damage the nerves in a fetus's neck
50 which control the use of muscles in the arm, and

51 WHEREAS, Tucker Wright has undergone two surgeries on his
52 right shoulder and regained some use of his right arm but
53 continues to be challenged with functional deficits that may be
54 permanent, and

55 WHEREAS, Roy Wright and Ashley Wright have incurred medical
56 expenses on behalf of Tucker Wright in the amount of \$320,016.91
57 due to the injury caused by the negligence of an employee of
58 Parrish Medical Center, and may incur additional expenses for

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59 surgeries needed as Tucker Wright grows older, and

60 WHEREAS, on January 11, 2012, Roy Wright and Ashley Wright,
61 individually and as guardians of Tucker Wright, filed suit
62 against the North Brevard County Hospital District in the
63 Circuit Court for Brevard County, Case No. 05-2012-CA-024060, to
64 recover damages for the injuries sustained by Tucker Wright as a
65 result of the negligence of an employee of Parrish Medical
66 Center, and

67 WHEREAS, the North Brevard County Hospital District, Roy
68 Wright, and Ashley Wright agreed to settle the lawsuit for
69 \$595,000, and

70 WHEREAS, the North Brevard County Hospital District paid
71 \$200,000 of the settlement pursuant to the statutory limits of
72 liability set forth in s. 768.28, Florida Statutes, and there
73 remains \$395,000 of the settlement unsatisfied, and

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

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

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

81 Section 2. The North Brevard County Hospital District is
82 authorized and directed to appropriate from funds of the
83 district not otherwise appropriated and to draw a warrant,
84 payable to Roy Wright and Ashley Wright, individually and as
85 guardians for Tucker Wright, for the total amount of \$395,000 as
86 compensation for injuries and damages sustained by Tucker Wright
87 as a result of the negligence of an employee of Parrish Medical

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88 Center.

89 Section 3. The total amount paid for attorney fees,
90 lobbying fees, costs, and other similar expenses relating to
91 this claim may not exceed 25 percent of the amount awarded under
92 this act.

93 Section 4. The amount paid by the North Brevard County
94 Hospital District pursuant to s. 768.28, Florida Statutes, and
95 the amount awarded under this act are intended to provide the
96 sole compensation for all present and future claims arising out
97 of the factual situation described in this act which resulted in
98 the injuries to Tucker Wright.

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